

## ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda-underwritten by global corporations—includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

## ALEC's Corporate Board --in recent past or present

- AT&T Services, Inc.
  - centerpoint360
  - UPS
  - Bayer Corporation
  - GlaxoSmithKline
  - Energy Future Holdings
  - Johnson & Johnson
  - Coca-Cola Company
  - PhRMA
  - Kraft Foods, Inc.
  - Coca-Cola Co.
  - Pfizer Inc.
  - Reed Elsevier, Inc.
  - DIAGEO
  - Peabody Energy
  - Intuit, Inc.
  - Koch Industries, Inc.
  - ExxonMobil
  - Verizon
  - Reynolds American Inc.
  - Wal-Mart Stores, Inc.
  - Salt River Project
  - Altria Client Services, Inc.
  - American Bail Coalition
  - State Farm Insurance
- For more on these corporations, search at [www.SourceWatch.org](http://www.SourceWatch.org).

**DID YOU KNOW?** Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

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### Education Accountability Act

Did you know that an online for-profit school company was the corporate co-chair in 2011?

#### Summary

The Education Accountability Act establishes a program which confirms that the well-being of the state depends on a well-educated citizenry, and reaffirms the state's commitment to a quality education for all students. Under this Act, the state would establish criteria and standards for assessing school quality. If a local district or school fails to meet certain standards to such a degree that the quality of education is impaired, the state would refer the matter to a special committee for evaluation and recommendations. If the local district fails to act on the committee's recommendations, or if the committee concludes that the local district or school would, in any event, be unable to correct the situation, the state would declare the district or school to be "educationally bankrupt." The state would then take immediate and certain steps to address the situation in a prescribed manner.

These steps include a provision for the issuance of certificates (vouchers) to parents of school-aged children attending an "educationally bankrupt" district and/or school. The certificates could be used by parents for educational services from any participating school. The value of the certificate would be established by the state, but could be no more than the average per pupil current expenditure of the affected local district.

#### Model Legislation

**Section 1. {Title.}** This Act shall be known and be cited as the Education Accountability Act.

**Section 2. {Purpose.}** It is the purpose of this Act to maintain and improve the quality of elementary and secondary education in all schools in the state of [insert state]; to provide improved methods for measuring and assessing the quality of education in each school; and to provide for the delivery of effective educational services to children in schools where the quality of education is found to be substantially impaired.

#### Section 3. {Development and application of assessment criteria.}

(A) The state department of education, in consultation with all local educational agencies, parents, and organizations knowledgeable regarding educational assessment, shall develop:

- (1) criteria for evaluating the quality of elementary and secondary education in each local educational agency in the state; and
- (2) minimum standards of educational quality related to those criteria that local school districts and/or individual schools should meet.

(B) The criteria must address, but need not be limited to:

- (1) the results of standardized tests that measure both minimal competencies and higher order skills;
- (2) dropout rates;
- (3) deficiencies in accreditation of individual schools;
- (4) failure rates on examinations given to secondary school students prior to graduation;

- (5) incidence of drug abuse;
- (6) school discipline and safety.

(C) The state department of education shall publish these criteria and minimum standards throughout the state in one or more newspapers of general circulation and shall provide a statement of these criteria and standards to each local school district.

(D) Prior to January 1, [insert year], and by January 1 of each following year, the state department of education shall apply the criteria and standards adopted in accordance with Subsection (A) to appropriate data. These data shall be for the most recently completed school year and collected for each local school district, in accordance with regulations of the state department of education. In applying these criteria and standards, the state department of education shall consult with parents in the area served by the local school district. The state department of education shall make public the results of the process carried out under this subsection and Section 4.

(E) If the state department of education determines, in accordance with Subsection (D), that all schools administered by the local school district meet the minimum standards established in accordance with Subsection (A), the state department of education shall so notify the local school district and make public such finding as prescribed by this Act.

(F) If the state department of education determines, in accordance with Subsection (D), that one or more schools administered by a local educational agency fail to meet the minimum standards but that the failure does not indicate a substantial impairment of the quality of education in that school(s), it shall notify the local school district and shall make public such finding as prescribed by this Act. The local school district, or the state department of education in consultation with the local school district, shall develop a plan for addressing the problems and shall monitor the implementation of this plan.

#### **Section 4. {Substantial impairment of quality of education.}**

(A) If the state department of education determines, in accordance with Section 3(D), that one or more schools administered by the local school district fail to meet the standards and that the failure indicates a substantial impairment of the quality of education in that school or schools, the state department of education shall so notify the local school district and shall afford that local school district and affected persons an opportunity to comment on such determination. The state department of education shall make public its determination and the comments of the local school district as prescribed by this Act.

(B) If, after considering the comments of the local school district, the state department of education still concludes that the quality of education in that school or schools is substantially impaired, the state department of education shall, within 30 days of reaching such conclusion, appoint a review committee to study educational programs in the affected local school district(s) to identify the factors contributing to the impairment of the quality of education. The review committee shall consist of parents, local and state elected officials, private sector representatives, and persons knowledgeable about elementary and secondary education from the area served by the affected local school district. The review committee shall, after consultation with the local school district, report to the state department of education within 60 days of its appointment. The report shall be made available to the public as prescribed by this Act.

(C) Within 30 days after receiving the report of the review committee, the state department of education shall formulate recommendations for improving the quality of education in the local school district with respect to the school or schools that are the subject of the determination under Subsection (B). The state department of education shall communicate such recommendation to the local school district and shall, in consultation with the local school district, develop a detailed plan for the implementation of these recommendations.

(D) If the recommendations specified in Subsection (C) are not satisfactorily implemented by the beginning of the succeeding academic year, or if the state department of education concludes that the impairment of the quality of education identified in a school or schools in accordance with Subsection (B) will not be remedied within the succeeding year, the state department of education shall declare the local school district to be in a state of educational bankruptcy and shall take the steps specified in Section 5.

#### **Section 5. {Steps required of the state department of education in cases of educational bankruptcy.}**

(A) In the case of a determination of educational bankruptcy under Section 3(D), the state department of education shall:

- (1) provide technical assistance to the local school district;
- (2) provide such additional educational resources to the local school district in the

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form of funds, personnel, or other assistance as the state department of education determines to be needed;

(3) develop and monitor the implementation of an emergency plan to meet the educational needs of the children enrolled in the school or schools; and

(4) institute, for children who attend or reside in the residential school attendance area of the school or schools, a program of educational certificates as set forth in Section 6.

(B) The state department of education shall take such other steps as may be appropriate in accordance with its regulations. Such steps may include, but shall not be limited to, the temporary or permanent suspension from employment of administrative, instructional, and other personnel from the local school district.

#### **Section 6. {Educational Certificates.}**

(A) The purpose of this Section is to enable children who attend or reside in the school attendance area of a local school district that is declared educationally bankrupt under Section 4(D) to benefit from educational services in educational settings other than the schools that they would normally attend.

(B) In order to achieve the purpose described in Subsection (A), the state department of education shall initiate and carry out a program in which the parent of each school-age child attending or residing in the school attendance area of a school that is declared educationally bankrupt under Section 4(D) receives from the state department of education, on request, a certificate that can be used for educational services at a participating school selected by the child's parent in accordance with this Section.

(C) The state department of education shall require each public school within the state to become a participating school unless exceptional circumstances render the participation of a particular school to be contrary to the public interest, or unless any such school has been determined educationally bankrupt.

(D) The appropriate corporate officials of each private school within the state shall decide whether such school shall become a participating school.

(E) "Eligible private school" means:

(1) a private school that has been operating for at least two years and meets certification standards pursuant to Section 3(B); or

(2) a private school operating for less than two years that meets certification standards pursuant to Section 3(B) and obtains a letter of credit or bond for one-third of the total amount of funds to be received through acceptance of certificates provided for in this act. The letter of credit or bond shall, in the event of nonperformance, be payable to the district school board.

(F) A participating school shall admit children with certificates under this Section who apply, up to the limit of the school's capacity, after reserving places for children admitted in accordance with the school's regular admission practices.

(1) A participating school shall establish criteria for the admission of children with certificates under this Section consistent with the admission criteria that it regularly applies.

(2) The state department of education shall establish criteria, consistent with Subparagraph (1), for the equitable allocation, by each participating public school, of places for children with such certificates if there are insufficient places to serve all such children who request such places.

(G) A participating school shall enter into an agreement with the state department of education containing such terms as may be established by regulators of the state department of education. Such agreement shall provide that the participating school shall furnish a child who is accepted in the school and who tenders a certificate under this Section and, if applicable, supplementary tuition payment required to satisfy any remainder of a participating school's tuition, an education equivalent to that provided all other children in the school in exchange for the certificate.

(H) Private schools shall be accorded maximum flexibility to educate their students and shall be free from unnecessary, burdensome, or onerous regulation. No regulation of private schools, certificate-redeeming or not, beyond that required by this legislation and which applied to private schools on [insert date] shall be issued or enacted, unless approved by three-fourths vote of the legislature or, alternatively, as to any regulation pertaining to health, safety, or land use imposed by any county, city, district, or subdivision of the state, a majority vote of qualified electors within the affected jurisdiction. In any legal proceeding challenging such a regulation as inconsistent with this Section, the governmental body issuing or enacting it shall have the burden of establishing that the regulation:

(1) is essential to assure the health, safety, or education of students;

(2) does not unduly burden private schools or the parents of students therein; and

(3) will not harass, impede, injure, or suppress private schools.

(I) The state department of education shall publish and make available to each parent in the state with a child in a school that is subject to determination under Section 4 (D) a list of all participating schools in the state.

(J) A parent of a child with a certificate under this Section may use the certificate for educational services at a participating school only if the child is admitted to the participating school.

(K) The maximum value of a certificate shall be set at the level of the average per capita current expenditures of each affected local school district, but no certificate may be redeemed for more than the amount of the tuition and fees regularly charged by a participating school for its educational services. The state department of education's regulations shall establish the amount for which a certificate may be redeemed by a public participating school that does not regularly charge tuition.

(1) The state department of education shall develop a plan to deduct the costs of the certificate program authorized under this Section from each local school district subject to a determination under Section 4(D). In developing this plan, the state department of education shall take into account the amount of state aid (allocated to the local school district on a per pupil basis) that is attributable to a child with a certificate provided under this Section.

(2) A parent of a child with a certificate under this Section shall present the certificate to the participating school that the child attends. The participating school shall present the certificate for payment to the state department of education.

(M) A child whose parent receives a certificate for an academic year shall, subject to the provisions of this Act, continue to be eligible for a certificate for a period of three (3) years following a determination by the state department of education that a condition of educational bankruptcy has ceased in the local school district.

#### **Section 7. {Administrative provisions.}**

(A) Certificates received under Section 5 are not income for state income tax purposes.

(B) Each participating school that is not a public school shall provide to the state department of education an assurance that it is in compliance with appropriate nondiscriminatory requirements as set forth in state and federal law.

(C) Each participating school shall publish or otherwise make available information regarding:

(1) its participation in the certificate program;

(2) its program of instruction;

(3) full and complete achievement data regarding children attending the school (data may be stated in the aggregate);

(4) the incidence of drug abuse;

(5) school discipline and safety; and

(6) other matters as specified by the legislature.

(D) The state department of education may delegate functions under this Act to an appropriate local school district or other political subdivision of the state and, in carrying out its functions under the Act, may contract for services with any public or private educational organization, agency, or institution.

**Section 8. {Program Evaluation.}** The state department of education shall arrange for an independent evaluation of the certificate program authorized under Section 6, and submit the evaluation to the governor and to each house of the legislature by January 1, [insert year], and on January 1 of each following year.

**Section 9. {Definitions.}** As used in this Act:

(A) "Parent" means the natural or adoptive parent or legal guardian of a dependent child.

(B) "Participating school" means a public or private school located in the state that enters into an agreement with the state department of education in accordance with Section 6.

(C) "Private school" means a school that is not primarily main-tained with public funds, that charges tuition or fees for the services it provides, and that is in compliance with the laws of the state;

(D) "Public school" means a school that is administered by a state or local public agency; and

(E) "School" means a school that is authorized to provide elementary and/or secondary education under state law.

Section 10. {Severability clause.}

Section 11. {Repealer clause.}

Section 12. {Effective date.}

Were your laws repealed?

*1995 Sourcebook of American State Legislation*

**Related Files**

[The Education Accountability Act](#) (Microsoft Word Document)

**About Us and ALEC EXPOSED.** The Center for Media and Democracy reports on corporate spin and government propaganda. We are located in Madison, Wisconsin, and publish [www.PRWatch.org](http://www.PRWatch.org), [www.SourceWatch.org](http://www.SourceWatch.org), and now [www.ALECExposed.org](http://www.ALECExposed.org). For more information contact: [editor@prwatch.org](mailto:editor@prwatch.org) or 608-260-9713.

From CMD: This "model" legislation says that if a local district or school fails to meet certain standards and does not adequately redress that, then the state can declare the district or school to be "educationally bankrupt" and issue vouchers to allow taxpayers to subsidize attendance at private schools up to the amount of funding per pupil the public school would have received. This bill is essentially one part of an early push for the privatization of public schools. This has been partially echoed in the federal "No Child Left Behind" law, which provides that when a school has been found in need of improvement over successive years, students receive support services, which can be provided privately, and the school may be reconstituted.