



## Eagle Forum of California

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Senator Lamar Alexander's Office  
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Feb. 3, 2015

**RE: Letter of Opposition to HR 5, Reauthorization of ESEA and Amends No Child Left Behind (“Every Child Ready for College or Career Act of 2015” – author Lamar Alexander) Please Sunset it!**

Dear Senator Lamar Alexander:

In the world of evidence-based research and data-driven decision making, the only clear path forward is to abandon the failed ESEA and No Child Left Behind program in its entirety – **not to reauthorize, reformulate, or amend it, which HR 5 does.** The program has resulted in stagnant student achievement, over-regulation of state and local education policy, and the misuse of both federal and state tax dollars spent to implement the program. **There is NO data suggesting these programs have ever been effective in improving student’s academic achievement or test scores – just the opposite!**

If the intent of Congress is to free local state education agencies from the over-reach of the NCLB flexibility waiver, as HR 5 states, how does including the waivers into federal statute, as this bill does, rectify the situation? This is codifying into law the ability of unaccountable bureaucrats to override the will of the people by arbitrarily waiving law.

**I urge you to vote NO on HR 5 and to sunset ESEA / NCLB for the following reasons:**

1. **ESEA and NCLB have not improved students’ learning.** They have only made it appear so by dumbing down the proficiency test in order to force everyone to pass the test. For example, according to NAEP (National Assessment of Educational Progress) between the years 2001 & 2007, the amount of students proficient at mathematics decreased by 2.1% annually on average.
2. **NCLB has forced teachers to only concentrate on English and math** and taken away time from in depth study of history and science and other important subjects. According to the CEP (Center on Education Policy) since NCLB was enacted schools have increased the time spent on math by 37%/89 Minutes a week and ELA (English language Arts) by an average of and 47%/ 141 minutes a week, respectively. Students are no longer having a well-balanced education. No wonder they do not know very much about their own American history, world history or in depth science.
2. **Pressure from NCLB provisions has caused wide spread cheating and unfairness in taking the tests:** School districts have become desperate in order for their schools to not be cited as low performing and thus closed down. Consequently, there are examples of enormous cheating across the nation where test scores have been illegitimately raised. *The Dallas Morning News* said it discovered 50,000 cases of cheating on the Texas Assessment of Knowledge and Skills test in 2005-2006. Seven hundred districts found themselves under investigation. Investigations in Georgia found an epidemic of cheating on their high stakes exam, and former Superintendent Beverly Hall and 34 other educators were indicted for it. To try to raise scores, states such as Florida were also excluding more of their lower performing students from taking the test.
3. **NCLB limits parental rights.** Parents have had no say in the standards or the testing. They can opt their children out of the testing, but it is difficult, and many parents are afraid to do so, even though in some states, children are taking tests for 7 days straight to comply with NCLB. Throughout the history of our nation, the best education was when parents were actively involved and had a say in what their children were learning.
4. **NCLB waivers have strings attached that are just as draconian as the provisions of NCLB itself.** The reason the California Teachers Association said no to the waivers is because of the intrusive and constant

teacher evaluations that are demanded of any state or school district receiving them. Other provisions that must be followed to get the waiver are: 1) To follow the Common Core Standards or College to Career Readiness program (essentially the same thing); 2) To be willing to go along with the enormous, intrusive data collection – with over 400 points of data being collected, not only on students but also on teachers and administrators. 3) The waiver does not take away the demands that the schools be labeled according to students test scores and be given one of three classifications. If the school does not improve over three years, then it will be closed or become a privately run charter school.

5. **HR 5 authorizes state control over people's property taxes** that used to go directly to fund the schools in their own district. This provides for massive redistribution of wealth and unfair control over property taxes. Those that used to go directly to the schools where a person lives, where that person has vested interest and where his children probably attend, will be taken and given to the poorer, inner city schools (or who knows where the money will go?). Perhaps this loss of revenue will cause the schools in the suburbs to close down, forcing people to move away from the suburbs and back to the over-crowded cities where they used to be. This is Obama's "Equity Plan," to fund every student the same, whether you are in a wealthy school district, a poor school district, a charter school, or a private school, with Title I funds.
6. **HR 5 will continue top-down federal government control over schools:** ESEA and NCLB, and Lamar Alexander's new name "Every Child Ready for College and Career Act of 2015" (which can only be met by going along with the Common Core or College and Career Standards) are all top-down, federal government programs dictating to states and local school districts and to parents what should be taught to our children. What happens when those decision-makers focus on things that parents don't agree with?
7. **This country was founded on limited government and the belief that the best government is that which is closest to the people:** Dictating to all of us education policy from far away in Washington D.C.-- policy which should be made by our own states and local school districts -- is not a limited government position and totally contrary to everything our founding Fathers believed in and how they established our form of government.
8. **Three federal education laws themselves state how illegal federal control over education is:** 1) The Department of Education Organizational Act of 1979, Section 103b; 2) The General Education Provisions Act and 3) even the ESEA, the Elementary and Secondary Education Act of 1965, that was amended by No Child Left Behind – all have similar language that essentially states; "The Federal Department of Education shall not be involved in developing, supervising, or controlling instructional materials or curriculum...of any educational institution, school or school system." The 1979 law also prohibits "direction, supervision, or control over the selection of content of library resources, textbooks, or instructional materials by any educational institution or school system."
9. **The ESEA, NCLB have taken away teachers' rights to choose their own material and teach what they know is best for their classes** – which obviously also appears to be in violation of the above stated laws. Teachers' rights have also been taken as they are intimidated and made to be so fearful from the constant evaluations and data collected and, in most states, having the teachers' salaries determined by the student's test scores.
10. **One of the provisions of the US Constitution is States' Rights (10<sup>th</sup> amendment),** which leaves anything not mentioned in the Constitution up to the individual states. This has been the tradition of American Education, which functioned very well until federalized, standardized programs began to be thrust down the throats of the states and the local school boards. That is when education and test scores began to be dumbed down. The more top-down, standardized the education policy was, the worse it got.

For all of the above reasons, HR 5 reauthorization of ESEA or NCLB is doing exactly opposite of what it is proposing. It is not giving more power to the states or local control; it is giving more power to the federal government to exercise control over the states – in violation of three federal laws and the Tenth Amendment to the Constitution. Please honor your oath of office to the Constitution, go back to the original principles this country was founded on--protection of unalienable rights, and freedom for individuals to pursue happiness for ourselves and for our children, and vote NO on HR -5. ESEA or NCLB should be sunsetted and allowed to die a quick death.

Sincerely:

E. Orlean Koehle, State President Eagle Forum of California and Director of Californians United Against Common Core, a former teacher and author of *Common Core, A Trojan Horse for Education Reform* and *The Hidden Cs of Common Core*

