The Washington Flyer
September 5, 2014

"I would rather be exposed to the inconveniences attending too much liberty than to those attending too small a degree of it."
Thomas Jefferson

Oklahoma Loses Federal Funding Over Common Core Controversy

The U.S. Department of Education (DOE) revoked Oklahoma's NCLB waiver last week after the state passed a law which rejects the Common Core and sets up a process for the adoption of new academic standards by the 2015–16 school year. In the interim, the state is returning to its previous standards which the DOE has determined do not meet the college- and career-ready criterion for NCLB waivers. The DOE claimed that its decision was not a reaction to the state's rejection of the Common Core, and that the state's funding could be renewed if the state were to adopt other standards that were proven to be college- and career-ready. However, even some supporters of the Common Core note that this move by the Department exerts too much control, making the CCS more of a "national standard" controlled by the federal government rather than by state and local leaders. Mike Petrilli, president of the Fordham Institute and a supporter of the Common Core, stated, "The department has no legal authority to demand states use college- and career-ready standards….I think the Education Department is way out on a limb legally and I think this was a huge unforced error on their part. They could have quite easily said to Oklahoma, 'You need to work quickly to come up with a set of college- and career-ready standards. We'll give you six months, a year,' but...this was just a terrible decision." Interestingly, Indiana also rejected the Common Core, yet the Department approved a waiver extension for Indiana last week, as well as Kansas, stating that the new standards Indiana has adopted meet the college- and career-ready standard. Some analysts have noted that Indiana's new standards are very similar to the Common Core. Incidentally, all that is needed to prove the quality of a state's academic standards is a letter of approval from that state's institution of higher learning.

School Choice Program Upheld by New Hampshire Supreme Court

The New Hampshire Supreme Court ruled in favor of school choice last week, overturning a lower court's decision that the state's tax credit program was unconstitutional. The business education tax credit program has been in place since 2012, and allows companies to receive a tax credit for donations to scholarships that help low-income students attend the school of their choice, including private, religious schools. Bill Duncan, the lead plaintiff who also serves on the State Board of Education, filed suit claiming the program violates the constitution since the scholarship funds could be directed towards religious schools. However, in a unanimous decision, the court ruled that the plaintiffs lacked sufficient standing as they could not prove any personal harm or injury suffered as a result of the program.

Federal Judge "Stands Athwart History"
Proponents of same-sex marriage (SSM) often sneer at those opposed to their position by declaring traditionalists are on the "wrong side of history." With multiple court decisions in recent months striking down marriage laws in many states and growing cultural support for SSM, it seemed they might be right! However, a federal judge this week handed down a decision that, in the words of William F. Buckley, Jr., "stands athwart history, yelling 'Stop!'" In his ruling released on Wednesday, Judge Martin L.C. Feldman upheld Louisiana's constitutional authority to define marriage as the union of a man and a woman. In what may become a very important case when the Supreme Court takes up the marriage issue, Feldman's ruling states, "The State of Louisiana has a legitimate interest under a *rational* basis standard of review for addressing the meaning of marriage through the democratic process" (Emphasis added). It is worth noting that many judges have made their decisions based on the emotional appeals of the plaintiffs seeking recognition for their homosexual marriages and have stated in rulings that supporters of traditional marriage were irrationally denying marriage to same-sex couples purely out of animus. Judge Feldman responds to this accusation by writing, "The Court is persuaded that a meaning of what is marriage that has endured in history for thousands of years, and prevails in a majority of states today, is not universally irrational." Judge Feldman's ruling supporting the rational arguments for traditional marriage and the legitimacy of state determination in lawmaking is very important but puts him in a minority position. Read Ryan Anderson's commentary on Judge Feldman's ruling here.

Next Week: AACS Hosts National Legislative Conference
Next week, the AACS will host the annual National Legislative Conference in Washington, D.C. The conference will include special Congressional and legislative briefings to update attendees on issues related to Christian education, and also special sessions with Christian historian David Barton. You can receive updates on the conference by liking us on Facebook ("AACS Legislative Office") and following us on twitter (@AACS)_DC).

Due to the National Legislative Conference there will be no Washington Flyer next week. The Flyer will resume on September 19, 2014.

In Case You Missed It:

Weekly Market Update provided by Jeff Beach of the AACS Investment Team at Merrill Lynch

Common Core's Five Big Half-Truths

Thanks to Common Core, It Takes 56 Seconds to Solve 9+6

Phil Robertson Said What?!?

Jamison Coppola: Legislative Director
Maureen Van Den Berg: Policy Analyst
Legislative Office, 119 C Street SE, Washington, DC 20003
Phone: 202.547.2991 Fax: 202.547.2992