



**The Washington Flyer**  
**June 24, 2011**

*The aim of education is the knowledge, not of facts, but of values.*  
**William S. Burroughs**

## **Department Of Education Considers NCLB Waiver Program**

The rapidly approaching “No Child Left Behind” deadline for 100% proficiency in math and reading has been a major concern for the nation’s education community. Projections suggest that as many as 80% of schools will receive failing grades by the 2014 deadline. “No Child Left Behind” is the current version of the Elementary and Secondary Education Act that was originally established in 1965. In 2001, President Bush initiated the most significant overhaul of ESEA which resulted in the highly [controversial](#) expansion of federal involvement in education. The measure established serious consequences for schools that failed to meet adequate yearly passage benchmarks for student achievement. Critics of the measure allege that the pressure of NCLB has caused teachers to focus exclusively on producing higher test scores in math and reading. This narrow focus led to the marginalizing of other core subjects, the arts, and physical education classes. Although a bipartisan group of lawmakers have been meeting for several months, meetings have not produced an ESEA reauthorization plan that remedies the inherent flaws of its current iteration. Secretary of Education Arne Duncan announced that the Department was considering offering flexibility [waivers](#) to school districts in exchange for the adoption of his reform plans. The offer lacked specificity about the nature of the reforms, but the Secretary made it clear on a June 13 call that the waivers would only be awarded to those who embraced the entire package of reforms. Comments from several state education officials indicate a hesitancy to apply for a waiver that comes with even more strings attached to acceptance. Since all but nine state legislatures are out of session, it appears doubtful that many states could make the legislative fixes necessary to qualify for a waiver. Some question whether the Secretary has the legal authority to fundamentally change the law. The DOE contends that the Secretary has broad discretionary powers. The waiver plan faces stiff opposition from legislators on both sides of the hill. House Education and Workforce Committee Chairman John Kline outlined his opposition to the proposal in several statements. Senator Tom Harkin (HELP Committee) and Representative George Miller (Education and Workforce Ranking Member) labeled the plan “premature” and cautioned against using the waivers as an “escape route” to avoid responsible reforms.

## **New York Marriage Update**

In a surprise move, NY Governor Andrew Cuomo invoked his right to reconvene the state Senate after the session officially ended on Monday. Ongoing negotiations about several contentious issues - rent regulations, property taxes, same sex marriage - led to the continuation of the session. The Governor’s primary objective, the legalization of same sex marriage, remains one vote short of passage. Heavy lobbying on both sides has been aimed at swaying undecided senators. On Monday, a [rally](#) was held by those defending the traditional view of marriage. Previously, the state assembly passed the bill after a religious exemption was added to the measure. The exemption allowed clergy to opt to not perform same sex weddings and granted benevolent organizations with religious ties discretion over who they allow to rent their facilities. Closed door meetings between Republican senators and the bill’s advocates have yet to produce a suitable religious [exemption](#) that satisfies both sides. Proposals to provide exemptions for those whose religious faith prohibits them from providing marriage related goods or services have been part of the ongoing discussions. Gay marriage advocates contend that if the refusal to provide the service presents an undue burden on the same sex couple, the vendor should be required to provide the services - such as baking a wedding cake or taking photographs. The current impasse is centered on the number and nature of religious exemptions needed to make the bill more palatable to

the remaining undecided Republican senators. At present, it is unclear how long the Governor will prolong the session or whether the sex marriage bill will be brought to the floor for a vote.

### **Telemedicine Abortion Ban in Appropriation Bill**

Currently, Congress is in appropriation season during which a series of comprehensive agency funding bills are evaluated and approved by the House of Representatives and the Senate. Last week, an important pro-life amendment was attached to the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriation Act of 2012 and approved 240-176 in the House of Representatives. Representative Steve King (R-IA) offered an [amendment](#) to the bill that would prohibit the funding of telemedicine abortion. In a telemedicine abortion consultation, a doctor in another location interacts via Internet with a pregnant woman, prescribes a drug such as mifepristone (commonly called RU-486) and dispenses the drug from a remotely controlled drawer in the patient's room. Rep. King's amendment specifically bans any taxpayer funds from being used to buy mifepristone. The drug has been linked to almost a dozen deaths and a multitude of other harmful complications. The bill will now be sent to the Senate for further consideration.

### **We the People Contest 9-17**

Constitutional awareness advocates are sponsoring a contest open to kindergarten through college students. The purpose of the project is to provide students with an opportunity to gain a greater knowledge of history and our country's founding documents. Categories include original drawings, songs, poems, essays, speeches, short films, and public service announcements on the U.S. Constitution. Winners will receive \$1000 for elementary and high school categories and \$2000 for the college categories. **Entries must be submitted by July 4, 2011.** For more details [click here](#).

### **Kevin Jennings Resignation from DOE**

One of the President's most controversial czars, Kevin Jennings [resigned](#) from his post as assistant department secretary of Safe and Drug Free Schools at the Department of Education. Despite the strong objections raised by many conservative groups and 53 [Congressmen](#), Jennings was appointed to the influential position in 2009. His [detractors](#) argued that his involvement in a plethora of objectionable [causes](#) and incidents (failure to report the alleged statutory rape of a student; founding the Gay, Lesbian, and Straight Education Network, expletive-laden tirades against religious groups; participation in conferences that advocated and demonstrated obscene sexual practices to children; promoting children's literature that contained vulgar and offensive content; contributing to books such as "Queering Elementary Education;" etc.) should have disqualified him from being appointed Safe Schools Czar. Mr. Jennings cited the "campaign of defamation" against him as the reason for his resignation. Jennings also characterized his turbulent tenure as a "total victory" and pledged to continue his homosexual advocacy efforts.

### **Colorado Voucher Program Facing Legal Challenge**

The American Civil Liberties Union and several other litigants are mounting a [legal challenge](#) to determine the constitutionality of a voucher program established by Douglas County, Colorado. Earlier this year, the school board approved a plan that would award 500 students with a maximum of 4,500 dollars to attend the private school of their choice. Critics of the plan argue that since 15 of the 19 private schools have religious affiliations this voucher plan violates the establishment clause of the First Amendment. Douglas County officials stand by the program and cite a similar program in Cleveland that was upheld by the Supreme Court.

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

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

[Don't Disparage Marriage: Alliance Defense Fund Marriage Survey Results](#)

[From Culture Wars to Conscience Wars: the Emerging Threats to Conscience](#)

