**ON CASE**

**1NC — Inequality Advantage (Solvency )**

**“Right To Education” Fails — many other policies *also* key.**

**Darby and Levy 11** — Derrick Darby, Associate Professor in the Department of Philosophy at the University of Kansas, holds a Ph.D. in Philosophy from the University of Pittsburgh, and Richard E. Levy, J.B. Smith Distinguished Professor of Constitutional Law at the University of Kansas School of Law, holds a J.D. from the University of Chicago School of Law, 2011 (“Slaying The Inequality Villain In School Finance: Is The Right To Education The Silver Bullet?,” *Kansas Journal of Law & Public Policy* (20 Kan. J.L. & Pub. Pol'y 351), Summer, Available Online to Subscribing Institutions via Lexis-Nexis)

C. Implications

Whether school finance litigation relies on adequacy or equity and whether one chooses to understand the philosophical demands of a right to education in terms of adequacy or equality, attending to the empirical evidence suggests that it will take much more than improved resources to address the complex problem of educational inequality. Indeed, once we expand our horizons to consider the full and complex array of factors that affect educational achievement, it is clear that the right to an education **cannot alone** bear the burden of alleviating educational inequality, especially if the right is understood in terms of educational funding. To illustrate, assuming that adequacy theorists are correct about the negative impact of segregation on unequal group-based educational outcomes, societal efforts may have to reach **well beyond schools**, perhaps to mandate greater integration in places where people live, work, worship, and play. It is unlikely that simply bringing young and middle school age children together in school for a few hours a day, five days a week, will be enough to overcome many of the negative effects of voluntary segregation in other parts of society. Of course, such a proposal would be met with serious resistance and criticism. Still, it may be difficult for proponents of greater integration to avoid moving in this direction.

If we consider additional factors, such as the health and cognitive effects of poverty, teacher perceptions of student ability, or teacher expectations or student expectations of discrimination in the labor market as factors shaping educational outcomes, then it is also clear that merely recognizing a right to education will not suffice. We would have to combine this right with a larger effort to reduce poverty, greater enforcement of existing anti-discrimination laws, or the development of new approaches to targeting subtle and not so subtle forms of discrimination **throughout society**. Hence, a serious appreciation of the complexity of the empirical debate regarding the factors that shape educational outcomes seems to demand a more cautious assessment about the prospect of recognizing a right to education as the silver bullet to slay the educational inequality villain.

Although we may someday have a better empirical understanding of the factors affecting educational success, it is clear that scholars have yet to settle this matter. For practical purposes, then, what matters most is that we are more circumspect when we draw conclusions about weighty matters pertaining to the demands of equality and justice. In the present case, the variety of competing explanations of unequal educational outcomes forces us to curb our enthusiasm for the prospects that recognizing a right to education will suffice to eradicate educational inequalities. Many factors affect educational outcomes - some related to resources, others related to the educational system and the manner in which education is delivered, and many that are unrelated to the educational system. Pending a final settlement of these matters, which is highly improbable, it will be all the more difficult for courts, lawyers, and  [\*377]  policymakers to sort out the problem of educational inequality. n121

**Empirical evidence disproves “funding key.”**

**Mehlhorn 15** — Dmitri Mehlhorn, Senior Fellow at the Institute for Education Policy at Johns Hopkins University, Senior Fellow at the Progressive Policy Institute, holds a J.D. from Yale Law School and an M.P.P. in Education Policy from Harvard University, 2015 (“You Can’t Spin School Funding,” *Dropout Nation*—an online education journal, November 5th, Available Online at <http://dropoutnation.net/2015/11/05/you-cant-spin-school-funding/>, Accessed 07-04-2017)

The evidence is from other nations, and from recent history, is clear: money is not the primary problem facing America’s schools. A growing body of evidence from within the U.S. confirms this point. Since all three of these benchmarks (international, historical, and intra-American) are independent proof points, reform skeptics would need to discredit all three to make their case. Simply put, Ben demonstrates that he cannot persuasively discredit any of them.

How much does the United States spend on education? The starting point, which Ben buries behind a number of tangents, is that America spends more than any society in history. All credible sources tell roughly the same story. Ben did not like the source I used in my first column, so let’s use the National Center for Education Statistics. It reports a $621 billion total national investment in public elementary and secondary schools for 2011-2012.

We spend more than other countries spend, yet get weaker results. The international story has been repeatedly verified: Compared to other nations, the United States spends more on each student, and the students get less. Ben is right that we should try to compare apples to apples, but the best efforts to do so repeat this conclusion. An older, thorough study by McKinsey & Company in 2007, noted that Singapore achieves top performance while spending less per pupil than 27 of 30 OECD countries. More recently, NCES says we spend $12,401 per pupil, about 35 percent more than the per-pupil average for the industrialized world. In case after case, and in study after study, the best school systems do more with less than America and its public education systems.

Ben’s responds that education spending should be measured as a share of Gross Domestic Product, rather than as an absolute number. In this, Ben forgets what we are discussing: whether schools in America have enough money to succeed. His preferred metric – education spending divided by GDP – has uses, but is not relevant to whether schools have enough resources.

To see why, consider that America’s GDP at the start of 1992 was about $9 trillion in today’s dollars. Under Bill Clinton, GDP growth averaged 3.8 percent, while under George W. Bush it fell to 1.6 percent. Imagine a “Clinton scenario” where we had 3.8 percent growth from 1992 until today, and a “GWB scenario” where we had 1.6 percent growth from 1992 until today. The difference in GDP would be $22 trillion vs. $13 trillion. Under these two scenarios, if actual dollars in schools were exactly the same, “education spending as a percent of GDP” would be appear 70 percent higher under George W. Bush. Thus, by Ben’s metric, the fastest way to get school spending right is to tank the economy. [This does, perhaps, explain Ben’s support for Bernie Sanders.]

We spend a lot more than we used to, without commensurate results: America’s schools today spend about 2.5 times per pupil what they spent in 1970, notwithstanding a small per-pupil dip since 2008. Ben acknowledges “the fact that K-12 spending has risen in inflation-adjusted dollar value terms over the past 45 years,” but then waves that away by saying that “real spending on practically everything has increased in dollar terms since the 1970.” That statement is jarringly untrue.

Over that time period, per-unit prices have plummeted in many areas, including appliances, telecommunications, electronics, computers, televisions, and audio-visual devices. Some sectors have taken advantage: for instance, U.S. military spending has increased only 10 percent since 1970, while dramatically improving its comparative and absolute effectiveness. True, declining costs in some sectors have been offset by price increases in other areas, but this overall mix is called “inflation.” By using “inflation-adjusted” dollars, we account for the interplay of cost increases and cost declines. If we ignored inflation, the increase in dollars would be 14 times rather than merely 2.5 times.

Results for America’s schools have improved only slightly since 1970s, despite spending more than doubling. At face value, this suggests that funding is not the primary constraint facing America’s schools.

**There is no correlation between funding and outcomes — comprehensive study proves.**

**Coulson 14** — Andrew J. Coulson, Director of the Center for Educational Freedom at the Cato Institute, former Senior Fellow in Education Policy at the Mackinac Center for Public Policy, 2014 (“State Education Trends: Academic Performance and Spending over the Past 40 Years,” Cato Institute Policy Analysis Number 746, March 18th, Available Online at https://object.cato.org/sites/cato.org/files/pubs/pdf/pa746.pdf, Accessed 07-06-2017, p. 57)

Conclusion

Academic performance and preparation for college success are widely shared goals, and so it is useful for the public and policymakers to know how they have varied over time at the state level. The present paper estimates these trends by adjusting state average SAT scores for variation in student participation rates and demographic factors known to be associated with those scores.

In general, the findings are not encouraging. Adjusted state SAT scores have declined by an average of 3 percent. This echoes the picture of stagnating achievement among American 17-year-olds painted by the Long Term Trends portion of the National Assessment of Educational Progress, a series of tests administered to a nationally representative sample of students since 1970. That disappointing record comes despite a more-than-doubling in inflation-adjusted per pupil public-school spending over the same period (the average state spending increase was 120 percent). Consistent with those patterns, there has been **essentially no correlation** between what states have spent on education and their measured academic outcomes. In other words, America’s educational productivity appears to have collapsed, at least as measured by the NAEP and the SAT.

That is remarkably unusual. In virtually every other field, productivity has risen over this period thanks to the adoption of countless technological advances—advances that, in many cases, would seem ideally suited to facilitating learning. And yet, surrounded by this torrent of progress, education has remained anchored to the riverbed, watching the rest of the world rush past it.

Not only have dramatic spending increases been unaccompanied by improvements in performance, the same is true of the occasional spending declines experienced by some states. At one time or another over the past four decades, Alaska, California, Florida, and New York all experienced multi-year periods over which real spending fell substantially (20 percent or more of their 1972 expenditure levels). And yet, none of these states experienced noticeable declines in adjusted SAT scores—either contemporaneously or lagged by a few years. Indeed, their score trends seem **entirely disconnected** from their rising and falling levels of spending.

Two generations seems a long time for a field to stand outside of history, particularly when those generations have witnessed so many reforms aimed at improving education. Perhaps it’s time to ask if there are inherent features in our approach to schooling that prevent it from enjoying the progress typical in other fields.

**Inherecy:**

**: “Status Quo Solves – ESSA”**

**ESSA bolsters equity — four reasons.**

**Cook-Harvey et al. 16** — Channa M. Cook-Harvey, Senior Researcher at the Learning Policy Institute, former Research and Practice Associate at the School of Education at Stanford University, holds a Ph.D. in Race, Inequality, and Language in Education from Stanford University, et al., with Linda Darling-Hammond, President of the Learning Policy Institute, Charles E. Ducommun Professor of Education and Faculty Director of the Stanford Center for Opportunity Policy in Education at Stanford University, former President of the American Educational Research Association, former Senior Social Scientist and Director of the RAND Education and Human Resources Program at the RAND Corporation, holds an Ed.D. in Urban Education from Temple University, Livia Lam, Senior Policy Advisor at the Learning Policy Institute, Charmaine Mercer, Director of the DC office and Senior Researcher at the Learning Policy Institute, and Martens Roc, Policy and Outreach Advisor at the Learning Policy Institute, 2016 (*Equity and ESSA: Leveraging Educational Opportunity Through the Every Student Succeeds Act*, Published by the Learning Policy Institute, Available Online at <https://learningpolicyinstitute.org/sites/default/files/product-files/Equity_ESSA_REPORT.pdf>, Accessed 06-18-2017, p. 2-3)

ESSA offers at least four ways to **strongly advance equity**, if it is thoughtfully regulated and implemented.

First, Title I establishes a set of expectations for states to design standards and assessments that develop and measure higher-order thinking skills, and provides some of the resources in Title II for professional learning that could make these rights real. Just as W.E.B. Du Bois argued for a rich, liberal education for black children, when most wanted to relegate them to training for menial labor, so ESSA insists on a 21st-century curriculum focused on critical thinking and problem-solving for the children it is intended to serve, rather than a rote-oriented education that prepares disadvantaged students for the factory jobs of the past. This means teachers and school leaders must learn to provide that kind of education, along with the assessments that develop and measure it, and use these assessments for ongoing improvement, rather than punishment. ESSA provides a means for the nation to take up this work. [end page 2]

Second, ESSA requires states to use multiple measures to evaluate student and school progress—both overall and for subgroups of students. These could include not only measures of student outcomes—such as test score gains, English learner progress, and graduation rates—but also measures of students’ opportunities to learn. For example, how many students receive and complete a college preparatory sequence or a high-quality career technical pathway? Does the school have experienced and effective teachers well-qualified in the areas they teach? Do teachers have access to relevant, job-embedded, high-quality professional development aligned to their needs and the needs of the students? Do student and parent survey results indicate there is a safe, supportive school climate that offers high-quality learning opportunities to students? Has the school reduced high and disproportionate rates of suspension and expulsion or chronic absenteeism that impede student success? Such measures can shine a light on inequities as well as poor learning conditions and help diagnose the steps required to close the opportunity gap.

Third, for the first time, a number of features of the law **directly address the resource gaps** among our schools. States must report schools’ actual per-pupil spending on school report cards, which should raise awareness about the fair distribution of state and local dollars. ESSA maintains the “supplement, not supplant” requirement, which is intended to ensure that schools receiving Title I funds get at least as much state and local funding as they would have otherwise received were they not funded by Title I. ESSA also establishes a new weighted student-based funding pilot that would reward up to 50 districts for innovative funding based on student needs—offering more resources for students who are from low-income families, English learners, migratory, or neglected, delinquent, or otherwise at risk, such as homeless or foster youth. A new Student Support and Academic Enrichment authorization can also be used to target funds to implement strategies and supports that address some of these needs.

Finally, the law supports the use of evidence-based interventions to increase achievement generally and as strategies for improving schools that are struggling. Defining this requirement thoughtfully and treating it seriously could lead to **significantly wiser investments** in high-need schools and concomitantly better outcomes.

If thoughtfully leveraged, these four features of the law can serve as **pillars of opportunity** that help create a bridge from our inequitable, old-style, factory-models school to much more engaging and equitable learning communities (see Figure 1).

**ESSA funds social services beyond the classroom — they’re key.**

**Galmiche and Cardinali 15** — Jack Galmiche, President and Chief Executive Officer of the Nine Network of Public Media—the national coordinator of American Graduate, an organization working to support community-based solutions to the dropout crisis, and Daniel Cardinali, President of Communities In Schools, Inc.—the U.S.’s largest dropout prevention organization, 2015 (“The promise of the Every Student Succeeds Act,” *The Hill*, December 18th, Available Online at <http://thehill.com/blogs/congress-blog/education/263633-the-promise-of-the-every-student-succeeds-act>, Accessed 06-18-2017)

It’s far too soon for anyone to say exactly how the Every Student Succeeds Act will affect American education. But in the wake of its passage, we’re hopeful the new law will deliver on its promise to address one of the toughest challenges we face: enabling more of our students to get a high school diploma.

To be sure, there’s good news these days around graduation rates. The U.S. Department of Education just released a report showing that a higher proportion of America’s students graduated from high school in the 2013 – 2014 school year (82 percent) than ever before, about a one percent increase over the previous year.

While the national graduation rate is on a trajectory to reach 90 percent by 2020, we find a much different—and more discouraging—picture among students from low-income households. As GradNation points out, “Low-income students are graduating at a rate that’s almost 15 percentage points below the rate for their non-low-income peers.” Indeed, poverty is by far the most predictive indicator when it comes to low graduation rates. It cuts across all other demographic and social factors, including ethnicity and race.

The question for all of us, then, is: what can we – educators, parents, leaders and people from across the community – do to equip more poor, at-risk students with the tools and support they need to stay in school and graduate? How can we ensure that they will be as prepared as possible to excel in the world beyond graduation?

ESSA includes at least two new provisions that we think could be **enormously helpful**.

First, local high schools now must use the graduation rate as one of several measures of success. This provision recognizes something we have emphasized for several years:  that a young person today cannot afford to enter the work force without at least the foundational skills and knowledge that come with a high school diploma. Moreover, our communities and our country suffer when young people don’t finish high school.

With that as a guiding light, more and more groups like ours are identifying and sharing evidence-based approaches that work to keep students in school through graduation. While there are no silver bullets to improving graduation rates, one proven intervention is sustained and substantive help from caring adults willing to support students’ difficult journeys in the classroom and in other parts of their lives. Don’t our students, especially those most at-risk of dropping out, deserve this nation’s most effective prevention and intervention initiatives?

We have mountains of data to prove that mentoring and guidance can be the key to success, especially for low-income youth who so often wrestle with severe personal and academic challenges.

Secondly, ESSA allows the use of Title I funds, which are specified for the poorest schools and districts, for “integrated student supports,” a broad array of social services that can help at-risk students successfully navigate the barriers they face on the way to graduation.  Title I and new competitive grant programs can give schools and community partners many more options for providing mentoring, parental engagement programs, violence and trauma prevention, drug abuse counseling, and other services **proven to reduce dropout rates**.

This is important because, even in places where such services exist, they can be fragmented and out of the line of sight of the students who need them most.  What’s needed often are trained, caring adult who in partnership with principals,  teachers, and parents  will identify the most at-risk students and connect them to community programs and services they need to graduate high school career and be post-secondary ready.  That’s the kind of local customization of intervention that so many of our partners have been talking about and putting into practice all over the country.

The Every Student Succeeds Act, the first major national education overhaul since the passage of the No Child Left Behind Act in 2001, has the potential to breathe new life into approaches that many groups like ours have recognized as effective and essential for student’s to succeed. But it’s only part of the equation of success. It’s now up to people around the country to seize that opportunity and put its resources to effective use, particularly in communities that need it most.

**Education Not Sufficient — money in politics outweighs.**

**Paige 15** — Mark Paige, Assistant Professor of Educational Leadership at the University of Massachusetts-Dartmouth, holds a Ph.D. in Educational Leadership and Policy Analysis and a J.D. from the University of Wisconsin-Madison, 2015 (“Realizing Educational Rights,” *Journal of Law and Education*, Volume 44, Issue 2, Spring, Available Online to Subscribing Institutions via ProQuest)

Finally, the book omits an essential reference regarding the influence of money on the democratic process. An educated, engaged citizenry are necessary to a vibrant democracy. However, **because of the disproportionate influence of money on the political system**, it is **insufficient**.9 Those who have more money have more influence, notwithstanding their individual education. Thus, an adequate or equal education may be a **hollow victory**, unless **larger political reform** occurs.

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**1NC**

**Education’s the key issue for federalism – the plan upsets the overall balance of power**

**Roberts, Texas Public Policy Foundation, Executive, 17**

[Kevin, February 07, 2017, Real Clear Education, “States, Not the Feds, Should Lead Education Reform”, <http://www.realcleareducation.com/articles/2017/02/07/states_not_the_feds_should_lead_education_reform__110115.html>, accessed: 7/9/17, SK]

The era of Donald Trump offers conservative reformers **opportunities** they have not seen since the 1980s. The **most significant** are in education, where the federal government has **aggrandized** its power, rendering states impotent. This overreach **comes at the expense** of two things very dear to the nation—our schoolchildren and **our understanding of shared power.** Though the Trump administration will no doubt address the former problem, its means of doing so may very well exacerbate the latter. Too often, **well-intentioned**, conservative executives end up using **federal power** to heal the wounds caused by the very same bludgeon—federal power. If President Trump is correct in his inaugural exhortation that “now is the hour of action,” then **states**—**not** federal bureaucrats—need to lead the charge on education policy. Among the many problems facing American education, the most significant may be our schools’ and colleges’ utter failure to teach civic education. Two generations of American students have been taught precious little about the American Founding or the Constitution, let alone the philosophical foundation of the American system of government—federalism. That notion of shared power between the federal government and states has, as a result, withered. How fitting, then, that Texas—where the American spirit of independence, work ethic, freedom and a vibrant notion of state power is palpable—take the lead in renewing federalism. And how fitting that it do so in **the policy area where** **revitalized state power is most needed: education.** During the otherwise-bleak years of the previous administration, the Lone Star State has shined as a beacon of liberty, deregulation and restrained government authority. Harkening to Justice Louis Brandeis's early-20th-century comment that “states are the laboratories of democracy,” Texas-based initiatives have sprouted across the nation. It's no Texan braggadocio to observe that nationwide, efforts in tort reform, deregulation, tax reduction and criminal justice reform originated in Texas. The resulting “Texas Model” has become the blueprint for leaders in dozens of states. And that is precisely how our system should work. Though we are all familiar with the legitimate claims based on state sovereignty and the Tenth Amendment, our Founders viewed those as mere baseline expectations. In the realm of public policy, they saw the states as taking the initiative, being so **bold** and **innovative** that the federal government would have to serve as a check on them—**not the other way around**, as the case has been in recent years. As the Obama administration would be the first to say, Texas has led those efforts to check federal power. That defensive posture was necessary—and, for the Republic, crucial. But now Texas and other states must **seize the field of education policy**, exercising their own power with **bold policy initiatives**. The timing for Texas policymakers is perfect. The state's biennial legislative session has just begun, and the momentum for an education overhaul has never been stronger. At the National School Choice Week rally earlier this week, both Gov. Greg Abbott and Lt. Gov. Dan Patrick gave rousing, full-throated endorsements of school choice reforms. There are obstacles, to be sure, but even the defenders of the status quo recognize that it's hard to defend the mediocrity of the status quo. Among the many school choice vehicles, the most far-reaching—for Texas and the United States—is an Education Savings Account (ESA). Built on the successes of early choice vehicles such as tax-credit scholarships, ESAs offer wider and easier usage, removing the barriers to access that have been foisted on choice programs by opponents. Parents may use an ESA to pay for a host of education-related expenses, including private school tuition, tutoring, special needs programs and books. In sum, an ESA gives parents an unprecedented means for customizing their child’s education—the exact opposite of the conveyor-belt, cookie-cutter approach that has become modern American education. Though some reformers have advocated for federal ESAs, the inefficiency inherent in the large federal bureaucracy **begs** for **states to take the lead**. Texas, the most populous state with a bent toward conservative, free-market reforms, has a unique opportunity to show that states, as our Founders expected, can be at the **forefront** of **policy innovation. There could not be more at stake**. Our children deserve an end to zip-code discrimination, which dramatically limits their access to decent educational options. Furthermore, **the civic health of our American Republic—in particular, the long-standing view that states, not the feds, would lead—hangs in the balance.**

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**Federal education policy preempts the states and makes everything worse**

**McCluskey, CATO Institute, Center for Educational Freedom, Director, 17**

[Neal, March 14, 2017, CATO Institute, “For the Love of Choice, Don’t Federalize It”, <https://www.cato.org/publications/commentary/love-choice-dont-federalize-it>, accessed: 7/10/17, SK]

The case for federalism The first question facing **any federal proposal** should be whether it is **allowed by the Constitution**. That may seem quaint or quixotic, but it is **fundamental**:that  the Constitution gives Washington specifically enumerated powers, **and that is all**. Governing education, aside from enforcing civil rights legislation and regulating schooling on federal lands, **is not among them**. There are **sound practical reasons** for respecting these constitutional limits. First and foremost, federalism **defends against centralized control** of America’s diverse communities and people. In addition, when sub-national units, such as **states** and **school districts**, try something new, the damage is isolated if a plan does not work; if it succeeds, others are free to replicate it and adapt it to their needs. But isn’t school choice fundamentally different from and better than federalism? Doesn’t it inherently move power from higher, more centralized levels to the lowest levels possible: children and families? It does, and that is a tremendous strength. But as we’ve learned from roughly a quarter-century of experience with state-level school choice programs and federal higher education policy, **any connection to the federal government can have unintended consequences** for choice, including incentivizing government control of the schools to which public money flows. That control can **diminish** and even **eliminate** the core value of school choice: the ability to choose something truly different. A federal program would be **too dangerous**, **threatening to snuff out federalism** and impose uniformity on private schools nationwide.

**Schools are a state responsibility – the plan is federal overreach**

**Williams**, President of State Budget Solutions, **13**

(Bob, “Common Core’s ‘Uncommon’ Financial Incentives and Federalism”, http://www.federalisminaction.com/2013/06/common-cores-uncommon-financial-incentives-and-federalism/#sthash.9iL7MFZV.dpuf)

It is important to remember that, **traditionally**, education had been a concern of **states and localities.** The [most common structure](http://www.jstor.org/discover/10.2307/1173911?uid=3739936&uid=2&uid=4&uid=3739256&sid=21102341278277) of a local school district consists of a Board of Education, with members either directly elected or appointed by a popularly elected local entity, which necessarily encourages accountability at this most basic level of government. As states began to develop their own public education systems throughout American history, **the federal government was essentially absent** until the creation of land-grant colleges in 1862. Federal involvement in K-12 education did not arise until the passage of the [Smith-Hughes Act in 1917](http://www2.ed.gov/about/overview/fed/role.html), which helped to fund agricultural vocational programs in high schools. The Department of Education is itself [explicit in defining its role](http://www2.ed.gov/about/overview/focus/what_pg4.html#doesnot), stating that it **does not** "establish schools and colleges; develop curricula; set requirements for enrollment and graduation; determine state education standards; or develop or implement testing to measure whether states are meeting their education standards." Today, federal monies account for only [12.3 percent](http://www2.ed.gov/about/overview/fed/role.html) of funding for elementary and secondary education. Opponents of the CCSS believe that this local control **will be eroded** if the CCSS go into effect, as "[federal fingerprints](http://www.nationalreview.com/articles/344897/why-there-s-backlash-against-common-core-lindsey-m-burke)" are already **all over** the initiative. [Some legal analysts believe](http://www.fed-soc.org/publications/detail/the-road-to-a-national-curriculum-the-legal-aspects-of-the-common-core-standards-race-to-the-top-and-conditional-waivers) that the Department of Education **may have already overstepped its statutory restrictions** in the way it has offered federal grants and conditional waivers to NCLB. On [both](http://educationnext.org/a-new-new-federalism/) [sides](http://www.newrepublic.com/article/politics/104960/requiem-failed-education-policy-the-long-slow-death-no-child-left-behind?page=0,1) of the aisle, analysts note the disappointing results of NCLB in the conversation about education and federalism. **As the first major experiment in standard-setting at the federal level**, some critics find that such centralization is **flawed**; others believe that it can be more robust.

**The aff upsets the overall balance of power**

**Williams**, President of State Budget Solutions, **13**

(Bob, “Common Core’s ‘Uncommon’ Financial Incentives and Federalism”, http://www.federalisminaction.com/2013/06/common-cores-uncommon-financial-incentives-and-federalism/#sthash.9iL7MFZV.dpuf)

Introduction The implementation of the Common Core Standards Initiative is forcing states to evaluate their relationship with the federal government, particularly when it comes to K-12 education. Federal incentives offered to states for the adoption of the Common Core State Standards (CCSS) have become **very attractive**--so attractive that "**voluntary participation in the program may be merely a nominal check** on the centralization of American education. **Federalism** and **local decision-making** are at stake as the federal government **gains more influence** over education. The CCSS are a list of specific and universal educational benchmarks in English language arts and mathematics that will replace the individual state K-12 education goals and requirements of each state that adopts them. This report will explain the issues surrounding the adoption of the CCSS and address the "voluntariness" question, the incentives and disincentives for states, and how the CCSS may affect the **balance of federalism** between states and the federal government. These issues are at the forefront as states grapple with whether to implement the CCSS and as some states, including Michigan and Indiana, reconsider their endorsement of the CCSS.

**Court Legitimacy DA**

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**1NC – Court Legitimacy DA**

**Court legitimacy is high right now.**

**Bassock 16** (University of Nottingham - Faculty of Law and Social Sciences,Bassok, Or, The Supreme Court's New Source of Legitimacy (June 2013). 16 University of Pennsylvania Journal of Constitutional Law 153 (2013); NYU School of Law, Public Law Research Paper No. 13-30. Available at SSRN: <https://ssrn.com/abstract=2258173)>

The ability to track public support for the Court, the public record of this support (often published by popular media), and the scientific allure of opinion polls made public confidence in the Court more “real” in the public imagination. The introduction of a metric that measures public support for the Court, the same metric that is central to political players’ own understanding of their legitimacy, changed the balance of power between the branches. Now, there is an independent, reliable source of evidence, a public proof available to all, of public support for the Court.

At least since the 1970s, this public metric has shown that **public support for the Court** as an institution is “**stable and high**.” Data also show that at least since 1987, the Court has enjoyed a significant bedrock of diffuse support. **The public has consistently awarded the Court more approval than Congress or the executive branch.** Thus, the political branches may capitulate to the Court not due to its designated function as the expert interpreter of the Constitution—as if they were the patient doing as the doctor ordered—but due to public support of the Court. Indeed, even if the political elites lost their faith that the Court holds a relevant expertise for interpreting indeterminate constitutional norms, political resistance to its decisions seems infeasible as long as it holds public confidence. **Public opinion is the drive wheel of American politics**, and no politician wants to stand against it.

Backed by survey results, the claim that the Court holds normative legitimacy based on public support was placed on almost the same empirical footing as the elected branches’ claim of normative legitimacy. Besides relying on the mandate they received in the elections, the President and Congress base many of their legitimacy claims, in the intervals between elections, on the outcome of public opinion polls. The Court’s inferiority in terms of democratic legitimacy was no longer an a priori structural premise, but an empirical question. A technological development created a new and distinct source of legitimacy for the Court which is not very different from the democratic support which makes representative institutions so confident in their source of legitimacy

**Maintaining “Stare decisis” is key to preserve Court legitimacy—that solves democracy—empirics prove.**

**Gentithes 9** (Michael Gentithes Research Attorney, Illinois Appellate Court, First District; J.D. DePaul University College of Law 2008; B.A. Colgate University 2005., 8-13-2009, “In Defense of Stare Decisis,” Williamette Law Review, accessed 7-14-2017)

**II. WHY THE STRENGTH OF A COUNTRY’S HIGHEST COURT IS VITAL TO PRESERVING A DEMOCRATIC SYSTEM**

Below, I argue that stare decisis allows the Supreme Court to earn the respect of the people and the coordinate branches of government. But a discussion of how the Court maintains popular respect is only relevant when framed by the significance of that respect itself. **The judiciary’s strength**, meaning its ability to render decisions that are respected throughout the country, is absolutely **paramount to successful democracy**. This point can be illustrated by a comparison of **recent political history** in the United States, Pakistan, and Kenya.

The 2000 presidential election cycle was unique in American history. As time pressed on and no official winner was declared, supporters of Democrat Al Gore and Republican George Bush grew more fervent in their determination to capture the White House. Ultimately, Bush turned to the Supreme Court in search of a definitive ruling on the recount procedures ordered by Florida’s Supreme Court.3 In a per curiam opinion that reflected deep division, the Court held that Florida’s recount procedures violated the Equal Protection Clause.4 Despite the divided nature of the Court’s opinion, Al Gore quickly announced his respect for the Court’s ruling and his decision to concede the election to Bush.5 Although he disagreed with the decision, Gore “accepted the finality of [the] outcome” and offered his concession “**for the sake of our unity as a people and the strength of our democracy**.”6 Gore emphasized that this election was just another in America’s long history of fierce political contests, and noted that “each time, both the victor and the vanquished have accepted the result peacefully and in a spirit of reconciliation.”7

Compare this with recent political turmoil in Pakistan. In March of 2007, President Pervez Musharraf faced potential constitutional challenges to his bid for reelection given his desire to retain his position as army chief of staff.8 In a move he insisted was based on complaints of misconduct, Musharraf attempted to obtain the resignation of the Chief Justice of the Supreme Court of Pakistan, Iftikhar Muhammad Chaudhry, a long-time political opponent with a willingness to “take on cases challenging [Musharraf’s] government”9 and a likely vote against Musharraf. When Chaudhry refused to resign, Musharraf dismissed him.10 But the story did not end there; Chaudhry challenged his dismissal and won reinstatement in a case heard by the Pakistani Supreme Court’s remaining members.11 Although spokesmen for Musharraf initially signaled that he would respect the decision and pledged that “any judgment the Supreme Court arrives at will be honoured, respected and adhered to,”12 a mere twenty days later Musharraf appeared on the brink of declaring a state of emergency in Pakistan which would allow him to “**curtail the activities of the courts**” and disobey its ruling.13 Despite heavy pressure from American and European governments,14 Musharraf declared a state of emergency in early November, ordered the justices of the supreme court to take an oath promising to abide by a “**provisional constitutional order**” in lieu of the existing constitution, and dismissed those justices, including Chaudhry, that failed to do so.15 Although Musharraf would later step aside as Pakistan’s leader amidst threats of impeachment,16 the **stains to the court’s legitimacy remain**; political leaders considered the court illegitimate after Musharraf’s replacement of the sitting justices with those of his own choosing.17 Many in Pakistan continued to view the **supreme court as illegitimate** into 2009, as **political wrangling** in the post-Musharraf era began.18 Chaudry was eventually reinstated in March 2009 after an extended campaign by Pakistan’s lawyers, but whether he can effectively stabilize the judiciary and restore faith in its decisions remains to be seen.19

Another example from sub-Saharan Africa demonstrates **the inherent danger of a judiciary that lacks the confidence of the people and coordinate democratic branches.** In late 2007, Kenyan president Mwai Kibaki declared victory over rival Raila Odinga in a closely contested election that Western observers believed was rigged.20 As political pressure mounted, Odinga insisted that the conflict could only be resolved by a recount of the votes and refused to seek relief from Kenya’s court system because he believed it was “controlled by President Kibaki.”21 After an extended delay that saw **violence** sweep the countryside, and only after significant external political pressure was applied, Kibaki and Odinga agreed to form a coalition government that required amendments to the constitution to create new executive positions.22 Kenya’s high court was unable to play any role in resolving the turmoil.

Of course, the particular historical, political, and cultural background of these countries had a role in their leaders’ actions; indeed, these were likely the most influential factors. Correlation is not causation after all, and the lack of respect that leaders in these countries harbored for the courts may not have directly caused political and social unrest. But the **weakened structure of the judiciary at least played an enabling role**.23 Leaders in the highest levels of government sought more power by flouting the law in ways that simply would not have been possible with a strong, effective judiciary respected by the country’s citizens. When even leaders disregarded their country’s legal system, other actors with potential claims were unable or unwilling to turn to courts for which they and their opponents had little respect.

With this in mind, the authority with which **decisions of the Supreme Court** are viewed **should not be taken lightly**. If the integrity of the Court was openly questioned and its opinions disrespected, the same structure enabling leaders in other countries to flout their highest court’s rulings would be present in the United States: When we look at the problems of emerging democracies, we can see that two of the most important functions courts can perform are resolving legal disputes in an impartial manner, and assuring that executive officials adhere to the law. A restrained judiciary is in a much stronger position to perform these functions, because such a judiciary can claim to be doing no more or less than what it always does—enforcing established legal principles.24 Thus, **any doctrine that fosters respect for the Court** itself, and **allows the Court to resolve legal problems** in a way that both the parties and coequal branches will **respect as final**, **plays a vital role in maintaining a democratic system** because it enables the Court to effectively curb abuses by coequal branches. Below, I contend that stare decisis can play precisely this role.

**III. WHY A ROBUST FORM OF STARE DECISIS IS IMPERATIVE FOR AN EFFECTIVE, WELL-RESPECTED JUDICIARY CAPABLE OF ADEQUATELY SUPPORTING DEMOCRACY**

The argument for at least some form of **stare decisis** is often tied to its relationship with the consistent rule of law,25 without which our government lacks both **coherence** and the **respect of citizens. Commitment to precedent** contributes to the respect, if not reverence, that the decisions of the U.S. Supreme Court enjoy.26 This vital role for **stare decisis** is the basis of the doctrine’s position as **an inherent constitutional imperative**.

Justices often face a difficult problem in reviewing new challenges to precedent: Is it more important to allow the earlier decision to resolve the conflict definitively—even if the Justice suspects it misapplies the Constitution—or to reach conclusions the Justice honestly believes are constitutional? The perspectives of some political theorists shed light on the balance that Justices should seek. Thomas Hobbes believed that the force of law is derived solely from the authority of its author: I grant you that the knowledge of the Law is an Art, but not that any Art of one Man or of many how wise soever they be, or the work of one and more artificers, how perfect soever it be, is Law. It is not Wisdom, but Authority that makes a Law.27

Montesquieu argued that law derives its power from its precision, and from avoiding the perception that law is merely the opinion of the judge.28 To be effective, “judgments should be fixed to such a degree that they are never anything but a precise text of the law. If judgments were the individual opinion of a judge, one would live in this society without knowing precisely what engagements one has contracted.”29

But what makes the law appear to be more than the individual opinion of the judge, and instead seem authoritative and precise? A plausible argument can be made that the ultimate source of **authority** in constitutional jurisprudence is the **Constitution** itself, and any decision that deviates from that text must be eradicated to inspire the utmost confidence in the **Court’s integrity**.30 Critics emphasize that the Constitution’s text contains no allusions to the necessity of stare decisis.31 Any form of the doctrine is therefore fundamentally corrupting because, under Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803), the Constitution is the ultimate source of law, not the Court’s decisions: “If the Constitution is not alterable whenever the judiciary shall please to alter it, then ‘a [judicial precedent] contrary to the constitution is not law.’”32

However, such critiques assume that, in all cases, the Constitution provides clear answers. Professor Michael Stokes Paulsen asserts that the legitimacy of the Court “rests on its ability to render non-political legal judgment in accordance with principles of interpretation that stand outside the judges’ personal sense of what is expedient, practical or desirable as a policy matter.”33 But often, in cases where strong arguments exist on both sides and the nation’s attention is drawn, Justices must decide controversies whether or not there exist any clear legal conclusions based on principled constitutional interpretations. In the closest cases, it is likely that several Court members will reach opposite conclusions from their interpretive principles. In those cases—which often draw the most public attention and are the most controversial—the key to legitimacy cannot be either side’s claim to a correct interpretive framework, for both sides can make such a claim. Instead, the Court must **derive legitimacy by resisting political pressure** to change decisions already rendered, especially as its membership changes. To do otherwise suggests that the Court is a political football kicked by the other branches of government through the appointment process, since decisions are dictated only by the particular Justices sitting at a given time. As discussed above, **such apparent malleability can have disastrous consequences**.34

Another problem with Paulsen’s view is the assumption that Justices can rely on principles of interpretation devoid of their own policy preferences. To be sure, Justices should avoid relying on policy prerogatives; as Lewis F. Powell noted, “[t]he respect given the Court by the public and by the other branches of government rests in large part on the knowledge that the Court is not composed of unelected judges free to write their policy views into law.”35 However, it seems unlikely that in all cases, or even in a significant majority, Justices can wholly remove their personal policy preferences from their decisional calculus, especially in those cases where constitutional meaning is not abundantly clear. **Stare decisis**, rather than acting as a corrupting influence on a Justice’s theory of interpretation, **provides the Justice much needed humility and restraint in tough cases**. Leaders of the other branches of government will find themselves much **less inclined to follow** the decisions of a **Supreme Court** that proves itself, over time, to **shift with the preferences of a constantly changing bench**. The rule of law would be undermined by such an “explicit endorsement of the idea that the Constitution is nothing more than what five Justices say it is.”36

To the average citizen, and indeed even to most professors, the meaning of key provisions of the Constitution remain open to debate. If the opposite were true, there would be little reason for Justices to hear oral arguments or take any time in considering their opinions. Given the lack of clarity, a Court with Justices inclined to follow their own interpretations blindly, irrespective of precedent, is almost certain to appear driven by policy preferences, even if the Justices’ views are not. The powerful weapon of overruling a prior decision should be wielded infrequently.

Granted, the decisions on which the Justices of today rely may have been influenced by the policy preferences of those that came before them. But in most cases it is better to rely on those decisions than to appear to allow present political pressure to influence modern jurisprudence. Although many celebrated decisions have made marked breaks from past jurisprudence, the infrequency of such deviations from established precedent contributes to the reverence those decisions warrant, and it is only because the Court has refrained from creating fractures more often that its legitimacy has withstood the social unrest those rare breaks have triggered.

If rational citizens concluded that **political pressure influenced the Court**, they might seek relief from prior decisions simply because of its inconsistency with a new Justice’s approach. Such relief can be a **destructive force**.37 It implies that the Court can manipulate the Constitution at will, and therefore a rational citizen has little reason to respect the decisions of the Court interpreting the Constitution until they find the current interpretation agreeable. The citizen would be motivated to either ignore the Court’s edict or perpetually litigate their own interpretation until the Court is persuaded or new appointees adopt their view. And the more the Court and its decisions appear arbitrary, the more real becomes the danger of not just a citizen ignoring it, but rather an entire branch of government. As noted by Thomas W. Merrill, “If judges are restrained, that is, if they adhere to the jurisprudence of no surprises, then the proponents of social change through law will have to look elsewhere in order to achieve their reforms.”38 **Thus, stare decisis holds great value in its ability to avoid the problems of perpetual litigation and afford a necessary finality to the Court’s decisions.**

The advantages of stare decisis are also clear in cases that draw significant public scrutiny. In those cases, perpetual litigation is the norm and parties refuse to concede any perceived gains they have made towards their positions. Once a decision has been reached, that decision should be final, so as to avoid drawn-out uncertainties that have arisen in some political controversies.39

One might respond that the need for consistency is overblown; instead, and especially in those cases which are most hotly contested and fiercely debated, reaching a correct resolution should be even more important than in trivial disputes.40 My response is simply that, were such clearly “correct” resolutions possible, it would certainly seem right to favor them. But both at the time of the original controversy and in later cases which present similar or identical issues, **the correct outcome is seldom obvious**. Further, each decision that can be described as a “correction” of earlier jurisprudence proclaims the Court’s fallibility, and alternatively suggests that the Court’s interpretation of the Constitution is driven by the personalities that happen to occupy its bench. A decision that “corrects” prior jurisprudence risks altering a holding that **may not clearly be “wrong” or “right,”** and does so with the potential **cost of the Court’s legitimacy** and the respect which citizens and other branches of government ascribe to the institution—a tremendous risk.

ON CASE (SOLVENCY)

MSDI

**Uniqueness: No serious education reform coming**

**Trump will allow school control to remain with state and local officials.  Empowering teachers matters.**

**Miller, 17** (S.A. Miller reports from the White House on politics, policy and political campaigns for The Washington Times. 4-26-2017. "Donald Trump to pull feds out of K-12 education" Washington Times. http://www.washingtontimes.com/news/2017/apr/26/donald-trump-pull-feds-out-k-12-education/)

**President Trump signed an executive order Wednesday to start pulling the federal government out of K-12 education**, **following through on a campaign promise to return school control to state and local officials.**

The order, dubbed the “**Education Federalism Executive Order**,” **will launch a 300-day review of Obama-era regulations and guidance for school districts and directs Education Secretary Betsy DeVos to modify or repeal measures she deems an overreach by the federal government.**

“For too long the government has imposed its will on state and local governments. The result has been education that spends more and achieves far, far, far less,” Mr. Trump said. “My administration has been working to reverse this federal power grab and give power back to families, cities [and] states — give power back to localities.”

He said that previous administrations had increasingly forced schools to comply with “whims and dictates” from Washington, but his administration would break the trend.

“We know **local communities know it best and do it best**,” said Mr. Trump, who was joined by several Republican governors for the signing. “**The time has come to empower teachers and parents to make the decisions that help their students achieve success**.”

**Trump reducing educational regulations and returning control to the states**

Casey **Quinlan** Policy reporter at ThinkProgress. Nov 17, **2016** https://thinkprogress.org/drastic-education-cuts-could-be-coming-under-trump-650c1ed6e807

Here’s what we do know: As president, **Trump will likely pare back a number of different regulatory and oversight mechanisms employed by the Department of Education**. **A Trump administration would** **probably take a backseat to** investigating civil rights issues and **monitoring states’ implementation of major federal education legislation**. While President **Trump isn’t likely to fulfill a longstanding conservative dream and abolish the Department of Education outright, his policies will likely turn it into a significantly weaker agency.**

**Trump administration will reduce the federal role in education and return control to local schools and classrooms.**

Casey **Quinlan** Policy reporter at ThinkProgress. Nov 17, **2016** https://thinkprogress.org/drastic-education-cuts-could-be-coming-under-trump-650c1ed6e807

**Under a Trump administration**, it’s likely that in addition to the reduction of **a federal role in education** through ESSA, oversight of its implementation **would be dialed back significantly**. A spokeswoman for Alexander [told](https://www.washingtonpost.com/news/education/wp/2016/11/10/what-a-trump-presidency-means-for-americas-public-schools/) The Washington Post that “**The Trump Administration has a prime opportunity to significantly reduce the intrusion of the Education Department into our local schools and classrooms** … When the Trump Administration enforces the Every Student Succeeds Act as written, **the size of the Education Department will be necessarily and appropriately diminished**.”

**Turns Case: Reform fatigue hurts teacher instruction**

**New reforms take up all the time of teachers to implement an administrators to enforce compliance with – this trades off with a focus on instruction and learning, which are the real core of the educational process.**

Matt **Collette** MARCH 5 **2015** 8:45 AM A Painful Decade of School Reform http://www.slate.com/blogs/schooled/2015/03/05/reform\_fatigue\_how\_constant\_change\_demoralizes\_teachers.html

“The whole focus of the prior administration was to make everything small,” said principal Joseph Lisa, who has run I.S. 61 since 2007 and was assistant principal before that. When Bloomberg came to power, I.S. 61, located in the largely poor and immigrant Queens neighborhood of Corona, was indeed a school in need of a turnaround: Test scores were low, and discipline problems were rampant. (One longtime assistant principal, William Voges, described the school he arrived at as “a hellhole of destruction.”) So the school adopted a twist on Bloomberg’s small-schools model, breaking the school down into five distinct academies. The move offered an opportunity to improve the school’s culture and, hopefully, pre-empt any potential reorganization by the city. Each academy was named after a prestigious school—Harvard, Yale, Cornell, Princeton, and Stanford—and staffed by its own assistant principal, dean, and faculty. The idea was that teachers would likely never be able to know more than 2,000 students, but they stood a chance at getting to know a couple hundred. But the small-schools movement quickly became a prime example of the kind of fleeting change that comes and goes before even a class of kindergarteners makes it to middle school. Though small schools ultimately fell out of favor in cities across the country, the staff at I.S. 61 stayed committed to their reorganization. But they began to question the staying power of any change introduced from on high. Some of these changes are much-needed and well-intended. But, almost always, they alter a teacher’s job, requiring additional work outside the classroom to fulfill new requirements or learn to teach in a different way. That consumes a lot of staff time—time that can come to be seen as wasted if the reform fades away. “**Nothing has stuck, so people are thinking, Oh, here we go again,**” said Antonella Caccioppoli, a science and social studies teacher who started teaching 12 years ago, just as the Bloomberg era was beginning**. Lisa understands his staff’s frustration because he feels it himself.** Though he prides himself on working closely with his faculty—his office is just an L-shaped desk at the end of a conference room with a copy machine and spare computer, a workspace frequented by teachers with free periods and administrators who need a place to meet—he’s increasingly unable to devote the time**. He spends 80 percent of his days just making sure the school is in compliance with** city education **mandates. “They’re so worked up about compliance issues and deadlines instead of me being the instructional leader for the school**,” he said.

**Reform fatigue risks quality teaching which is more related to success in student learning**

E.D. **HIRSCH** JR. SEP 21, **2016** Don't Blame the Teachers Years of misguided curricular theories are at the core of America’s educational shortcomings. https://www.theatlantic.com/education/archive/2016/09/dont-blame-the-teachers/500552/

Why has the topic of teacher quality suddenly reached such a crescendo? Education reform has been on the national agenda since 1983, the year of A Nation at Risk, but only in the last few years has the teacher-quality issue risen to the top. **I think it may be reform fatigue, possibly desperation**. **The teacher is becoming a convenient scapegoat for America’s education reformers, who, after decades of ideas that have not panned out, cling to the belief that the flaw is not in the reform ideas themselves but in their implementation. Teachers are being blamed for failures not their own**. The “back-to-basics” and “whole-school reform” strategies disappointed. Similarly, as the National Assessment of Educational Progress has [consistently shown](http://www.nationsreportcard.gov/ltt_2012/), the state-standards movement and the No Child Left Behind law have left high-school students just about as far behind as they were before the reforms were instituted. Charter schools, despite their laudable triumphs, are highly uneven in quality, and their overall results are not much better than those of regular schools. **Teachers have understandably become demoralized by being constantly blamed for failures not of their own making**. Here is the new conventional wisdom about teachers taken from [a 2013 article](http://www.governing.com/blogs/bfc/col-school-teacher-education-preparation-setting-higher-standards.html) in the nonpartisan policy magazine Governingof June 13, 2013: The research is clear: Teacher quality affects student learning more than any other school-based variable(issues such as income and parental education levels are external). And the impact of student achievement on economic competitiveness is equally clear. That’s why it’s so disturbing that in 2010, the SAT scores of students intending to pursue undergraduate education degrees [ranked 25th out of 29 majors](http://professionals.collegeboard.com/profdownload/2010-total-group-profile-report-cbs.pdf)generally associated with four-year degree programs. The test scores of students seeking to enter graduate education programs are similarly low, and, on average, undergraduate education majors score even lower than the graduate education applicant pool as a whole. Education schools long have accepted under-qualified students, then offered them programs heavy on pedagogy and child development and light on subject-matter content. This scientific-sounding comment is incorrect from the start. The assertion that “Teacher quality affects student learning more than any other school-based variable” isn’t corroborated. According to [research summaries](https://www.brookings.edu/research/dont-forget-curriculum/) by Russ Whitehurst, a senior fellow at the Brookings Institution, a better curriculum can range from being slightly to dramatically more effective than a better teacher. That’s not surprising when you consider that the curriculum is what teachers teach and what students are supposed to learn. Evaluating teachers based on how much they contribute to student progress in reading, for example, doesn’t make sense under current conditions in American schools. The curriculum-blind standardized tests focus on the measurement of nonexistent general skills like the ability to find the main idea, making it impossible to accurately determine a teacher’s impact on student achievement. As I show in detail in Why Knowledge Matters, current modes of testing cannot identify which student achievements and progress are the result of school instruction. The attempt to statistically calculate the “value added” by the teacher is inherently invalid. **The most likely cause of disappointing results from the various reforms is not poor teaching but poorly conceived reforms**. They have been primarily structural in character. **They have not systematically grappled with the grade-by-grade specifics and coherence of the elementary-school curriculum. Educational success is ultimately defined by what students learn**. If the grade-by-grade content of schooling remains undefined, schooling will remain unproductive over the long run, no matter who is teaching.

**Reform fatigue is a primary risk to teacher success – causes lack of morale and overall cynicism, which is the most important thing to student success and educational performance.**

Daniel **Hurst**, Guardian Australia political correspondent Tuesday 1 April **2014** 02.08 EDT https://www.theguardian.com/world/2014/apr/01/hasty-curriculum-changes-will-demoralise-teachers-review-told

**Teachers suffering “reform fatigue” will be disheartened and demoralised by hasty changes to the national school curriculum,** educators have told a review ordered by the Abbott government. In January the education minister, Christopher Pyne, commissioned two critics of the national curriculum to conduct the Coalition’s promised review, partly to address claims that it downplayed the benefits of western civilisation and the importance of Anzac Day. The conservative education commentator Kevin Donnelly and the public policy academic Ken Wiltshire were due to provide the government an interim report on Monday, but it is not expected to be released before the midyear completion deadline. In a submission, the University of Queensland’s school of education argued the review was “compromised by its short time frame, limited representation of educational and discipline expertise amongst the review committee, and lack of available data on the effectiveness of its implementation”. The school said **there was clear international evidence that reforms leading to improved educational performance depended on focus, persistence and capacity-building**. Teachers were already experiencing “reform fatigue” as a result of the constant pace of curriculum change. “**Teachers become disheartened, and then cynical, when there are unclear messages** about why a new curriculum is beneficial for students’ learning,” the head of the school of education, Merrilyn Goos, wrote in a submission backed by eight colleagues. “Applying these ideas to national curriculum reform such as we are currently experiencing in Australia highlights the need for time and support to be provided to everyone involved in the implementation – especially teachers. A hasty review before there is time for thorough trialling of curriculum documents is demoralising for those who are responsible for development and implementation.” Jane Hunter, a specialist in curriculum and pedagogy at the University of Western Sydney’s school of education, warned the government against tinkering with the curriculum, saying it would “come at the expense of the ever-diminishing bucket of teacher morale”. “I write to you from the perspective of being a teacher, an academic and researcher in teacher education for the past 25 years,” Hunter said in a submission. “The review is not necessary at this time. I say not necessary because many schools, teachers, parents and principals have already commenced development and implementation of the Australian curriculum. “The work already completed has required hours of time both in and out of school. **When politics gets in the way of the work of schools it is often not helpful**. This is again, under minister Pyne, one such case.” Hunter said the announcement of the review destabilised education and sent a message to schools that what they did could not be trusted. The Australian Literacy Educators’ Association told the review that the constant call for a “back to basics” curriculum or a return to past models was “**not a constructive way to nurture a profession striving to prepare students for the demands of the 21st century”**. It said any changes needed to be seen as an improvement of what was already in place “rather than another overhaul, as teachers will lose energy, confidence and trust”. The Australian Association for the Teaching of English wrote: “**Too much change in too short a period in fact militates against real improvement in teaching practice and potential student learning achievement because is an unproductive distraction from the important business of quality teaching**.”

**Federal reform fails – must include the perspectives of teachers and students who experience the system on a daily basis through collaboration to solve anything.**

Lisa **Petrides** is the president and founder of the Institute for the Study of Knowledge Management in Education and a former professor at Teachers College, Columbia University. Published Online: March 23, **2010** COMMENTARY Big Ideas and Reform Fatigue Working With Educators to Redesign Learning http://www.edweek.org/ew/articles/2010/03/23/27petrides.h29.html

These changes cannot wait for big thinkers to handy b down ideas from above, however. Brewster Kahle, the founder of the Internet Archive, suggested at the Fest that **change had to occur not by following rules, but by urging participants to buck the trends**, flout the rules, and “ask for permission later.” His message: These changes will be the byproduct of efforts by educators and policymakers to work together to break through current constraints, including the traditional use of school time, limits on technology use in schools, testing regimens and accountability requirements, isolation of teachers, and other factors. **Many years’ worth of data collected from educator surveys indicates that teachers have long been clamoring to take on new roles and work collaboratively. New federal resources for innovation provide an opportunity to bring educators to the table to think through new ways of doing business that will help us break through the cycle of endless tinkering and indifference**. This is an opportunity that should not be wasted. As states, districts, and communities consider strategies for innovation and collaboration**, we need to make sure that we are bringing the right people to address the right problems.** **It will require doing more than rounding up the usual suspects to develop yet more proposals; it will mean bringing together a broad range of talent, including those in the classroom who can help bring the wisdom of practice into policy development and system redesign**. Contrary to the views of some policymakers, **efforts to reconsider directions and approaches for schooling must include those who understand the needs of students and experience daily the problems in the current system**. Linking together the skills and knowledge of innovators and educators from around the world to tackle some of these challenges may prove to be the biggest idea of all.

**2NC**

**Top down, federal efforts to reform education fail.  We need a new paradigm.  A de-bureaucratization is necessary – the views of students and educators matter way more.**

[Andrew **Wilk**](http://headinthesandblog.org/author/andrew/) on [April 20, **2016**](http://headinthesandblog.org/2016/04/how-do-we-get-past-the-fatigue-frustration-and-fear-of-our-national-reforms/) in [Blog](http://headinthesandblog.org/category/blog/) • [1 Comment](http://headinthesandblog.org/2016/04/how-do-we-get-past-the-fatigue-frustration-and-fear-of-our-national-reforms/#comments) How do we get past the fatigue, frustration, and fear of our national ed reforms? http://headinthesandblog.org/2016/04/how-do-we-get-past-the-fatigue-frustration-and-fear-of-our-national-reforms/

**We need a new paradigm if we are to transform our public schools. The 19th century** factory model of education **has certainly run its course**, and continuing to scaffold new programs and promises onto a “[seat time centered](http://edglossary.org/seat-time/)” public school structure is a losing proposition because it fundamentally fails to meet student educational needs.

**The key to real improvement is, I believe, to “de-bureaucratize” our public schools** by giving ownership and responsibility for success back to our students. Although it has been tried in dribs and drabs in our public and charter schools over the past few years, it might be time to revolutionize all of our classrooms by putting [competency-based education](http://www.ed.gov/oii-news/competency-based-learning-or-personalized-learning) (CBE) at the forefront of our national reform agenda.

**The problem with the many top-down federal and state efforts to reform public education by way of laws, regulations, and mandated goals over the past couple of decades is fairly obvious: They all have relied on a hammer to get the job done**. The threat of withdrawing plaudits or cash—or of awarding them if some improvement can be identified—means that the day the hammer is withdrawn is the day everyone can go back to business as usual.

This pretty much boils down to handing out more and more diplomas to high school graduates who are more and more unprepared for college and career because seat time instruction is—for reasons that surpass all understanding—still considered a reasonable measure of actual learning. **A heavily bureaucratized and regimented educational establishment provides lots of comfortable rules and steady paychecks** (like the U.S. Postal Service), **but it is a dismal failure for our children.**

Indeed, a frightening—but wholly unsurprising—[report](https://edtrust.org/resource/meandering-toward-graduation/) just issued by The Education Trust points out that a scant 8 percent of high school graduates are completing college and career ready courses of study before graduating. All those hundreds and hundreds of millions of dollars spent hammering home reform have seemingly added up to zilch in far too many districts.

So here we are now, with a federal law called Every Student Succeeds Act that allows for some accountability but leaves it to states to create their own hammers and then hit themselves with them when they don’t like what they see. **In recent years school reform has become secondary to the need to make failure politically palatable.** We forget that the original purpose of all this effort was to help our students to learn.

The no-nonsense NCLB notion of closing schools that fail to educate their students has largely died due to bare-knuckled political pushback from both local communities and unions. We now instead actively avoid labeling schools as failing or deficient because schools hate being labeled as failing or deficient (imagine that).

Encouraged by the very educators who might be embarrassed by the results, more states are questioning the value of standardized tests, more parents (mostly white and suburban) are pulling their students out of these tests, and more pundits and politicians are presenting the basic concept of gathering academic outcome data through testing as some sort of sinister plot to undermine the republic.

**All these years of the hammer have apparently not done much other than anger a lot of people who might have been allies, blown through truckloads of cash, and left everyone a bit dazed by the human cost of all this reform—fatigue, frustration, and fear**.

**So perhaps it is time to put the hammer back in our toolbox and consider a different way of approaching school reform because not every problem is a nail.**

**1.** **The idea that education fixes inequality is misguided**

Marsh, Pennsylvania State University Assistant Professor of English, 2011

[John, 8/28/2011, The Chronicle Review, “Why Education Is Not an Economic Panacea”, http://www.chronicle.com/article/Why-Education-Is-Not-an/128790, accessed 7/2/2017, RV]

To put it bluntly, can we teach our way out of poverty and economic inequality, as so many people in and out of power so fervently hope? Reluctantly, I have concluded that education bears far too much of the burden of our hopes for economic justice, and, moreover, that we ask education to accomplish things it simply cannot do.

While this thesis—that education alone will not change things— has occasionally surfaced, few writers have given it the extended treatment it requires. I know, because when I began to have my doubts about the Odyssey Project, I went looking for answers to my questions and had to look hard for anyone else even asking them. When did the belief in education as an economic panacea arise? Why? More empirically, is it true? If not, why has it proved so attractive? Why do so many people, especially those in power, so urgently want to believe it? And how has it influenced what teachers and students do or imagine what they do? Finally, if it is not true that education will solve poverty and inequality, what might?

Within the last few years, a number of critics have begun to challenge our unexamined faith in "college for all," as one economist has put it. Unlike those critics, mostly conservatives, I do not argue that too many students are going to college (Charles Murray), that the United States has overinvested in higher education (Richard Vedder), that more young people should enter the trades rather than attend college (Murray, Vedder, and Matthew B. Crawford), or that since college teaches "few useful job skills," a degree, as the economist Bryan Caplan puts it, merely signals "to employers that graduates are smart, hardworking, and conformist" (Murray, Vedder, Crawford, and others too numerous to mention). Nor, as other critics have begun to argue, do I believe that a college degree has ceased to offer a good return on a young person's investment of time and money. As nearly every economist and journalist who has studied this manufactured controversy has shown, college continues to pay off. Even those like me foolish enough to major in English or some other supposedly irrelevant humanities or fine-arts discipline still earn, on average, more than those with only a high-school degree, and more than enough to offset the costs of tuition and forgone earnings needed to earn a degree. Indeed, today the *starting* salary for someone with a degree in English ($37,800) is higher than the *average* income of all those, including older and experienced workers, with only a high-school degree ($32,000).

Yet we find ourselves in an unusual position. The advice we would offer every halfway intelligent young person with a pulse—go to college—is not, I argue, counsel we can offer a whole generation of young people, let alone adults like those who might have enrolled in the Odyssey Project. An is ("Education pays") is not an ought ("Everyone ought to get an education). Some people may escape poverty and low incomes through education, but a problem arises when education becomes the only escape route from those conditions—because that road will very quickly become bottlenecked. As the political scientist Gordon Lafer has written, "It is appropriate for every parent to hope that their child becomes a professional; but it is not appropriate for federal policy makers to hope that every American becomes one." As Bryan Caplan has also put it, "Going to college is a lot like standing up at a concert to see better. Selfishly speaking, it works, but from a social point of view, we shouldn't encourage it."

Unlike others who argue this point, however, my concern is not with the inefficiencies that come from everyone standing up to see better but, rather, with the injustices that result. That is, my concern is with those who cannot stand up, those who, because of lack of ability, lack of interest, or other barriers to entry, do not or cannot earn a college degree. Insisting that they really should is neither a wise nor a particularly humane solution to the problem those workers will encounter in the labor market.

Nor is it a particularly feasible one. The U.S. economy, despite claims to the contrary, will continue to produce more jobs that do not require a college degree than jobs that do. A college degree will not make those jobs pay any more than the pittance they currently do. As some of my colleagues from graduate school could confirm, a Ph.D. working as a bartender earns bartender wages, not a professor's salary. What will make those bartending and other jobs outside the professions pay something closer to a living wage—if not a living wage itself—constitutes, to my mind, one of the major public-policy challenges of the 21st century. Education, however, is not the answer.

In terms of educational and economic policy, we may have even put the cart in front of the horse. As it stands, we seek to decrease inequality and poverty by improving educational enrollment, performance, and attainment. A good deal of evidence, however, suggests that we should do just the opposite. Only by first decreasing inequality and poverty might we then improve educational outcomes.

**TURN: Education is increasing the racial inequality gap**

Guo, Washington Post Reporter, 2016

[Jeff, 10/3/2016, The Washington Post, “Why black workers who do everything right still get left behind”, <https://www.washingtonpost.com/news/wonk/wp/2016/10/03/why-black-workers-who-do-everything-right-still-get-left-behind/?utm_term=.193b529714aa>, accessed 7/2/2017, RV]

It used to be that low-skilled black workers suffered the greatest disadvantage relative to their white counterparts. But there has been a strange reversal in the past 40 years. EPI finds that the black-white wage gap has become wider — and is widening faster — among those with *more* education.

This chart illustrates the history of the wage gap among men with less than 10 years of job experience. The early years are the most crucial in a person’s career, and also the most sensitive to fluctuations in the job market.

In 1980, black men entering the job market with just a high school diploma earned 15 percent less than similar white men on average. In contrast, black men with bachelor’s degrees or more earned only 5 percent less than similar white male college graduates.

College, in other words, once seemed a surefire route to something approaching racial equity. Nowadays, the picture is more complicated.

While the racial wage gap among less-educated men has held steady at about 15 percent, that gap for men with college diplomas increased significantly in the 1980s, and now hovers between 15 and 20 percent. In 2014, the penalty for being educated-while-black was about 18 percent. The penalty for less-educated black men was 16 percent.

A similar pattern exists for women. Among less-educated women with less than 10 years of job experience, the black-white wage gap was 6.2 percent in 2014. But among college-educated women, the wage gap was closer to 12 percent.

The authors of the report — Valerie Wilson, director of EPI's program on race, ethnicity and the economy, and William Rodgers III — calculate how different factors have contributed to these changes.

Among early-career men, for instance, the earnings disparities between white and black workers have widened by about 3 percent since 1979. These disparities would have been even wider had African Americans not made gains in college attainment during this time. But that educational progress was overshadowed, the researchers say, by two major forces: increasing discrimination and increasing income inequality.

“We have minimum wages, but there isn’t a wage ceiling,” Wilson said. “There’s much more room for discrimination and inequality at the top. What’s happened is that the top one percent have really pulled away.”

Income growth in recent decades has been limited, more or less, to the highest echelon of earners, a group that is overwhelmingly white. Out of every 1,000 households in the top 1 percent, only two are black, while about 910 are white. And so, as economic forces lifted the incomes of the 1 percent, the blacks on lower rungs of the economic ladder have been largely left behind.

Much of those income gains were concentrated among financial-sector workers and corporate executives — occupations where blacks remain highly underrepresented. In part, African Americans  are not given the same opportunities to rise; lawsuits have accused Merrill Lynch, for instance, of systematically discriminating against its black brokers. And in part, black workers simply don’t have the right connections to get ahead.

Finance and management still remain very white-dominated, and those are the occupations that are seeing the highest rates of return,” Harvard sociologist Devah Pager, who was not involved in the study, said in an interview.“And to an extent, those kind of jobs are filled through elite networks that African Americans have been historically excluded from.”

These facts help explain why a recent Pew Research Center survey shows that African Americans with more education perceive more economic inequality. Among blacks with four-year college degrees, 81 percent say that blacks today are financially worse off than whites. But among blacks with no college experience, only 46 percent agree with that statement.

Pew also finds that college-educated blacks are more likely to report personal experiences with discrimination, and more likely to say that being black makes it harder to get ahead in life.

The data suggest an irony: By climbing the economic ladder, African Americans get perspective on the full system of inequality in America.