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December 2, 2015

The Honorable Paul Ryan
Speaker of the House
United States House of Representatives
1233 Longworth House Office Building
Washington, DC 20515

Dear Speaker Ryan,

As a State Senator, it never ceases to amaze me how often our federal officials easily overlook the constitutional principle of federalism and the U.S. Constitution's guarantee that the States have a republican form of government. This lack of constitutional integrity is especially true in the arena of education. As someone who has taken the lead in the Georgia Legislature on attempting to restore state, local, and parental sovereignty over education, I recognize that the real obstacle is the federal government.

I can honestly say I understand the frustration people are feeling in the Republican Party and why they are so willing to support total outsiders in the race for President. People are frustrated that the federal government is too large, fails to do what the Constitution requires, meddles where it has no real authority, and actually creates more problems than it solves.

The latest attempt by Congress to reauthorize ESEA under its new name, Every Student Succeeds Act (ESSA), is a prime example of how the federal government exceeds its constitutional authority. Many of our supporters in the Republican base are wondering why we need a 1061-page federal bill dealing with education policy. I have been told by a member of our congressional delegation that bill's length was needed to repeal many existing federal laws dealing with education. Unfortunately, a review of the bill reveals not much in the way of repeal but that once again the federal government is driving education policy in every State in the Union through grants and waivers.

I certainly recognize that the federal ESSA provides somewhat more flexibility for States than the previous No Child Left Behind (NCLB) reauthorization of ESEA. However, it is not the proper role for the federal government to guide education policy. When will federal officials start to realize that their massive educational reform agenda, almost approaching a 30-year effort, has not improved education? In fact, the federal reform agenda has thrown away countless billions of taxpayer funds into progressive educational schemes that have greatly contributed to the ill-prepared, unruly, and polarized student bodies we now see in many of our universities today.

As for ESSA specifically, here are a few of the issues that I find troubling in the bill. Although Section 8544 (p. 859) assures us that States face no penalties for withdrawing from the Common Core standards or for otherwise revising their standards, ESSA requires that state standards must align with higher-education requirements. Since federal mandates have already ensured that our colleges and universities have aligned their entrance requirements with Common Core (known as College and Career Ready) then it would appear that we again have an entire process, both lengthy and expensive, to readdress college entrance requirements before Georgia could exit the Common Core. Furthermore, ESSA still requires "career and technical education standards" that must align to the federal Workforce Innovation and Opportunity Act (WIOA). It is also apparent that ESSA still requires state educational plans, which includes standards, to comply with 11 existing federal statutes, and that the Secretary of Education must sign off on these plans (Section 1005, amending Section 1111(a)(1)(B), pp. 38-39). These statutes run the gamut from Head Start to WIOA. As with all the previous reform legislation from Goals 2000 onward, this bill is intertwined and additive to the overall federal framework for education. ESSA may mitigate some of the onerous effects of NCLB, but it continues to advance the top-down, federal reform agenda.

I am also greatly troubled by the bill's language that expands the federal role in government preschool in Section 9212, bringing us closer to President's Obama's vision for universal preschool. The best research shows that early education has little to no effect on long-term learning. In fact, the Department of Health and Human Services conducted its own rigorous scientific evaluation of Head Start and found that three- and four-year-old preschoolers had no measureable benefits from the program when evaluated in both the first and third grades. The study even failed to show improvements in parenting outcomes and child health outcomes. There were even negative social-emotional development effects associated with these children who had attended Head Start.

Early education through government programs not only wastes money, but is based on a faulty foundation. The best early childhood learning takes place with family, not government programs. Furthermore, the assurances (pp. 968-969) that the Secretary of Education cannot prescribe early learning development guidelines, standards, or specific assessments, preschool curriculum and the like are meaningless when considering that preschool authority rests within the Department of Health and Human Services (p. 971), and such programs already require adherence to Head Start, which demands federal performance standards, or the Baby Common Core as some have dubbed it. There are already 45 federal early learning and childcare programs that spend \$14.2 billion annually. This bill continues to expand early learning subsidies and will add another \$1 billion in spending over the next four years.

Within this topic of early childhood education, I would be remiss if I did not also mention that data collection on these children is invasive and that these early learning data systems are designed to link with not only the K-12 data systems, but also post-secondary data, and labor data, as well as universal newborn screening and health data systems. This is readily apparent from a quick review of Early Learning Challenge grants from various states. It is truly a cradle-to-grave system of government data collection on the citizens of this nation. Congress is paving the way for the next generation to live in the "brave new world" which facilitates the government's management of its citizens. If history is any guide, when government controls this much information on its citizens, it will abuse its power.

ESSA continues the federal testing mandates (Section 1005, amending Section 1111(b)(2), pp. 52-54). And the types of assessments dictated by the bill include subjective assessments of students' skills and psychological attributes via the requirement to assess higher-order thinking skills (HOTS). Even though the bill states that assessments will not evaluate or access personal or family beliefs or attitudes, by definition, HOTS, as developed in Bloom's Taxonomy, includes not only the cognitive domain, but the affective domain and the psychomotor domain. Particularly, the affective domain includes attitudes, feelings, values, motivations, and the like. The federal government has no business imposing any requirements concerning state assessments, but certainly should not require assessments that target students' psychological profiles.

The bill also incentivizes the Obama administration's pet concept of schools as "community learning centers," perhaps more accurately dubbed "parent replacement centers." This section of the bill, Part B- 21st Century Community Learning Centers (Section 4201, starting on p. 489), creates a service center for youth development that could offer anything from health care and wellness programs to service learning or "environmental literacy." In addition, the Promise Neighborhoods (Section 4624, starting on p. 606) provide another smorgasbord that offer services to train families to promote early learning and child development as well as provide "social, health, nutrition, and mental health services and supports, for children, family members, and community members..." (609-610). The nanny-state just continues to grow in this legislation.

Although I have other concerns about the bill, I would also like to say that the process epitomizes everything that's wrong with how Washington conducts the people's business. ESSA was drafted behind closed doors, by unknown parties. The news was sprung on the public only a day or two before a conference committee was hastily appointed. No draft of the bill was released. After a few hours of discussion, the conference committee quickly approved the document the public was not allowed to see. A final draft of the 1,061-page bill wasn't released until November 30, with a vote planned in the House only two or three days later. Personally, I have not had enough time to wade through every part of the bill. No congressman should be expected

to vote to pass a tome he hasn't even had time to read, and the people are right to expect that their congressman will refuse to do so.

Let me also remind Congress that throughout the federal government's educational reform efforts, there has been a woeful lack of concern for the legislative process in the States. For decades, each reauthorization of ESEA, along with grants such as Race to the Top, ignore the right of the people to decide if they want federal involvement in their local schools. Congress sets up the flow of money straight to State Executive branches. When the people's representatives in the States are bypassed, we no longer have a republican form of government where education is concerned.

Finally, it should give Republicans great pause to consider that every anti-Common Core grassroots group in the nation appear to strongly oppose this bill, and the very organizations (National Governors Association and the Council of Chief State School Officers) that masterminded and engineered the development and rollout of the Common Core are quite pleased with the ESSA and give it their full endorsement. It should also be another red flag that ESSA is a bill that President Obama will readily sign. By now, surely we know that his view of America and his solutions for America are quite different from those of us who believe in a self-governing Republic of free people who do not need a nanny state to look after our best interests. We just need big government to get out of the way and let the people in each of our states determine the best course for their families and their children's education.

Therefore, I am urging you not to even take up this bill for consideration. Instead, I urge you to wait until we have a new President in the White House, hopefully one who would work for greatly decreasing the federal role in education. If this bill is brought to a vote, I ask you to vote no.

Sincerely,

A handwritten signature in black ink that reads "William T. Ligon, Jr." The signature is written in a cursive, slightly slanted style.

William T. Ligon, Jr.
State Senator, 3rd District