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*We are not weak if we make a proper use of those means which the God of Nature has placed in our power.... The battle, sir, is not to the strong alone it is to the vigilant, the active, the brave.*

**Patrick Henry**

**“No Child Left Behind” Waiver Update**

Although educators, lawmakers and advocacy groups agree that the Elementary and Secondary Education Act of 1965 (“No Child Left Behind” Act of 2001) needs revision, stakeholders offer vastly different plans for reauthorization. Secretary of Education Arne Duncan has repeatedly warned that as many as 80% of public schools will not reach the unfeasible 100% math and reading proficiency standards by the 2014 deadline. While the House Education and Workforce Committee has passed a series of smaller reform [bills](#), Senators Harkin and Enzi (Health, Education, Labor and Pensions Committee) introduced a comprehensive ESEA reauthorization [proposal](#). After a flurry of committee activity, the proposal has stalled after receiving criticism from the Administration, House Republicans, teachers unions and minority advocacy groups. In the spring, President Obama offered a NCLB relief waiver plan for states that was [linked](#) to the adoption of certain reforms prescribed by the Department of Education. Although critics have assailed the constitutionality and timing of the waiver program, the first round of states have applied for waivers.

According to the DOE, [eleven](#) states have applied for NCLB relief waivers, and as many as twenty-eight states and the District of Columbia have indicated that they will submit applications by the February 21 deadline. [Education Week](#) has reported that the state proposals are as “diverse as the states” that submitted them. Some pundits argue that this move away from a “uniform” standard (NCLB) will result in an inability to perform accurate state outcome comparisons. The current slew of applications indicates that states are scaling back the NCLB emphasis on subgroup (at-risk youth, minority, special education, ESL students) achievement [disaggregation](#). State plans include a range of rating mechanisms—A-F grading scales, scores, colored flags and stars—in lieu of the previous Annual Yearly Percentage (AYP) designation used to measure school performance. In addition, school choice and supplemental education service (tutoring) components have also been dropped from many state plans. Several states’ waiver applications—Georgia, New Jersey, and New Mexico—include the formulation and integration of principal-teacher [evaluation](#) systems. To view the current status of the waiver program [click here](#).

**Civic Engagement Ends Walter Reed Bible Ban**

Last Thursday, the Family Research Council [alerted](#) their members about a new policy at Walter Reed Hospital that would ban the distribution of Bibles and other religious materials to patients. In response, over 20,000 citizens signed a [petition](#) in protest of the ban. Members of Congress, such as Rep. Steve King, Rep. Todd Akin and Rep. Randy Forbes, worked tirelessly to [investigate](#) what precipitated this ban. Subsequent meetings with hospital officials revealed that the memorandum in question had been a poorly worded attempt to stem the flood of literature that the hospital had been receiving from a variety of groups. The hospital has now rescinded the offensive policy and issued an apology which states that “Bibles and other religious materials have always been and will remain available for patient use at

Walter Reed National Military Center.” Representatives are continuing to investigate the hospital’s vetting process and ensure that the revamped policy does not infringe on religious liberty.

### **REINS Act Update**

The House of Representatives passed the “Regulations from the Executive in Need of Scrutiny” Act by a vote of 284-184 with bipartisan support. This bill includes important provisions that allow Congress to provide a much needed [check](#) on the copious number of regulations promulgated by the various unelected bureaucrats at the federal agencies. Phil Kerpen, Americans for Prosperity, has [cited](#) the REINS Act “as one of the most important reform bills in decades.” The AACS Legislative Office highlighted this bill at the National Legislative Conference in September.

### **Committee Investigates HHS Grant Politicization**

Last week, the committee on Oversight and Government Reform held a [hearing](#) to investigate allegations that the Department of Health and Human Services has [politicized](#) the grant process. The Secretary of HHS has a substantial amount of [discretionary](#) power, issues the most [grants](#) of any federal agency and controls a 707.7 billion dollar annual budget. The US Conference of Catholic Bishops (USCCB) was denied a 2.5 million dollar grant to continue its longstanding efforts to aid human trafficking victims. Although the USCCB is one of the few applicants that already have the infrastructure and organizational capacity to run a nationwide program, received one of the highest scored applications and had the most experience, political appointees at HHS ignored recommendations from career reviewers and awarded the grant to another group that scored significantly lower in the process. The primary [reason](#) that USCCB was stripped of funding was its refusal to counsel or refer victims to receive abortions. Department officials maintain that grantees’ willingness to offer the “full range” of medical services is more important than the entities’ ability and proficiency to aid exploited women. The department has repeatedly exhibited a decided bias against pro-life groups and initiatives. To view the testimony [click here](#).

### **Pro-life Bill Hearing**

On Tuesday, Representative Trent Franks (R-AZ) held an important [hearing](#) on the Prenatal NonDiscrimination Act ([PreNDA](#)) has drawn the ire of pro-abortion advocacy groups. They argue that this effort is a waste of time and an obvious attempt to overturn Roe v. Wade (which legalized abortion in 1973). Upon passage, the bill would ban abortions on the basis of race and gender selection considerations. According to a Zogby poll, Americans favor prohibitions on gender-based abortions by an overwhelming 86% rate. The bill would also put in place punitive measures (civil penalties and jail time) for those who assist in or perform the abortions. In his defense, Rep. Frank cited statistics issued by the Guttmacher Institute that show that African American children are aborted at a [rate](#) five times higher than their Caucasian counterparts. The measure currently has 60 co-sponsors. Although it is doubtful that the measure will receive a hearing in the Senate, Rep. Franks believes it is important to have conversations about life. “People will say I have a greater agenda—and they are right—I hope for a day when all children, regardless of race or color, all children because they are children will be protected,...but right now regardless of what the long term impact of this might be, the short term impact is very simple: Can we not agree that aborting a child based on a child’s race or sex is wrong?”

### **In Case You Missed It:**

Weekly Market Update provided by Jeff Beach of the [AACS Investment Team at Merrill Lynch](#)  
[Is Protecting Marriage Good or Bad for Business?](#)  
[Bullying Hysteria May Cause Higher Suicide Rates](#)

