



# California Teachers Empowerment Network

*Standing out from the crowd, fully informed on the issues*

*Please note that in addition to the traditional emailing of the CTEN monthly newsletter, we will once again post it on the CTEN blog - <http://www.ctenteachers.blogspot.com/> As usual, there are several controversial issues covered in this letter and we urge you to share your opinions with other teachers.*

January 20, 2016

Dear Colleague,

With the oral arguments in the *Friedrichs* case behind us, we now await the decision from the Supreme Court justices. Judging by what I heard from those in the courtroom and read in various media reports, it would appear that forced teacher union dues will soon be a relic of the past. Anthony Kennedy, the Court's proverbial swing voter and Antonin Scalia, the conservative justice with a soft spot for agency fees, asked questions and made comments that seemed to signal an inclination friendly to the teachers. For example, Justice Kennedy referred to so-called "free riders" as "compelled riders." Scalia appeared to agree with one of the main tenets of the litigant's case, saying at one point, "The problem is that everything that is collectively bargained with the government is within the political sphere, almost by definition."

To read the transcript of the oral arguments, go to

[http://www.supremecourt.gov/oral\\_arguments/argument\\_transcripts/14-915\\_e2p3.pdf](http://www.supremecourt.gov/oral_arguments/argument_transcripts/14-915_e2p3.pdf) Also, *Politico* posted a summary that was typical of many written and can be accessed here - <http://www.politico.com/story/2016/01/supreme-court-public-sector-unions-fees-217572>

As mentioned last month, the Every Student Succeeds Act, which replaces No Child Left Behind, is now law. While no one can be sure how the new law will play out, it can be said that more decisions will be left to the states. Washington isn't ceding all its power but in a sense is letting their teenager take the car out for a spin, with admonitions to hold down the speed and be home by midnight. With the new law not due to go into effect for another year and a half, the states will have plenty of time to sort things out. *Education Week* has good coverage on the new law here - <http://www.edweek.org/ew/articles/2015/12/07/the-every-student-succeeds-act-explained.html>

In the *Washington Post*, opinion writer Michael Gerson claims that the feds lighter footprint will hurt kids, especially minorities. He laments, "A retreat from educational accountability is the measure of our complacency. And what does it say that the one thing everyone in Washington can agree on effectively devalues the educational needs of black children?"

But American Enterprise Institute's Rick Hess isn't having any of Gerson's argument. He writes that Gerson wants more 'nagging' and 'back-seat driving' from Washington.

To read Gerson's piece, go to [https://www.washingtonpost.com/opinions/the-every-student-succeeds-act-will-leave-children-behind/2015/12/28/55a314d8-ad99-11e5-b820-eea4d64be2a1\\_story.html](https://www.washingtonpost.com/opinions/the-every-student-succeeds-act-will-leave-children-behind/2015/12/28/55a314d8-ad99-11e5-b820-eea4d64be2a1_story.html) Hess' no-nonsense rejoinder can be found here - <https://www.aei.org/publication/michael-gerson-wants-more-nagging-and-back-seat-driving-from-washington/>

On the school choice front, the Nevada Educational Savings Account program was dealt another blow last week. The nation's first universal choice program was put on hold after several lawsuits were filed questioning its constitutionality. And now,

*A state judge Monday put the brakes on Nevada's education savings accounts, granting an injunction sought by opponents who said it would drain critical funding resources from Nevada's public schools and is unconstitutional.*

*District Judge James Wilson, in a 16-page ruling, said the state constitution requires "the legislature to set apart or assign money to be used to fund the operation of the public schools, to the exclusion of all other purposes."*

*Wilson said because Senate Bill 302 diverts some general funds appropriated for public schools to fund private school tuition, it violates sections of the constitution.*

Next stop: the Nevada state Supreme Court. For more on the latest legal wrangling, go here - <http://www.reviewjournal.com/news/education/decision-delays-nevada-education-savings-accounts>

A good overview on school choice doings across the country can be found on "Friday Freakout," a weekly blog on the Friedman Foundation website. A recent post asks, "Are Lawsuits Against School Choice Options About Kids or Control?"

*Amicus briefs have been filed to defend Nevada's nearly universal education savings accounts and Douglas County, Colorado's school vouchers. A judge protected New Hampshire's town tuitioning program. And some school districts are suing to end charter school options in California.*

*Very often, opponents in cases like those are important agents of public school systems, such as school boards, districts, superintendents, and others. Unfortunately, a rub exists between those agents' dedication to educating children and the actions they take against options that help children learn. And many people who support both public school employees and educational choices for families are left puzzled.*

*What are lawsuits to thwart the growth of educational choice really about?*

To read more, go to <http://www.edchoice.org/friday-freakout-are-lawsuits-against-school-choice-options-about-kids-or-control/>

And speaking of choice, I will be participating in National School Choice Week events in Sacramento and Irvine next week. For more info on the events, go here [http://www.waaytv.com/ap/domestic/school-choice-week-kicks-off-in-california-with-a-rally/article\\_25208dc0-](http://www.waaytv.com/ap/domestic/school-choice-week-kicks-off-in-california-with-a-rally/article_25208dc0-)

[ccca-5fee-8428-436ac9c23dcb.html](https://www.eventbrite.com/e/oc-the-ed-choice-is-yours-tickets-20835250796?utm_source=eb_email&utm_medium=email&utm_campaign=new_event_email&utm_term=viewmy_event_button) and here - [https://www.eventbrite.com/e/oc-the-ed-choice-is-yours-tickets-20835250796?utm\\_source=eb\\_email&utm\\_medium=email&utm\\_campaign=new\\_event\\_email&utm\\_term=viewmy\\_event\\_button](https://www.eventbrite.com/e/oc-the-ed-choice-is-yours-tickets-20835250796?utm_source=eb_email&utm_medium=email&utm_campaign=new_event_email&utm_term=viewmy_event_button)

To learn more about National School Choice Week, go to <https://schoolchoiceweek.com/>

Last month, the National Council on Teacher Quality released a very interesting report in which 32 percent of high school students claim that they “do not feel positively about their teachers’ content knowledge of the subject matter being taught.” The report drew on responses from nearly 130,000 high school students across the country. The findings also identified that “only 67 percent of students surveyed are challenged by their teachers and their coursework. Additionally, only 59 percent of students reported that their homework assignments help them understand the subject.”

To learn more about the report, go to <http://us1.campaign-archive2.com/?u=c9b11da2ceffae94e1dc196f6&id=71c5565dd0&e=9dc9a1baf8>

I came across a very troubling piece a few weeks ago. The headline blared “Schools violence: Police called out ten times every day.” From the article, I learned that “attempted murder and assault with injury were among the offences investigated at school locations last year.” And, “Serious violence is so common that many schools have now installed panic buttons....” And, “In one shocking incident, a classroom had to be evacuated after a child of five assaulted three staff - including the school principal.”

I had assumed these awful events were happening in one of our big cities, but I was wrong. The story is from the *Belfast Telegraph*. Yes, that Belfast: the capital of Northern Ireland. To read about teachers who go to work in these conditions, go to <http://www.belfasttelegraph.co.uk/news/northern-ireland/schools-violence-police-called-out-ten-times-every-day-34319880.html>

One of the many edu-fads we live with today is that teachers are giving too much homework. To be sure, some do. But in toto, we really don’t, according to *Education Post*’s Caroline Bermudez. In fact, she claims that we don’t demand enough from our students. Quoting Brookings Institution scholar Tom Loveless, she writes,

*...the national conversation about homework has been hijacked by a small group of people—about 15 percent—determined to reduce after-school assignments even though most of us think the homework load is fine or should be heavier.*

*During the past three decades, the homework load has remained remarkably stable, except for 9-year-olds primarily because many students who once did not have any now have some...NAEP data do not support the idea that a large and growing number of students have an onerous amount of homework.*

To read this important piece, go to <http://educationpost.org/america-we-do-not-have-a-homework-problem/>

CTEN has three Facebook pages. If you have a Facebook account, we urge you to visit ours and let us know your thoughts. Having a dialogue among teachers is an effective way to spread

information and share our experiences and ideas. Our original Facebook page can be found here <http://www.facebook.com/home.php?#!/group.php?gid=125866159932&ref=ts> Our second page, which deals with teacher evaluation and transparency, can be accessed here - <http://www.facebook.com/home.php?#!/group.php?gid=126900987357825&ref=ts> Our newest page is Teachers for School Choice and can be accessed here - <https://www.facebook.com/teachersforchoice?fref=ts>

In any event, if you enjoy these letters and find them informative, please pass them along to your colleagues. We know that there are many independent-minded teachers in California who are looking for alternative sources of information. Many thanks, as always, for your interest and support.

Sincerely,  
Larry Sand  
CTEN President