



**The Washington Flyer**  
**January 20, 2012**

*There is no maxim, in my opinion, which is more liable to be misapplied, and which, therefore, more needs elucidation, than the current one, that the interest of the majority is the political standard of right and wrong.*  
**James Madison**

**Indiana School Choice Program Upheld**

On Friday, a judge [ruled](#) that the Indiana Choice Scholarship Program was indeed constitutional. Opponents of the [program](#) claimed that providing vouchers to private schools, some of which were parochial or church affiliated, violated the Establishment Clause prohibition against government promotion of religion. In his decision, the Judge opined that the Constitution clearly allowed for educational options outside of public schools. Since the money is awarded to parents and not directly to the schools themselves, the Judge rejected the argument that the government was favoring religious private schools. Nearly 4,000 [students](#) are enrolled in the [program](#) which is the largest voucher program in the country.

**House Floats ESEA Reauthorization Proposal**

The House Education and Workforce Committee has issued two Elementary and Secondary Education (NCLB) reauthorization [proposal](#) drafts. The [drafts](#) continue the Republican led efforts to scale back onerous accountability requirements and give school districts increased flexibility with funding. The much maligned [AYP](#) (Annual Yearly Percentage) yardstick has been removed from the proposal. The drafts eliminate the specific school turnaround measures (teacher and principal replacement, school closure, charter school options, etc.) in NCLB and allow districts to determine their own intervention strategies for failing schools. The mandatory tutoring (supplemental education support) and school choice options have been eliminated in this proposal, as well as the ambiguous “college and career ready” standards. The current drafts also seek to strengthen the requirements for merit based pay based on student outcomes, to retain the testing in math and reading, and to continue disaggregation of ethnic and minority subgroup performance. Although Senate HELP committee chairman Tom Harkin stated that he would not bring the Senate ESEA bill to the floor in the absence of a legislative companion in the House, Rep. George Miller, Ranking Member on the Education Committee, has indicated that the House bills have little [chance](#) of going forward in light of the breakdown of negotiations resulting in partisan bills.

**National Sexual Education Standards Proposal**

A coalition of sexual education advocacy groups, including the National Education Association and the American Association of Health Education, has released proposed national [standards](#) for sexual education programs in public schools. The groups oppose curriculums that [promote](#) abstinence and have fought to block any of the millions allocated for sexual education in the appropriations process. Estimates reveal that a great funding disparity (16:1) exists between contraceptive and abstinence based programs. The standards outline what information children should be exposed to and at what stage in their education that information should be presented to them. Valerie Huber, Executive Director of the [National Abstinence Education Association](#), stated, "This should be a program about health, rather than

agendas that have nothing to do with optimal sexual health decision-making....Controversial topics are best reserved for conversations between parent and child, not in the classroom."

### **Rhode Island Public School Loses Lawsuit**

After losing a legal battle over a half century old prayer banner, Cranston High School West school officials in Rhode Island are considering appealing the unfavorable outcome. With the help of the American Civil Liberties Union, an atheist student filed a [lawsuit](#) alleging that the existence of the prayer banner mural "didn't belong" at the school and "didn't support her views." The [mural](#) was a gift from the first senior class in 1963 and references "Our Heavenly Father." An attorney for the city expressed frustration that "one" person's view is cause for the removal of the prayer banner that has been a fixture for decades. Students have taken to cyberspace to vent their [frustration](#) with the court order.

### **Pro-life Advocate Cleared of Charges**

As a result of the tireless efforts of Liberty Counsel lawyers, Mary Pine, pro-life advocate, has been [cleared](#) of all the FACE (Freedom of Access to Clinic Entrances Act) related charges filed by the Department of Justice. After undergoing an abortion twenty years ago, Ms. Pine has worked tirelessly to provide women seeking abortions with information and alternatives. She founded FACE (Faith, Action, Counseling and Education) to help women obtain sonograms and literature, and she operated "truth booths" at various local events. Lawyers for the Administration allege that in the process of offering literature at a clinic entrance, Ms. Pine physically obstructed patients from entering the clinic, interfered with others' movements, and restricted access to reproductive health services. In his decision, the Judge stated that the government had [failed](#) to prove the validity of any of the charges. Furthermore, he went on to say that "stretching the terms of FACE to apply to this case ... would unjustifiably impinge on Ms. Pine's First Amendment rights." In his [judgment](#), he questioned the levying of thousands of dollars in fines for the mere offering of materials that were then voluntarily accepted by the recipients.

### **March for Life Update**

The 39<sup>th</sup> annual March for Life rally will be held on January 23, 2012, in Washington, D.C. This nonprofit, nonpartisan event has been held to commemorate the unborn children whose lives have been ended since the *Roe v. Wade* decision in 1973. The march has grown from over 20,000 participants at its inception to over 200,000 participants. Virginia Attorney General Ken Cuccinelli will be the keynote speaker at this year's banquet. Speaker of the House John Boehner will make opening remarks at the rally. For more information, [click here](#).

### **National School Choice Week**

The second annual National School Choice Week, organized by a coalition of over 300 groups, will be held on January 22-28, 2012. The purpose of the week is to highlight the need for "effective education [options](#) for every child." Over 320 events will be held across the country. To find additional information about this initiative [click here](#).

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

[Weekly Market Update](#) provided by Jeff Beach of the [AACS Investment Team at Merrill Lynch](#)

[Recession Slows Growth of Public Pre-K Education](#)

[School's Collection of Health Data Raises Privacy Concerns](#)

["Values Voters" Bus Tour Update](#)



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