# Federalism DA – Education

## Notes

\*\*\*Credit to Calvin for the states cp solvency cards on the impact modules – I compiled some cards from different files to make the impact modules\*\*\*

This is a net benefit to the states CP.

This DA basically says that the states CP is the squo, but you get to solve more than the aff by saying states are doing other things like foreign languages in the squo – and the aff trades off with that by giving more power to the federal government by taking it away from the states.

**Neg**

To win any of the impact modules, you probably need to win that the states are better at education than the federal government. That’s really the main question of this disad: **Are the states better at education than the government?**

However, if you have evidence saying the USFG isn’t going to fund, for example, foreign language programs, but win that USFG action in one area trades off with education writ large, that means only the states will do that type of education, and now it’s just a question of effectiveness.

1NC: “State level education reforms are coming, and USFG action trades off with state action – so the aff prevents state action on education that’s comparatively better than USFG edu. State action on education is good because X. (For example, states are key to foreign language education)”

Read the impact module that the aff does not solve. For example, if they’re reading a STEM aff, read the foreign languages module as an external impact, otherwise they’ll probably win a larger internal link to your impact (although you could read the first card in the module, “states are necessary for STEM” as solvency defense I guess).

You can go to the states CP, read a “states do X aff” and then read advantages from the aff.

**Aff**

Win that the USFG is better for X area of education than the states.

Say that the 1NC reform card is vague and doesn’t actually say what the states will do.

**Let me know if you have any questions.**

**-Victor Wu (CPS ’18)**

## 1NC – Education

#### State-level education reform is coming now – the Trump administration is supporting state control and a limited federal role

McKenna 16

(Laura, Ph.D. in Political Science, 11.21.17, The Atlantic, “How the GOP's Sweep in the States Will Shape America's Schools,” https://www.theatlantic.com/education/archive/2016/11/how-the-gops-sweep-in-the-states-will-shape-americas-schools/508283/, Accessed: 6.22.17)VW

For people like myself who are closely monitoring what the future will look like for schools, the locus of attention is not on Trump Tower, but on the state capitals, which have the greatest power over America’s classrooms. Like the upheaval that happened with the national election, the states had somewhat of their own shake up this November, with Republicans winning a record number of legislative spots—and a historic high for governorships—in what some have described as a “bloodbath.” Beginning in January 2017, Republicans will control two-thirds of the state legislative chambers, an all-time high. The GOP will control both legislative chambers in 32 states, another all-time high; the same is true for Democrats in just 13 states. Republicans will hold 33 governorships for the first time in 94 years. And 25 states have a Republican trifecta with control of the executive branch and both legislative chambers. These new state-level Republican leaders will certainly make major decisions about America’s schools in the next few years. Experts predict more school-choice legislation, greater conflict over education funding, and increased challenges to teacher-tenure laws. While Republicans are not a monolithic block—their priorities will vary from state to state—the country can expect to see certain trends unfold over the next few years. The states have always controlled education policy in this country; the federal government accounts for only 8 percent or so of all education dollars. Last year’s revision to the law formerly known as No Child Left Behind, the so-called Every Student Succeeds Act (ESSA), consolidated state control even further. Given the Trump administration’s priorities, Kenneth Wong, a professor of education and politics at Brown University, predicted that the federal government would continue to take a backseat to the states. Pat McGuinn, a professor of political science who specializes in education at Drew University in New Jersey, described the influx of these new state-level Republican leaders, aided by their new powers granted to them from last year’s ESSA legislation, as “a perfect storm.” While the states will write and pass the laws that directly affect the funding and organization of America’s schools, Trump and his advisers will shape their agenda on the national stage to advocate for those state-level programs. Vice President-elect Mike Pence, for example, might encourage states to expand on initiatives that he spearheaded as governor of Indiana, according to Wong. These include new procedures for measuring student growth—through things like testing—and for holding teachers accountable for student performance. Pence also pushed to increase funding for quality charter schools while shutting down the failing ones, and expanded the state’s school-voucher program.

#### Federal action on education prevents state education reform – trades off with state power and upsets the balance of federalism

Lawson 13

(Aaron, J.D., University of Michigan Law School, former Staff Attorney at the United States Court of Appeals for the Seventh Circuit, Associate at Edelson PC, Summer 3-1-2013, Brigham Young University Education and Law Journal, Volume 2013, Issue 2, Article 5, “Educational Federalism: A New Case for Reduced Federal Involvement in K-12 Education,” <http://digitalcommons.law.byu.edu/cgi/viewcontent.cgi?article=1333&context=elj>, Accessed: 6.26.17)VW

Every state constitution, in contrast with the Federal Constitution, contains some guarantee of education.18 State courts split into two groups on how to give effect to these guarantees: (1) by evaluating education policy under Equal Protection by declaring education a fundamental right or by treating wealth as a suspect classification,19 or (2) by evaluating education policies under a framework of educational adequacy.20 In either case, these clauses establish substantive educational guarantees on the state level that do not exist at the federal level and provide the courts with a role in ensuring the fulfillment of these guarantees.21 These clauses also help to create a valuable political dynamic, which has inured to the benefit of children. As part of this political dynamic, courts define the contours of these affirmative guarantees, and the legislature fulfills its own constitutional duty by legislating between those boundaries.22 However, when the federal government legislates or regulates in a given field, it necessarily constrains the ability of states to legislate in that same field.23 In the field of education, the ability of courts to protect the rights of children is dependent on the ability of legislatures freely to react to courts. As such, anything that constrains state legislatures also constrains state courts and upsets this valuable political dynamic created by the interaction of state legislatures and state courts. An expansive federal role in educational policymaking is normatively undesirable when it threatens to interfere with this political dynamic. This dynamic receives scant attention in the literature described above. However, mindfulness of this dynamic is crucial to the proper placement of the educational policymaking and regulatory epicenter. Constraints on state legislatures would not be as problematic if the federal government had proven itself adept at guaranteeing adequate educational opportunity for all students. However, RTTT and NCLB have, in some cases, proven remarkably unhelpful for poor and minority students.24 These negative outcomes, of course, are not guaranteed. However, the fact that federal involvement in education has produced undesirable outcomes for poor and minority students should cause policymakers to reexamine whether it is most desirable for the federal government to play such a significant role in education. This Comment argues that it is not.

#### States are key to solve academic excellence which spills over to American military power and economic competitiveness – USFG empirically fails

Lips 08

(Dan, M.A. in Statecraft and National Security Affairs, “Policy Director at US Senate Homeland Security and Governmental Affairs Committee,” 4.21.8, Heritage Foundation, “A Nation Still at Risk: The Case for Federalism and School Choice,” <http://www.heritage.org/education/report/nation-still-risk-the-case-federalism-and-school-choice>, Accessed: 6.22.17)VW

The poor performance of American students may also endanger our future prosperity and even our national security. In the 20th century, the United States was able to claim a position of global strength in large part because of its economic strength. In World War II, America's military power was made possible by U.S. economic strength. The United States won the war in the Atlantic and Pacific in large part because of its technical might and ability to field a superior military. During the Cold War, the strength of the American economy was one of our greatest assets in opposing the expansionism of the Soviet Union. The relationship between economic strength and national power will continue in the 21st century, but the United States is facing new challenges in the increasingly competitive global economy. Best­selling author Thomas Friedman makes this point in his book The World Is Flat, which focuses on the challenges presented by an era of increased global­ization and international competitiveness. In an ever-"flattening" world, many jobs can easily be out­sourced to skilled, lower-cost workers in other countries. This means that, both today and in the future, American workers will have to compete for jobs against workers from around the world. Sadly, there is reason to believe that many Amer­icans may be unprepared for this challenge. Com­parisons between American students and adults on international tests highlight the need to improve the performance of our nation's schools. In 2006, the National Center for Education Sta­tistics reviewed the performance of American adults and students on international tests.[25] The review found that American students were not excelling compared to international students and that, in some subjects, they were performing below average compared to other developed nations. American students scored below average on math and science tests administered to students in developed coun­tries. In math, American 15-year-olds ranked 21st of 29 countries. In science, they ranked 16th. On reading exams, American students fared some­what better-they were average. But is average good enough? If the nation's public schools continue to under­perform, a growing number of American workers will enter the workforce unprepared to hold their own in the increasingly competitive global econ­omy-threatening not only their, but the country's, future prosperity as well as national security. Differing Visions for Reform: Parental Choice vs. Government Command A Nation at Risk was a catalyst for numerous edu­cation reform efforts. Since 1983, many observers have sought to solve the problems in America's schools by increasing federal funding for-and intervention in-the educational system. But President Ronald Reagan had a different vision. When the report was released, he argued that the way to solve the crisis in American educa­tion was to increase parental choice and strengthen state and local control: I believe that parents, not government, have the primary responsibility for the education of their children. Parental authority is not a right conveyed by the state; rather, parents delegate to their elected school board repre­sentatives and State legislators the responsi­bility for their children's schooling…. So, we'll continue to work in the months ahead for passage of tuition tax credits, vouchers, educational savings accounts, voluntary school prayer, and abolishing the Department of Education. Our agenda is to restore quality to education by increasing competition and by strengthening parental choice and local control. I'd like to ask all of you, as well as every citizen who considers this report's recommendations, to work together to restore excellence in America's schools.[26] Regrettably, this agenda was not achieved dur­ing President Reagan's tenure, and subsequent attempts to curtail federal power and promote parental choice in education have achieved only limited success. For the most part, the decades that followed his presidency instead have witnessed the gradual increase in federal authority over the nation's schools-and the continuing decline of American education. Lessons from 25 Years of Education Reforms To address the persistent crisis in America's schools, parents, taxpayers, and policymakers should review the recent decades of reforms. The following are four important lessons that can be drawn from a quarter-century of school reform. LESSON 1: Simply increasing government funding for public education is insufficient. Simply increasing government spending on public education is not the solution to the prob­lems in the nation's public schools. Since 1970, average per-student spending in American public schools has increased by 128 percent-from $4,060 in 1970 to $9,266 in 2005 (after adjusting for inflation). Chart 2 presents the growth in real per-student spending since 1970.[27] Regrettably, American students' performance on long-term measures of academic achievement has not risen correspondingly. Chart 2 also presents the test scores of American students (ages 9, 13, and 17) on the National Assessment of Educational Progress reading exam.[28] American 17-year-olds attained the same average score of 285 in 2004 as in 1971. The average scores of 13- and 9-year-old students were modestly higher (4 points and 9 points, respec­tively) in 2004 than in 1971. These modest gains appear trivial when com­pared to the dramatic increase in per-student fund­ing that occurred over the same period. As Dr. Jay Greene writes in Education Myths, "It is clear from the evidence of our national experience that simply adding more money to the public school system produces no significant improvements…. This evi­dence is strongly confirmed by the existing body of academic research."[29] LESSON 2: Federal intervention needs to be limited. When President Lyndon Johnson signed the Ele­mentary and Secondary Education Act into law in 1965, he declared that "all of those of both parties of Congress who supported the enactment of this leg­islation will be remembered in history as men and women who began a new day of greatness in Amer­ican Society."[30] But after more than four decades, widespread greatness in America's public schools continues to prove elusive. The most recent federal intervention in K-12 education-the No Child Left Behind (NCLB) Act of 2001-has demonstrated the limits and potential dangers of federal intervention. This 1,100-page law established new regulations and requirements for states to receive federal funding for education. Most important, the law requires the states to test students annually from grades three to eight and once in high school and to report student perfor­mance (including disaggregated scores for student subgroups) and progress toward proficiency, known as adequate yearly progress (AYP).[31] Schools that fail to meet AYP goals are subject to remedies, including school choice, after-school tutoring, and school restructuring.[32] These new requirements came with increases in both federal funding and regulation. The Bush Administration, for instance, requested $24.5 bil­lion for NCLB programs for fiscal year 2009-an increase of 41 percent over 2001 levels.[33] But the new funding has come with added costs for states and localities, including significant increases in the amount of resources that must be devoted to com­plying with the federal requirements.[34] After six years, NCLB has demonstrated the lim­its and potential dangers of expanding federal authority in education. A central purpose of NCLB was to require states to adopt high academic stan­dards and provide other options-the possibility to attend another school-to children enrolled in per­sistently low-performing schools, but there is rea­son to believe that NCLB is failing to meet either of these objectives. First, a number of researchers have highlighted how NCLB's requirement that states demonstrate students' proficiency on state examinations has cre­ated an incentive for states to weaken standards to make tests easier to pass.[35] A 2006 study by Univer­sity of California researchers found that the gap between state and NAEP proficiency scores had widened in 10 of 12 states examined since NCLB was enacted.[36] Second, few children are benefiting from NCLB's limited school choice options. The Department of Education reported that only 1 percent of eligible students took advantage of the federally mandated public-school-transfer option between 2004 and 2005.[37] Only 17 percent took advantage of the "supplemental services" (tutoring) option.[38] A Department of Education survey of parents in eight urban school districts found that 27 percent of those who were eligible had been notified about the school-transfer options.[39] This suggests that many public school districts are failing to comply with the federal policy. The Title I program-a centerpiece of federal K-12 education policy since 1965-demonstrates the limits and problems associated with federal inter­vention. Currently funded at $14 billion for 2008, the purpose of Title I has been to provide greater opportunities and resources for disadvantaged chil­dren. But Title I has grown increasingly complex and bureaucratic over time. A 2007 evaluation found that the current Title I funding formula was overly complex and bureaucratic: Rather than delivering effectively on good intentions for helping poor children, con­gressional action over eight reauthorizations has led to a convoluted, bureaucratic sys­tem that is less student-centered, less trans­parent, and therefore less accountable to the public.[40] LESSON 3: Realize the promise of expanding parental choice. Over the past 25 years, progress has been made by expanding school choice and by making public schools accountable to parents and the public. In the 1980s, there was little school choice in America. Today, a growing number of American families are benefiting from the freedom to choose among sev­eral schools. As of this writing, 13 states and Washington, D.C., support private school choice. This year, as many as 150,000 children will use publicly fundedscholarships to attend private school.[41] Millions more will benefit from opportunities to choose schools within the public education system thanks to public school choice and the proliferation of charter schools (independently run public schools). Research evidence with respect to existing pro­grams suggests that school choice is having a posi­tive impact.[42] Surveys of families participating in school choice programs have found that parents are more satisfied with their children's education when they can choose their schools. Researchers studying the effect of private school choice on academic achievement have reported positive effects, both for participating students and for public schools faced with competition from other schools. Moreover, expanding choice within the public school setting is yielding positive results. The grow­ing charter school movement, for example, has led to the creation of innovative schools like the KIPP (Knowledge Is Power Program) Academy schools, which have demonstrated superior results teaching often disadvantaged student populations.[43] A 2004 study by Harvard University economist Caroline Hoxby found that students in charter schools were more likely to be proficient in reading and math than were students in the nearest comparable public school.[44] Widespread public-school choice also has been reported to have positive effects.[45] LESSON 4: State-level reforms can lead to improvement. Improving academic achievement across the nation has proven difficult, but there is good reason to believe that comprehensive state-level education reforms can lead to dramatic improvement in the classroom. Florida represents a promising model of a state that has implemented aggressive education reforms that have led to improvements in academic achieve­ment.[46] Over the past decade, Florida policymakers have established a rigorous accountability system and innovative testing model; have increased the focus on reading, reducing social promotion, pro­viding new pathways for hiring, and rewarding quality teachers; and have expanded public and pri­vate school choice. After ten years, Florida's assertive approach to education reform seems to be working. The state's public-school students have demonstrated signifi­cant improvement on NAEP reading and math exams compared to students nationally. Black and Hispanic students have been improving at a faster rate than their white peers-evidence that the state is succeeding in reducing the ethnic achievement gap. The Sunshine State's experience demonstrates that systemic education reform is possible. What Federal Policymakers Should Do Although the word "education" is not mentioned in the Constitution, the federal government has played a growing role in the funding and regulation of elementary and secondary education since the 1960s. This interventionist policy has hindered rather than advanced the progress of educational improvement in America. The following principles should form the basis for full reform in American education. Resist increasing federal authority. Decades of increased federal intervention have failed to deliver significantly improved student perfor­mance in long-term measures of academic achievement. No Child Left Behind has once again demonstrated the limited and potential unintended consequences of increased federal authority. The federal government provides 9.2 percent of the funding for public education.[47] Members of Congress should recognize the limits of federal authority in education and resist increasing fed­eral power even more. Streamline federal programs and bureaucracy. The federal government currently spends more than $71 billion on elementary and secondary education through more than a hundred pro­grams run by more than a dozen agencies.[48] In 2008, the Bush Administration proposed the ter­mination of 47 Department of Education pro­grams (funded at $3.3 billion in 2008), which had achieved their purpose, are duplicated by other programs, are focused too narrowly, or are unable to demonstrate effectiveness.[49] Each year, Congress also appropriates hundreds of millions of dollars for education earmarks tar­geted for specific purposes chosen by Members of Congress.[50] Federal education reform should consolidate or eliminate federal programs, cut down severely on bureaucracy, and provide funding directly to state and local govern­ments-and let them determine how to allocate resources to best assist students. Reform NCLB to protect transparency and restore state authority. Congress should reform No Child Left Behind to liberate states from excessive federal regulations and bureaucracy and give state and local authorities the opportu­nity to implement reforms designed to meet local students' needs most effectively. This approach was proposed by Senators Jim DeMint (R-SC) and John Cornyn (R-TX) in their Academic Partnerships Lead Us to Success (A-PLUS) Act.[51] This policy would restore federalism and greater state and local control in education, moving decisions affecting students and schools closer to parents and taxpayers and encouraging state-led innovation. A participating state would be allowed to receive its share of funding for NCLB programs free of federal requirements and regu­lations if the state meets basic requirements that include (1) maintaining academic standards and continued annual testing, (2) reporting test per­formance of specific groups of students by dis­aggregating data and reporting information to parents and the public, and (3) continuing to use federal funding to assist disadvantaged stu­dents. The Secretary of Education would have the power to review and terminate the perfor­mance agreement if these terms are not met. This approach would protect state-level aca­demic transparency by removing incentives for states to reduce standards to make tests easier to pass.

**Competitiveness solves great power war**

**Baru 9**

Sanjayais a Professor at the Lee Kuan Yew School in Singapore Geopolitical Implications of the Current Global Financial Crisis, Strategic Analysis, Volume 33, Issue 2 March 2009 , pages 163 – 168

Hence, economic policies and performance do have **strategic consequences**.2 In the modern era, the idea that strong economic performance is the foundation of power was argued most persuasively by historian Paul Kennedy. 'Victory (in war)', Kennedy claimed, 'has repeatedly gone to the side with more flourishing productive base'.3 Drawing attention to the interrelationships between economic wealth, technological innovation, and the ability of states to efficiently mobilize economic and technological resources for power projection and national defence, Kennedy argued that nations that were able to better combine military and economic strength scored over others. 'The fact remains', Kennedy argued, 'that all of the major shifts in the world's military-power balance have followed alterations in the productive balances; and further, that the rising and falling of the various empires and states in the international system has been confirmed by the outcomes of the **major Great Power wars**, where victory has always gone to the side with the greatest material resources'.4 In Kennedy's view, the geopolitical consequences of an economic crisis, or even decline, would be transmitted through a nation's inability to find adequate financial resources to simultaneously sustain economic growth and military power.

## Uniqueness

### UQ – Reform Coming

### UQ – Federal Involvement

#### Trump is pulling the federal government out of K-12 education now

Miller 4/26

(S.A., B.A., White House Correspondent at the Washington Times, 4.26.17, The Washington Times, “Trump to pull feds out of K-12 education,” <http://www.washingtontimes.com/news/2017/apr/26/donald-trump-pull-feds-out-k-12-education/>, Accessed: 7.4.17)VW

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.” Ms. DeVos and Vice President Mike Pence were on hand for the ceremony, which was attended by about 25 people, including teachers, lawmakers and the governors.

#### The Trump administration has set a trend of state control over education reform and a limited federal role

Jacob 17

(Brian A., Senior Fellow at the Brookings Institution and the Walter H. Annenberg Professor of Education Policy, Professor of Economics, and Professor of Education at the University of Michigan, Co-Director of the Education Policy Initiative (EPI) and former director of the Center for Local, State and Urban Policy (CLOSUP), Research Associate at the National Bureau of Economic Research (NBER), 2.2.17, Brookings, “How the U.S. Department of Education can foster education reform in the era of Trump and ESSA,” <https://www.brookings.edu/research/how-the-u-s-department-of-education-can-foster-education-reform-in-the-era-of-trump-and-essa/>, Accessed: 6.22.17)VW

The current administration has vowed to leave education matters up to the states, continuing a movement started with the Every Student Succeeds Act (ESSA), which dramatically limited the federal government’s role in school accountability. While greater local control certainly has some benefits, it risks exacerbating the massive disparities in educational performance across states that already exists. In 2015, there was almost a 30 percentile point difference in 4th grade math proficiency rates between the top and bottom states, only some of which can be explained by state-level social and economic factors. The massive disparity in progress is perhaps even more disturbing. Between 2003 and 2015, student proficiency rates grew by over 40 percent in some states, while remaining flat or even declining in other states. The Department of Education (DoED) should take steps to highlight these disparities by identifying the lowest performing states and providing information on the status and progress of all states on a variety of educational metrics. The DoED might also provide modest funding and technical assistance to help demographically similar states work together to improve their public education systems. On the campaign trail, President Trump often called for giving more discretion over education policy to states and localities, critiquing Common Core and what he viewed as other instances of federal overreach. In her recent confirmation hearing, President Trump’s nominee for Education Secretary—Betsy DeVos—repeatedly argued for leaving education matters up to the states. And this desire for local control is not limited to the current administration. In 2015, Congress passed the Every Student Succeeds Act (ESSA) with strong bipartisan support. This legislation replaced the No Child Left Behind (NCLB) system of school accountability with a more narrowly tailored and flexible approach to school reform. Instead of requiring all schools to meet annual performance targets, ESSA requires states to focus on a small set of low-performing schools and gives them considerable latitude to design the interventions they deem appropriate. In discussing ESSA, chair of the Senate Education Committee Lamar Alexander claimed, “The department was in effect acting as a national school board for the 42 states with waivers—100,000 schools. The states were doing fine until the federal government stuck its nose into it…So it was important to get the balls back in the hands of the people who really should have it.”[i] But the evidence suggests that not all states are doing fine. Indeed, there are massive disparities across states in terms of current student performance, and these differences are not merely a factor of the social and economic conditions in the state. All states have been actively engaged in efforts to turnaround failing schools, but the effectiveness of such efforts has varied dramatically across jurisdictions. Public education will (and should) always be driven predominantly by local actors—teachers, administrators, school board members, and state legislators. Even under NCLB, states and districts had a mostly unfettered ability to run schools as they saw fit. But with autonomy comes the potential for greater disparity, as more capable, focused, and well-resourced states pull even further ahead of those with less capacity, fewer resources, and greater political dysfunction.

#### Trump is overturning federal education regulations now – shift to state authority

Brown 17

(Emma, MJ in Journalism, reporter at the Washington Post, 3.27.17, The Washington Post, “Trump signs bills overturning Obama-era education regulations,” <https://www.washingtonpost.com/news/education/wp/2017/03/27/trump-signs-bills-overturning-obama-era-education-regulations/?utm_term=.ab3c0e434996>, Accessed: 6.22.17)VW

President Trump signed bills Monday overturning two Obama-era education regulations, continuing the Republican majority’s effort to undo key pieces of the previous administration’s legacy. Trump’s move scraps new requirements for programs that train new K-12 teachers and rolls back a set of rules outlining how states must carry out the Every Student Succeeds Act, a bipartisan federal law meant to hold schools accountable for student performance. In a signing ceremony at the White House Monday, the president hailed the measures for “removing an additional layer of bureaucracy to encourage freedom in our schools.” Leaders of the Republican majority claimed that the accountability rules represented an executive overreach by former president Barack Obama. Democrats argued that rescinding the rules opens loopholes that states can use to shield poorly performing schools from scrutiny, especially when they fail to serve poor children, minorities, English-language learners and students with disabilities. Civil rights and business groups, including the U.S. Chamber of Commerce, also opposed doing away with the rules. The measure to repeal the regulations passed easily in the GOP-dominated House, but barely made it out of the Senate on a 50 to 49 vote, mostly along party lines. The teacher-preparation regulation, which stemmed from the Higher Education Act, required states to issue annual ratings for training programs within their borders. It was meant to ensure that novice teachers enter classrooms more prepared, but it was broadly unpopular from the start. Teachers unions said the regulations wrongly tied ratings of teacher-training programs to the performance of teachers’ students on standardized tests; colleges and states argued that the rules were onerous and expensive, and many Republicans argued that Obama’s Education Department had overstepped the bounds of executive authority. Both sets of rules were overturned using the Congressional Review Act, a rarely used law that empowers a new president and Congress to overturn regulations promulgated during the last 60 days of the previous administration.

#### States are currently emboldened to take independent action on key issues including climate change and social safety

Frank 17

(Robert H., Ph.D. in Economics, M.A. in statistics, economics professor at the Johnson Graduate School of Management at Cornell University, former Goldwin Smith Professor of Economics, Ethics, and Public Policy, 1.20.17, New York Times, “Federal Policy Will Shift. Not All States Will Shift With It,” <https://www.nytimes.com/2017/01/20/upshot/federal-policy-will-shift-not-all-states-will-shift-with-it.html?mcubz=1&_r=0>, Accessed: 6.22.17)VWkorea

Bitter divisions about the proper role of government in the United States have always been with us. Within broad limits, our Constitution’s response to this reality has been to empower states to adopt policies tailored to their own constituents’ beliefs and values. So in the wake of an unusually divisive presidential election, vigorous state-level actions to offset specific changes in federal policy are already underway. A case in point is the response of Gov. Jerry Brown of California to President Trump’s skepticism about the threat posed by climate change. Because effective measures to combat global warming must be planetary in scope, most scientists saw the recent 195-nation Paris agreement as a hopeful step. But many of Mr. Trump’s supporters have urged him to abandon that plan. In reaction, Mr. Brown, a Democrat, has doubled down on California’s efforts to negotiate carbon-reduction agreements with other states and countries. That strategy, he explained, can serve two ends: to demonstrate that such agreements not only do not destroy jobs, but actually increase employment, and to show that the agreements work, leading to significant reductions in emissions even as the struggle for broader action continues. Blue-state voters, who by definition tend to favor Democrats, are more likely than others to oppose the Trump agenda. Yet those states are also likely to find themselves in an intriguing financial position as a result of Mr. Trump’s policies. Consider that blue states send much more money to Washington than they receive, while the reverse is true for red states, which tend to favor Republicans. Blue states also enjoy significantly higher per capita income than red states and are home to a disproportionate share of the nation’s highest earners. The upshot is that if the Trump administration cuts taxes on top earners as expected, the federal tax burden on blue states will fall especially sharply. Those states will thus have new fiscal flexibility, should they choose to offset other aspects of the Trump agenda. Blue states, for example, are more likely to favor a generous social safety net. For the better part of a century in many states, that safety net has included the services of Planned Parenthood, which include the diagnosis and treatment of sexually transmitted infections, contraception and cancer screening. For every dollar spent on those services, the organization saves society many more dollars in future social costs, not to mention untold human heartache. But a small percentage of its services involve abortions, and Republicans in Congress have pledged to withdraw federal support for Planned Parenthood entirely. Texas recently took that step at the state level, amid reports that its maternal death rates have soared. Reasonable people can hold different views about how best to revere the sanctity of life. States that wish to maintain support for Planned Parenthood can do so by imposing higher state levies on those whose federal taxes were cut by Mr. Trump. Perhaps the most conspicuous problems for the social safety net arise from the Republican pledge to repeal the Affordable Care Act. As with efforts to curb greenhouse gases, the task of providing broad access to health care is much better handled at the federal level than at the state level. The concern is that guaranteeing coverage at the state level could attract new beneficiaries from neighboring states that don’t provide such guarantees, making the program prohibitively costly. But the health care initiative implemented by Mitt Romney during his governorship of Massachusetts, which was based on proposals by the conservative Heritage Foundation, effectively put that concern to rest. Repeal of Obamacare would mean large federal tax cuts for top earners in every state, creating budgetary headroom for states to adopt their own versions of Romneycare. States don’t have absolutely unlimited freedom to impose higher levies on top earners, because if any one state raised its rates, top earners could flee to neighboring states. And there have indeed been examples of individuals who have relocated in search of lower taxes. But here, too, experience in California is reassuring. Facing budget shortfalls and cutbacks in essential public services, the state’s voters approved Proposition 30 in 2012, which raised the state’s top marginal income tax rate to over 13 percent, significantly higher than that of any other. Opponents predicted that wealthy California taxpayers would flee in droves to Nevada, Oregon and beyond. But the Institute on Taxation and Economic Policy in Washington reports that these fears were overblown, citing a recent Stanford University study. It found that million-dollar income earners are actually less likely to move than Americans earning only average wages; fewer than 2 percent of the tiny fraction of those millionaires who did move cited taxes as a factor. Are wealthy blue-state voters chumps for not fleeing the higher taxes? Perhaps they believe, plausibly, that their lives are better with a more balanced mix of public and private consumption, with good parks and schools, highways and rail systems for everyone, and not just spectacular homes for themselves and their own families. They may also understand that their ability to bid successfully for things they prize — homesites with views, for instance — depends almost entirely on their relative purchasing power, which isn’t affected much when they and their peers face slightly higher tax rates. Which approach is best? The genius of the drafters of our Constitution was in eschewing attempts to answer such questions theoretically. They understood that progress would be far more likely if the states were free to experiment, often taking positions at odds with those of the federal government. When Democrats controlled the White House in the Obama administration, for example, red states like Kansas employed tax and service cuts to oppose federal budget policy. In the current climate, we can expect blue states to take analogous steps.

#### Trump administration is decreasing regulations now – accountability, federal authority, and equity

Wong 17

(Kenneth K., 3.27.17, Brookings, “Redefining the federal role in public education: The 1st quarter of the Trump “insurgent” presidency,” <https://www.brookings.edu/blog/brown-center-chalkboard/2017/03/27/redefining-the-federal-role-in-public-education-the-1st-quarter-of-the-trump-insurgent-presidency/>, Accessed: 6.22.17)VW

POSSIBLE ROLLBACK ON THE FEDERAL ROLE IN EQUITY AND ACCOUNTABILITY Historically, equity has been a key justification for federal involvement in K-12 education. Since the civil rights movement and the Great Society agenda, federal education programs have been designed to promote equal educational opportunities for all students. Title I of the Elementary and Secondary Education Act of 1965 was part of the president’s War on Poverty. Since the presidency of Reagan, the federal government has broadened its focus to include performance-based accountability. The Trump administration is ready to reverse the federal-state dynamic on both equity and accountability, and the Trump White House has an opportunity to do so in the current political climate. First, the 2015 iteration of ESSA rebalanced federal-state relations by granting states much more control over school accountability and improvement strategies compared to the No Child Left Behind era. Second, the Republican-controlled Congress recently used the Congressional Review Act to further reduce federal authority under ESSA by repealing the “Accountability and State Plans” regulation published by the Obama administration. DeVos now has the opportunity to grant even more power to states as they implement ESSA. Third, the federal government may also choose to withdraw from some of the equity-oriented practices. DeVos is reviewing whether the Department of Education’s Office for Civil Rights will continue an effort that began in 1968 to collect biennial data on schooling opportunities and quality in public schools throughout the country.

## Link

#### Government intervention is zero-sum – education centralization trades off with state autonomy

Marshall et al 13

(Jennifer, M.A. in Statecraft and World Politics, Lindsey Burke, Doctoral Student in Education Policy and Research Methods, Director of the Center for Education Policy at The Heritage Foundation, Rachel Sheffield, M.S., Senior Policy Advisor at Senate Joint Economic Committee, Brittany Corona, Sandra Stotsky, 10.7.13, Heritage Foundation, “Common Core National Standards and Tests: Empty Promises and Increased Federal Overreach Into Education,” <http://www.heritage.org/education/report/common-core-national-standards-and-tests-empty-promises-and-increased-federal>, Accessed: 7.4.17)VW

Americans who cherish limited government must be constantly vigilant of pushes to centralize various aspects of our lives. Government intervention is a zero-sum game; every act of centralization comes at the expense of liberty and the civil society institutions upon which this country was founded. Education is no exception. Growing federal intervention in education over the past half century has come at the expense of state and local school autonomy, and has done little to improve academic outcomes. Every new fad and program has brought not academic excellence but bureaucratic red tape for teachers and school leaders, while wresting away decision-making authority from parents. Despite significant growth in federal intervention, American students are hardly better off now than they were in the 1970s. Graduation rates for disadvantaged students, reading performance, and international competitiveness have remained relatively flat, despite a near tripling of real per-pupil federal expenditures and more than 100 federal education programs. Achievement gaps between children from low-income families and their more affluent peers, and between white and minority children, remain stubbornly persistent. While many of these problems stem from a lack of educational choice and a monopolistic public education system, the growth in federal intervention, programs, and spending has only exacerbated them.

## Impact

**STEM Module – Leadership**

#### The states should take charge of STEM

The Atlantic interviewing Dr. Bertram, 10-17-2013, Dr. Vince Bertram is the president and CEO of Project Lead the Way, a national nonprofit organization dedicated to STEM curriculum and teacher training. "The Innovators Who Are Transforming U.S. Education," <http://www.theatlantic.com/sponsored/chevron-stem/innovators-who-are-transforming-us-education/31/> CAA

The new global economy demands a robust workforce, flush with technical know-how. Unfortunately, education in the United States of America has been failing to meet this need. According to the U.S. Department of Education, American students rank 17th in science and 25th in mathematics among industrialized nations. Despite encouraging signs that lucrative STEM jobs will be greater in number and more accessible than ever in the near future, a national Microsoft survey concluded that only 49 percent of American parents of K–12 students believe STEM education is being treated like a top educational priority. To combat this underachievement, organizational and individual entrepreneurs are changing this status quo with ideas that are shifting the way our country educates its children in the fields of science, technology, engineering and mathematics. Consider Vince Bertram, who was a high school principal who understood the state of STEM education in American classrooms and decided to do something about it. In 2001 and 2002, Bertram implemented the Project Lead The Way program in his Lafayette, Indiana high school. “What we were really focused on was that we had a high percentage of our kids dropping out of school [because] students didn’t have the skills and knowledge to be successful after high school,” Bertram said. “When Project Lead The Way was implemented, we just saw a transformation of our school.” Now, Bertram serves as the organization’s President and CEO. Project Lead The Way prepares American students to participate in the global economy by providing middle and high schools across the country with rigorous STEM education curriculums. PLTW’s curriculums are created jointly by teachers, university educators, engineering professionals and school administrators. This ensures that students have access to the equipment, methodology and hands-on experiences that prepare them for continued learning. “It fundamentally changes the classroom,” Bertram shares. “It’s not a teacher and a lecture as a disseminator of information; rather, it’s the teacher as a coach, a facilitator encouraging students.” It’s working. In more than 4,700 schools in all 50 states and the District of Columbia, Project Lead The Way is helping students perform better, preparing them for both college and careers, and narrowing the achievement gap. By training both students and teachers, PLTW helps ensure there is a strong pipeline of STEM-educated students waiting to fill the jobs of the future by focusing on the teaching of real-world skills that are necessary for any occupation. “What we really teach are problem solving, critical thinking, leadership and collaboration skills,” Bertram explains. “Those are the skills that we want students to acquire, so that they can apply those skills across any discipline, any career they choose.” In much the same way, Linda Kekelis of Techbridge is bringing much-needed STEM education to a subset of the American student body – girls. “We saw that there were so many opportunities for kids in our area,” explained Kekelis. “But knew that most of our students wouldn’t be finding their ways to those opportunities – not because they couldn’t, or they weren’t smart enough, but [because] they didn’t have opportunities or expectations or didn’t know about options like that.” While women consist of 48 percent of workers in all occupations, they only represent 23 percent of STEM workers in the United States. Dr. Kekelis, an expert in gender equity and teacher training, has helped Techbridge to provide 4,000 girls in grades 5-12 with after-school and summer programs, as well as the support networks to maintain their interest in pursuing science and math as a career path. What began as a single program at the Chabot Space & Science Center in Oakland, CA in 1999 is now a citywide movement, based in mentorship, to get young girls interested in pursuing science and mathematics for the rest of their lives. “We heard from our students that they wanted to make the world a better place, and they didn’t see how technology or engineering was compatible with that,” Kekelis said. “We started to introduce our girls to role models who could showcase career options in STEM.” Much like her colleague in Oakland, Dr. Cordelia Ontiveros, Associate Dean of the College of Engineering at California State Polytechnic University, Pomona, has spent her career bringing STEM education to underrepresented students. “We’ve been very successful working with our local schools and our local teachers to encourage additional numbers of Hispanic students to pursue a degree in engineering,” Ontiveros shares, adding that the number of female Hispanic freshmen at Pomona has doubled in the last two years. Dr. Ontiveros also engages with the next generation of engineering students through comprehensive outreach, including to schools that have implemented Project Lead The Way curriculums. About 100 of the 3,000 teachers trained to teach Project Lead The Way programs come from Pomona every year. Having worked with some of the largest engineering firms in the world, Dr. Ontiveros knows full well the value of a diversified engineering pipeline – and why enhancing the pipeline now will produce tangible benefits well into the future. “There are a lot of possibilities out there for [students], Ontiveros said. “Science, technology, engineering and math are all pathways where they can help improve the world around us, make an impact on the economy, and have a very rewarding career and a very rewarding life.” These innovators show the growth potential for American education, and ensure that American students have every door open to them as they prepare to fill the jobs that will move the country forward.

**US leadership in science, technology, and innovation solves a litany of impacts—including climate change and disease**

**Holdren 16**

John P. Holdren (Assistant to the President for Science and Technology, Director of the Office of Science and Technology Policy). “A 21st Century Science, Technology, and Innovation Strategy for America’s National Security.” Product of the Committee on Homeland and National Security of the National Science and Technology Council. May 2016. http://www.defenseinnovationmarketplace.mil/resources/National\_Security\_ST\_Strategy\_2016\_FINAL.PDF

Challenges and Opportunities for the National Security ST&I Enterprise The structure and function of the national security ST&I enterprise need to address not only the global landscape as it exists today, but also the drivers that are reshaping that landscape. The enterprise is facing the following external and internal challenges and opportunities. Globalization of Science and Technology Worldwide, investment in scientific research and development is increasing at a faster pace than it is in the United States. Although the European Union, Japan, and North America still account for the majority of global science and technology investment, relative shares are shifting due to substantial growth in several Asian economies.3 This global investment is accompanied by **rapid growth of ST&I talent** in the rest of the world, accelerated by the increasing internationalization of the scientific research enterprise and the global flow of knowledge. The United States is no longer assured of leadership in all **areas of science and technology critical to national security.** Dramatically increased capacity for science and technology around the world provides not only increased challenges but also increased opportunities to collaborate with partners around the world in the development of technology for U.S. and global security. The goodwill that the United States has generated from ST&I diplomacy and international development is a key enabler for global cooperation, and the enterprise must continue to build and strengthen such relationships. Asymmetric and Unpredictable Threats Threats to national security are often asymmetric, with human or economic risks to the United States far greater than the resources required to develop and deploy the threats. Threats are often difficult to predict because modern science and technology enable many opportunities to cause harm; significant scientific knowledge is instantly available worldwide; and threats do not necessarily require an established scientific or industrial infrastructure that the United States can monitor. The global proliferation of the cyber domain imposes risks to cyber infrastructure and creates the unwanted possibility of instant widespread dissemination of national-security-sensitive information. While advances in many areas of technology are not being driven by weapons production or weaponsfocused R&D, many of the capabilities being developed have significant dual-use potential. Digital connectivity, for instance, brings tremendous societal and economic benefits, enabling rapid flow of information to all corners of the globe. The convergence of engineering design, mathematical analysis, and molecular biology presents opportunities to create entirely novel processes and capabilities in living organisms on a much more rapid scale than traditional recombinant DNA techniques, and to share these designs digitally. Nanotechnology promises the ability to engineer entirely new high-performance materials. Additive manufacturing (3-D printing) will dramatically shrink the barriers between design concepts and reality. These and many other domains of science and technology promise extraordinary economic and social gains for our Nation and the world, but all can potentially be put to use for destructive purposes. Natural Disasters and Humanitarian Crises Threats to global stability posed by challenges such as **pandemics**, extreme **poverty and resource scarcity**, **climate change**, and **natural disasters** require proactive and collaborative solutions that are enabled by scientific and technological advances. The increasing mobility of people and goods across national borders increases the importance and vulnerability of the global commons and escalates the risks posed by threats from infectious diseases. Pressures exerted on natural resources and the climate by expanding global populations and increased demand from a growing middle class have political and socio-economic impacts that threaten global stability and supply chains that support national security. **The United States plays a vital role** in mitigating humanitarian crises and in promoting global stability. The Administration recognizes that few global problems can be solved without U.S. action but also that few can be solved by the United States alone. Whether by developing technologies to deploy around the world for humanitarian purposes or participating in ST&I diplomacy to build global capacity, the national security ST&I enterprise must learn to adopt an integrated approach that leverages strengths and capabilities wherever they exist. Inversion of Technology Flow Advances such as radar and global positioning navigation were developed by the national security ST&I enterprise, and these technologies found broader application later when they became available to the private sector. Today, private-sector commercial technology advances often outpace developments within the Federal national security mission agencies. There is an opportunity for the national security system to benefit from the investments of the private sector and leverage the best technology advances. The national security ST&I enterprise is not currently equipped with tools and processes to identify the best commercial technologies and apply them to national security problems in a timely way. While frameworks and mechanisms exist in specialized cases for harnessing private-sector innovation, too often the most agile and innovative companies are unwilling to work with government national security customers due to the time, cost, and complexity imposed by Federal acquisition processes. Offshoring of Technological Capacity As multinational corporations take advantage of the globalization of technology development capabilities and changing economic environments, their priorities may compete with or overshadow national security interests. This has significant national security implications, as domestic commercial companies strive to maintain their competitive edge by offshoring their manufacturing operations, many of which are part of the supply chains of national-security-critical technologies. Domestic companies also have been steadily increasing investments in their offshore research facilities to leverage the economic and collaborative benefits of globalization. Critical research and development advances are taking place outside the purview of the U.S. national security ST&I enterprise, and the United States could lose leadership in entire areas of domestic technology capacity. Aging National Security ST&I Infrastructure The remarkable achievements of the national security ST&I enterprise in the decades after the Second World War were enabled by investments made over decades in special and unique—and now aging— facilities and infrastructure. Many of these physical plants date to the dawn of the Cold War or even before, and reinvestment in many cases has been on hold due to other priorities. The race to stay ahead of the increasingly sophisticated technology of **potential adversaries**—and enable **continuing support of partners and allies**—requires continued and responsive investment in cutting-edge scientific and engineering facilities, platform technologies, information technology, equipment, and instrumentation. Recognizing the realities of budget constraints, the ST&I enterprise has an opportunity to do better than simply rebuilding or expanding existing physical infrastructure. While security issues must be carefully managed, the enterprise now has the opportunity to reconsider the concept of the walls and fences around facilities. Can the enterprise protect what needs to be protected while cooperating effectively with universities and industry? Can the enterprise build the sorts of physical and cyber infrastructure that promote scientific and technical collaboration, promote meaningful technology transfer for the creation of economic value, and allow entrepreneurs and industry to share facilities, equipment, and production capacity? In some cases, efforts similar to the Army Research Laboratory’s Open Campus Initiative or the Department of Homeland Security’s National Bio and Agro-Defense Facility might serve to increase the effectiveness of U.S. national security ST&I facilities by co-locating and integrating academia, industry, and traditional defense laboratories. Challenges for the National Security ST&I Workforce The recruitment and development of a generation of talented scientists and engineers who dedicated their careers to national security was critical to the Cold War technology achievements of the United States. The national security technical workforce flourished in part because the mission was important and the government enterprise provided the best opportunity to do high-quality and cutting-edge technical work. Over time, less-positive perceptions of service in the Federal Government and declining Federal research budgets have threatened the Federal Government’s ability to attract and retain ST&I talent in key areas of national security capability. Ensuring a diverse and inclusive workplace environment to support a culture of innovation in the national security ST&I enterprise remains a significant challenge. Science and engineering are based on intellectual exchange and collaboration, and groundbreaking technical work requires close-knit and nurtured teams of talented individuals with the freedom to explore and grow. If the U.S. national security ST&I workforce is not valued or treated well, the enterprise risks jeopardizing the call to service and tradition of excellence. Rules meant to promote the responsible use of resources have had unintended consequences. For example, restrictions on travel and conference attendance have diminished the ability of Federal scientists and engineers to advance their technical skills and take advantage of opportunities for technical exchange with the wider professional science and engineering community. The best and brightest scientists and engineers have many opportunities in today’s technology-rich world, and the national security ST&I enterprise must be able to attract and access this talent and provide the tools, processes, and working environment that will sustain motivation and excellence. The Federal Government maintains cumbersome human-resources barriers compared to the best privatesector and university practices. Unlike previous generations, the majority of workers of today and tomorrow may embark on career journeys that are not tied to a single institution with the expectation of lifetime employment. An ability to embrace the healthy and sustainable flow among sectors and organizations that is characteristic of modern private-sector technical careers would improve the quality, flow, and diversity of new entrants in the workforce for national security ST&I. While the call for public service and the national security mission are important in attracting technical talent into Federal service, Federal Government salaries generally are not competitive with other technology employers. In particular, government compensation lags significantly at senior levels, making lateral recruitment from other sectors of qualified and experienced leadership and management talent extremely challenging. With a few exceptions, current regulations and statutory limitations make it very A 21st Century Science, Technology, and Innovation Enterprise for America’s National Security 7 difficult to arrange for exchange or rotational experiences with the private and academic sectors. Opportunities to Revitalize the National Security ST&I Workforce By some estimates, almost half of current national security scientists and engineers will become eligible to retire within the coming decade.4 **Ensuring a robust pipeline** of qualified science, technology, engineering, and mathematics (STEM) talent remains problematic, including the ability to recruit from a diverse pool of American citizens eligible for the clearances necessary for national security work5 . While U.S. citizenship will continue to be required for those working in sensitive areas, the institutions that contribute to the national security science, technology, and innovation infrastructure should be, wherever possible, able to draw on the world’s best and brightest minds regardless of citizenship. The coming wave of retirements affords a once-in-a-generation opportunity for the Federal Government to fundamentally rethink personnel policies to sustain, cultivate, reshape, and promote a world-class national security ST&I workforce. Reliable support for evidence-based programs designed to maintain a diverse and robust STEM education pipeline, including providing robust STEM opportunities for the children of military families at home and abroad, is critical for the U.S. national security ST&I workforce. Opportunities in Science, Technology, and Innovation Diplomacy American values of democracy, rule of law, and freedom of expression help to guide collaboration and norms for conduct in the international scientific community. American scientists and engineers promote meritocracy, transparency, open data, sharing of scientific information and ideas, reproducibility of scientific results, critical thinking, diversity of thought, and respect for intellectual property. International engagement and the formation of partnerships in ST&I provide a platform to share these values, create linkages among international science communities, **promote greater participation of women and underrepresented minorities in science and engineering**, and highlight the role of civil society and nongovernmental actors. Science and technology support governments in formulating evidence-based policies, meeting challenges, and combating threats to international order, including climate change; natural disasters; wildlife trafficking; water, food, and energy security; polar issues; ocean conservation; pandemics; and space security. The United States is committed to harnessing technology and making data available to mitigate the impact of disasters through open mapping, open data, crowdsourced solutions, and other means. Promoting access to high-quality STEM education, training, and opportunities will be a part of U.S. ST&I outreach around the world.

#### Climate change causes extinction and turns all scenarios for nuclear war

**Scheffran et al 16**

Prof. Dr. Jurgen Scheffran (Professor at the Institute for Geography at the University of Hamburg and head of the Research Group Climate Change and Security in the CliSAP Cluster of Excellence and the Center for Earth System Research and Sustainability (CEN). He holds a Ph.D. in physics from Marburg University and has worked at Technical University of Darmstadt, the Potsdam Institute of Climate Impact Research and the University of Illinois), Dr. John Burroughs (Executive Director of the New York-based Lawyers Committee on Nuclear Policy (LCNP), the UN Office of International Association of Lawyers Against Nuclear Arms (IALANA). He represents LCNP and IALANA in Nuclear Non-Proliferation Treaty review proceedings, the United Nations, and other international forums), Anna Leidreiter (Senior Programme Manager Climate and Energy at the World Future Council. She carries out policy research and develops advocacy campaigns with the climate energy team), Rob van Riet (Coordinator of the Peace and Disarmament Programme at the World Future Council), and Alyn Ware (peace educator and nuclear disarmament consultant. He is the Global Coordinator of Parliamentarians for Nuclear Non-proliferation and Disarmament, Director of the Basel Peace Office, a Consultant for the International Association of Lawyers Against Nuclear Arms, a member of the World Future Council and co-chair of its Peace and Disarmament Programme). “The Climate-Nuclear Nexus: Exploring the linkages between climate change and nuclear threats.” World Future Council. Second Edition, April 2016. <http://www.worldfuturecouncil.org/file/2016/01/WFC_2015_The_Climate-Nuclear_Nexus.pdf>

Climate change and nuclear weapons represent two key threats of our time. Climate change endangers ecosystems and social systems all over the world. The degradation of natural resources, the decline of water and food supplies, forced migration, and more frequent and intense disasters will greatly affect population clusters, big and small. Climate-related shocks will add stress to the world’s existing conflicts and act as a “threat multiplier” in already fragile regions. This could contribute to a decline of international stability and trigger hostility between people and nations. Meanwhile, the 15,500 nuclear weapons that remain in the arsenals of only a few states possess the destructive force to destroy life on Earth as we know multiple times over. With nuclear deterrence strategies still in place, and hundreds of weapons on ‘hair trigger alert’, the risks of nuclear war caused by accident, miscalculation or intent remain plentiful and imminent. Despite growing recognition that climate change and nuclear weapons pose critical security risks, the linkages between both threats are largely ignored. However, nuclear and climate risks interfere with each other in a mutually enforcing way. Conflicts induced by climate change could contribute to global insecurity, which, in turn, could enhance the chance of a nuclear weapon being used, could create more fertile breeding grounds for terrorism, including nuclear terrorism, and could feed the ambitions among some states to acquire nuclear arms. Furthermore, as evidenced by a series of incidents in recent years, extreme weather events, environmental degradation and major seismic events can directly impact the safety and security of nuclear installations. Moreover, a nuclear war could lead to a rapid and prolonged drop in average global temperatures and significantly disrupt the global climate for years to come, which would have disastrous implications for agriculture, threatening the food supply for most of the world. Finally, climate change, nuclear weapons and nuclear energy pose threats of intergenerational harm, as evidenced by the transgenerational effects of nuclear testing and nuclear power accidents and the lasting impacts on the climate, environment and public health by carbon emissions. 4 Nuclear energy is a critical issue in both climate change and nuclear weapons debates. Although sometimes offered as a solution to climate change, nuclear energy is neither required for nor capable of solving the climate crisis. Nuclear energy lacks the capacity potential to significantly replace the huge amounts of fossil energy, is not economically viable, and is not flexible to meet demand fluctuations by consumers. Furthermore, it stands in the way of increased renewable energy and enhanced energy efficiency. In addition, the nuclear ‘fuel chain’ contains a variety of problems and risks, including the release of radioactive materials at every stage of the cycle and long-term safety problems of nuclear waste disposal. Another serious problem is the possibility at various stages of the nuclear fuel chain to divert nuclear technologies and know-how toward nuclear weapons development. The recognition of the right to the peaceful uses of nuclear energy in the Nuclear Non-Proliferation Treaty (NPT) further compounds this problem as it encourages states to develop nuclear industries, which can lead to high stakes confrontations and may trigger armed conflict. The discrepancy between long-term goals and concrete steps undermines the conditions for international cooperation in security and climate policy. Despite growing awareness of the urgency of tackling the climate and nuclear threat among policy-makers, academics and civil society, concrete action is lagging behind. Furthermore, there exist international legal obligations both with regard to curbing climate change and achieving universal nuclear disarmament. On both fronts, litigation has been used to ensure these obligations are implemented. Scientists and engineers invented the technologies to exploit fossil energy and nuclear power (both for civilian and military purposes) and so they have a special responsibility in abolishing both. Because of their expertise, they can make major contributions to abolishing nuclear arsenals and developing the technologies necessary for a sustainable energy transition. Preventing the dangers of climate change and nuclear war requires an integrated set of strategies that address the causes as well as the impacts on the natural and social environment. Institutions are needed to strengthen common, ecological and human security, build and reinforce conflict-resolution mechanisms, low-carbon energy alternatives and sustainable lifecycles that respect the capabilities of the living world and create the conditions for viable and sustainable peace.

#### Disease causes extinction – outweighs nuclear war

Guterl, executive editor – Scientific American, 11/28/’12

(Fred, “Armageddon 2.0,” Bulletin of the Atomic Scientists)

The world lived for half a century with the constant specter of nuclear war and its potentially devastating consequences. The end of the Cold War took the potency out of this Armageddon scenario, yet the existential dangers have only multiplied.Today the technologies that pose some of the biggest problems are not so much military as commercial. They come from biology, energy production, and the information sciences -- and are the very technologies that have fueled our prodigious growth as a species. They are far more seductive than nuclear weapons, and more difficult to extricate ourselves from. The technologies we worry about today form the basis of our global civilization and are essential to our survival. The mistake many of us make about the darker aspects of our high-tech civilization is in thinking that we have plenty of time to address them. We may, if we're lucky. But it's more likely that we have less time than we think. There may be a limited window of opportunity for preventing catastrophes such as pandemics, runaway climate change, and cyber attacks on national power grids. Emerging diseases. The influenza pandemic of 2009 is a case in point. Because of rising prosperity and travel, the world has grown more conducive to a destructive flu virus in recent years, many public health officials believe. Most people probably remember 2009 as a time when health officials overreacted. But in truth, the 2009 virus came from nowhere, and by the time it reached the radar screens of health officials, it was already well on its way to spreading far and wide. "H1N1 caught us all with our pants down," says flu expert Robert G. Webster of St. Jude Children's Research Hospital in Memphis, Tennessee. Before it became apparent that the virus was a mild one, health officials must have felt as if they were staring into the abyss. If the virus had been as deadly as, say, the 1918 flu virus or some more recent strains of bird flu, the result would have rivaled what the planners of the 1950s expected from a nuclear war. It would have been a "total disaster," Webster says. "You wouldn't get the gasoline for your car, you wouldn't get the electricity for your power, you wouldn't get the medicines you need. Society as we know it would fall apart."

**STEM Module – Naval Readiness**

#### The states should take charge of STEM

The Atlantic interviewing Dr. Bertram, 10-17-2013, Dr. Vince Bertram is the president and CEO of Project Lead the Way, a national nonprofit organization dedicated to STEM curriculum and teacher training. "The Innovators Who Are Transforming U.S. Education," <http://www.theatlantic.com/sponsored/chevron-stem/innovators-who-are-transforming-us-education/31/> CAA

The new global economy demands a robust workforce, flush with technical know-how. Unfortunately, education in the United States of America has been failing to meet this need. According to the U.S. Department of Education, American students rank 17th in science and 25th in mathematics among industrialized nations. Despite encouraging signs that lucrative STEM jobs will be greater in number and more accessible than ever in the near future, a national Microsoft survey concluded that only 49 percent of American parents of K–12 students believe STEM education is being treated like a top educational priority. To combat this underachievement, organizational and individual entrepreneurs are changing this status quo with ideas that are shifting the way our country educates its children in the fields of science, technology, engineering and mathematics. Consider Vince Bertram, who was a high school principal who understood the state of STEM education in American classrooms and decided to do something about it. In 2001 and 2002, Bertram implemented the Project Lead The Way program in his Lafayette, Indiana high school. “What we were really focused on was that we had a high percentage of our kids dropping out of school [because] students didn’t have the skills and knowledge to be successful after high school,” Bertram said. “When Project Lead The Way was implemented, we just saw a transformation of our school.” Now, Bertram serves as the organization’s President and CEO. Project Lead The Way prepares American students to participate in the global economy by providing middle and high schools across the country with rigorous STEM education curriculums. PLTW’s curriculums are created jointly by teachers, university educators, engineering professionals and school administrators. This ensures that students have access to the equipment, methodology and hands-on experiences that prepare them for continued learning. “It fundamentally changes the classroom,” Bertram shares. “It’s not a teacher and a lecture as a disseminator of information; rather, it’s the teacher as a coach, a facilitator encouraging students.” It’s working. In more than 4,700 schools in all 50 states and the District of Columbia, Project Lead The Way is helping students perform better, preparing them for both college and careers, and narrowing the achievement gap. By training both students and teachers, PLTW helps ensure there is a strong pipeline of STEM-educated students waiting to fill the jobs of the future by focusing on the teaching of real-world skills that are necessary for any occupation. “What we really teach are problem solving, critical thinking, leadership and collaboration skills,” Bertram explains. “Those are the skills that we want students to acquire, so that they can apply those skills across any discipline, any career they choose.” In much the same way, Linda Kekelis of Techbridge is bringing much-needed STEM education to a subset of the American student body – girls. “We saw that there were so many opportunities for kids in our area,” explained Kekelis. “But knew that most of our students wouldn’t be finding their ways to those opportunities – not because they couldn’t, or they weren’t smart enough, but [because] they didn’t have opportunities or expectations or didn’t know about options like that.” While women consist of 48 percent of workers in all occupations, they only represent 23 percent of STEM workers in the United States. Dr. Kekelis, an expert in gender equity and teacher training, has helped Techbridge to provide 4,000 girls in grades 5-12 with after-school and summer programs, as well as the support networks to maintain their interest in pursuing science and math as a career path. What began as a single program at the Chabot Space & Science Center in Oakland, CA in 1999 is now a citywide movement, based in mentorship, to get young girls interested in pursuing science and mathematics for the rest of their lives. “We heard from our students that they wanted to make the world a better place, and they didn’t see how technology or engineering was compatible with that,” Kekelis said. “We started to introduce our girls to role models who could showcase career options in STEM.” Much like her colleague in Oakland, Dr. Cordelia Ontiveros, Associate Dean of the College of Engineering at California State Polytechnic University, Pomona, has spent her career bringing STEM education to underrepresented students. “We’ve been very successful working with our local schools and our local teachers to encourage additional numbers of Hispanic students to pursue a degree in engineering,” Ontiveros shares, adding that the number of female Hispanic freshmen at Pomona has doubled in the last two years. Dr. Ontiveros also engages with the next generation of engineering students through comprehensive outreach, including to schools that have implemented Project Lead The Way curriculums. About 100 of the 3,000 teachers trained to teach Project Lead The Way programs come from Pomona every year. Having worked with some of the largest engineering firms in the world, Dr. Ontiveros knows full well the value of a diversified engineering pipeline – and why enhancing the pipeline now will produce tangible benefits well into the future. “There are a lot of possibilities out there for [students], Ontiveros said. “Science, technology, engineering and math are all pathways where they can help improve the world around us, make an impact on the economy, and have a very rewarding career and a very rewarding life.” These innovators show the growth potential for American education, and ensure that American students have every door open to them as they prepare to fill the jobs that will move the country forward.

#### STEM is specifically key to the Navy’s cyber operations through its Tenth Fleet

**Meadows 15**

David E. Meadows (MBA, MS, author of The Sixth Fleet). “STEM Is a 21st Century Critical Element of National Security.” SIGNAL, a publication of the Armed Forces Communications and Electronics Association. July 9th, 2015. <http://www.afcea.org/content/?q=Blog-stem-21st-century-critical-element-national-security>

October 4, 1957, is when the world of technology changed for the United States. President Dwight D. Eisenhower awoke to discover the Soviet Union had surged in science and technology by launching Sputnik—the first artificial satellite to orbit the earth. Overnight, the communist giant had become a scientific juggernaut in the eyes of the world. A month later, during National Education Week on November 11, President Eisenhower announced in a nationwide address that the future of national security for America would depend on the need for thousands of scientists in the next 10 years. In the 1990s, the National Science Foundation would combine science, technology, engineering and mathematics into the acronym STEM—composed of these four separate fields that interrelate despite being specific disciplines. The information technology heroes of today and those advancing to the front are rooted in STEM. President Barack Obama in 2009 launched his “Educate to Innovate” policy with a $260 million funding package focused on encouraging STEM education. Six years later, the national budget for 2015 allocates $2.9 billion for STEM education. John Holdren, assistant to the president for science and technology, wrote in a December 2011 report, “High-quality STEM education is critical for the prosperity and security of our nation.” His observation remains as relevant today as did Eisenhower’s in 1957. Dennis Vilorio, Bureau of Labor Statistics (BLS) economist, forecasts a requirement for 9 million new STEM graduates by 2022. And future STEM requirements for the ever-expanding medical field are not included in this total. Companies such as AT&T, Lockheed Martin, CACI, Intel, Microsoft, Motorola, Booz Allen Hamilton and hundreds of others actively are supporting STEM education. As early as 2011, industry was referring to a STEM crisis because corporate America recognized how critical STEM was to business survival. The Navy’s Fleet Cyber Command/Tenth Fleet (FCC/C10F) is a heavy hitter in recognizing the need for STEM professionals. FCC/C10F is responsible for operating and defending the Navy’s networks, communications and space assets and conducting full spectrum cyber operations. Vice Adm. Jan Tighe, USN, the commander of FCC/C10F, says, “The demand for skilled Cyber and SIGINT [signals intelligence] professionals in our mission continues to grow, as the world becomes more dangerous and information technologies more complex. We are intent on building a workforce with a solid foundation in STEM education coupled with keen analytic capability and ingenuity to ensure that they can be most successful in the evolving electromagnetic spectrum and cyberspace domains in which we operate.” If any government agency can say it is a functioning STEM organization, it is the Defense Information Systems Agency (DISA). DISA is active from the high school level to colleges and universities across the nation. It is a technology behemoth created by its primary mission as the command, control, communications, computing, intelligence, surveillance, and reconnaissance (C4ISR) agency for the warfighting forces of the United States. DISA has numerous avenues for identifying and bringing to the agency information technology experts, whether through college scholarships, internships or hiring proven information technology professionals. The DISA Information Assurance Scholarship Program (IASP) is one such avenue. Philip Lagarde is an IASP recipient who graduated from Mississippi State University with a computer science degree. Lagarde says, “After completing my semester as an intern I began work at DISA as a computer scientist putting my coursework to the task. I’m on a team filled with computing superstars as we do everything we can to improve and protect the Defense Department network.” DISA works to place new hires into an information technology field that complements their STEM education. Experienced professionals are assigned as mentors for the new hires in transitioning to a fast-paced technical environment. Eli Konikoff is a technical director within the Mission Assurance department and also Lagarde’s mentor. "Philip Lagarde joined our team as a young intern as part of the DISA STEM recruitment program. I encouraged Philip to share his thoughts about what we were doing. In just a short time, I noticed he was displaying the initiative and forward thinking that I hoped he would. He showed great interest in our software defined network piloting efforts, and when he brought forth ideas on how to improve the program, we listened. Philip's initiative and innovative drive for process improvement is an attribute that grew from his STEM education. I like to think that our STEM recruitment program is helping us build the solid cadre of civil servants needed to keep our nation safe for the next generation." The Information Age has created a global digital enterprise of such complexity of things that STEM has become a 21st century critical element of national security.

#### The Tenth Fleet is key to overall naval readiness

**Tighe 14**

Vice Admiral Jan Tighe (Deputy Chief of Naval Operations for Information Warfare/Director of Naval Intelligence). “The Impact of Cyber on the Maritime Operational Level of War.” MOC Warfighter, May 2014, Issue #3. https://www.usnwc.edu/mocwarfighter/Article\_M.aspx?ArticleID=23

Cyber is and has been such an integral part of the maritime operational level of war (OLW)3 over the past two decades that its impact at times has perhaps been taken for granted. The reality of the new cyber norm in which we operate however has eliminated any room for complacency. From systems that are foundational to the operations of our ships and aircraft to the way we command and control platforms and weapons, cyber and network maneuver are essential to Navy operations. Contrary to past practices and beliefs, cyberspace is much more than an administrative domain for email and business functions. From satellites orbiting above the earth to the “Silent Service” below the seas, and everything in between, cyber is part of maritime operations. Navy and Joint commanders depend on cyberspace for assured command and control (C2), integrated fires, battle space awareness/intelligence, maneuver, protection, and sustainment. For example, carrier aviation maintenance programs rely upon it to deliver mission-ready aircraft and weapon systems such as the Tactical Tomahawk use cyberspace to receive in-flight targeting data4. Additionally, cyberspace empowers naval maneuvers with positioning, navigation, and timing support (e.g., the Global Positioning and Navigation systems). While the Navy’s TENTH Fleet team is charged to operate and defend Navy and DoD networks, all hands contribute to our overall cybersecurity posture through their actions and behaviors while on the net. If you use a keyboard, you are an operator in cyberspace. To ensure operational success in the maritime environment therefore, defense of Navy and DoD networks and information is essential and cannot be separated from the overall maritime OLW. Put another way, defensive cyber operations and cyber security are paramount to the maritime OLW and we cannot afford to underestimate the impact. The Navy’s strategic interest in the cyber realm extends beyond of the Department of Defense Information Networks (DODIN) – the .mil domain - and includes commercial and academic institutions that provide design, manufacturing, research and other sensitive products and services for the Navy. Although outside of the .mil domain, securing sensitive but unclassified Navy data from either theft or espionage is key to maintaining our warfighting advantage. Sensitive unclassified data can be used against us to improve kinetic and non-kinetic targeting of our platforms. Furthermore, it can be used to improve the warfighting capabilities of potential future adversaries through enhanced knowledge of how we man, train and equip for warfighting. Defensive capabilities exist to oppose a threat. The probing and espionage of U.S. networks by our adversaries is in a constant state of play. Unfortunately, cyber capabilities can also be used as a weapon and could potentially do great harm to U.S. assets. Moreover, operational preparation of the environment (OPE) for potential cyber attack may be masked as espionage. Secretary Hagel outlined our requirement to prepare for the worst during his March 28 comments for General Alexander’s retirement ceremony at Fort Meade: Our military's first responsibility is to prevent and de-escalate conflict and that is DOD's overriding purpose in cyberspace as well. General Alexander has helped leaders across DOD recognize that cyberspace will be a part of all future conflicts. And if we don't adapt to that reality, our national security will be at great risk.5 As Fleet Cyber Command continues to build the Navy component to the Cyber Mission Force, it is clear that the scope of cyber’s impact on the maritime OLW does not end with network operations and defense. It also includes an ability to deliver cyber fires integrated with joint force kinetic and non-kinetic fires in support of commanders’ objectives. On this full-spectrum side of cyberspace operations, there is much work yet to be done. The Joint community, we, and our sister Services are still refining and exercising the integration of cyber missions with geographic combatant command operations; additionally, we continue to clarify the necessary authorities associated with delivering these critical effects, while we build capacity and capability in the Cyber Mission Force. In the meantime, the Navy continuously evaluates adversary actions in cyberspace through steadfast cyber intelligence collection and analysis, and integrates cyber information and threat warnings into the commanders’ operational view. The holistic picture that emerges is thus one in which the Navy operates, defends, exploits, and engages in cyberspace -consistently and effectively- to ensure our maritime forces retain access to cyberspace for all mission critical functions and to provide Navy and Joint commanders with assured C2,6 integrated fires, and battle space awareness. In an era when our country faces many national security challenges, we cannot afford to overlook the impact of cyber on the operational level of war. While there are challenges, the Fleet Cyber Command/TENTH Fleet team sees this as an opportunity to make a difference to our Navy and the Nation by transforming ourselves to meet these challenges. This will be more apparent as we expand the capabilities and options that maritime and Joint commanders can draw upon in the electromagnetic spectrum and cyber domain to defend our country and its allies across all warfighting domains. The cyberspace domain in which we operate requires that we constantly stay ahead of the adversary. It takes the entire Navy team to assure access to cyberspace and the integrity of command and control. This will be enhanced as we leverage our strengths in the converged electromagnetic and cyber domains and continue to deliver on SIGINT, IO, EW, and space missions. The fundamental impact of cyber on the maritime operational level of war is clear and will only grow.

#### Naval readiness prevents nuclear war

**Cropsey 16**

Seth Cropsey (Director of the Center for American Seapower). “New American Grand Strategy.” Hudson Institute. April 13th, 2016. <https://www.hudson.org/research/12409-new-american-grand-strategy>

The U.S. today faces a heretofore unfamiliar strategic challenge, the possibility of three linked hegemonies that span the Eurasian land mass. Russia is on the ramparts in Ukraine, Georgia, and the Middle East. Its Baltic State ambitions are not a secret. NATO’s failure to respond in a real crisis means the alliance’s end and a maturing Russian hegemony that stretches from Central Asia to the Atlantic. China actively seeks to become Asia’s hegemon. Iran’s rulers, armed with missiles of increasing range, added financial resources, and the likelihood of nuclear weapons, have their eye on dominating the strategic space between Moscow’s influence and Beijing’s. A single hegemony on the Eurasian land mass threatens U.S. markets, our ability to keep conflict at a distance, regional stability, and democracy. At a minimum, the three hegemonies would overturn the current liberal international order. If the U.S. does not take effective action to prevent this, its run as a pre-eminent global power will end. Proximity to the oceans and seas offers the U.S. the opportunity to leverage its still-dominant seapower as the key to countering or if necessary opposing the three would-be hegemons. Since Woodrow Wilson, the goal of American foreign policy has been to prevent regional hegemony. Two decades after Wilson, President Roosevelt led the United States in another global conflict, against Nazi Germany and the Empire of Japan. Both Europe and Asia were—and remain— critical to our hopes for greater prosperity, security, and an increasingly democratic world. The United States and its allies destroyed both totalitarian hegemons. Finally, the United States contained the Soviet Union for almost half a century, blunting its threat to Europe, and confronting its expanding influence in Asia, Africa, the Middle East, and Latin America. Emerging from this century of nearly continuous global conflict, the United States was the unquestioned global power. No state could challenge it economically, politically, or militarily. The U.S. destroyed the Iraqi military twice in slightly over a decade, and put a stop to ethnic cleansing in the Balkans. New threats have ended this brief period of America’s benevolent international leadership. Three competitors are at odds with the American-led international system. The sum of their ambitions is to undermine U.S. global power. A resurgent Russia aims to reclaim its previous glory, and capitalize on the current U.S. administration’s idea that a small America translates into a more secure world. The European refugee crisis and potential destabilization in the European Union challenge the American alliance system in Europe – the cornerstone of American security policy since the end of World War II. America’s remaining allies show little resolve. Meager European defense budgets make matters worse. In Asia, a rising China focuses on cultivating its economic resources and marshalling them to develop its military power. China’s island-building campaign that seeks to extend its territorial claims into international waters directly confronts the international order. As Admiral Harry Harris, commander of U.S. forces in the Pacific recently told Congress, “China has unilaterally changed the (region’s) status quo.” Beijing combines its land reclamation campaign with high-tempo presence operations, conducted by the PLAN and coast guard in contested areas of the South and East China Seas. The Chinese are also accelerating their ability to project naval power and control the seas by constructing troop transports, large surface combatants, and a second aircraft carrier. This situation bears a resemblance to the world America faced before World War II when Nazi Germany and Imperial Japan initially overwhelmed the European powers that had refused to rearm following World War I. But the semblance is passing. America faces not two aspiring hegemons, but three. The Middle East is the critical link between Europe and Asia. Its oil-rich states supply a large amount of the world’s energy resources, and facilitate exchange between the two hemispheres. With the Red Sea and Persian Gulf/Arabian Sea in the South, the Mediterranean to the West, and the Caspian and Black Sea to the North, the Middle East is more like an island than a contiguous land mass. On this island Iran attempts to assert its dominance. Russia aids Iran with weapons transfers and its support of Iranian proxy Bashar al-Assad. Relieved of sanctions, the Islamic Republic has begun to receive massive financial inflows, and has actively directed some of its profits towards obtaining dual-use military technology like jet engines. Iranian Special Forces, known as the Quds Force, conduct paramilitary operations in Iraq and Syria, expanding Tehran’s influence over its neighbors. Although America’s adversaries have worked with one another in the past, the current degree of cooperation between China, Russia, and Iran is a strategic terra incognita. Iranian oil shipped into Chinese ports generates financial resources that the Islamic Republic uses to purchase advanced weapons from Russia. Russia helps Iran fight its proxy wars while Iran supports growing Russian influence in the Eastern Mediterranean. America’s three strategic competitors oppose the U.S. in similar ways. China, Russia, and Iran understand the lessons of the First Gulf War. Since the Cold War’s end, America’s style of warfare has been to build coalitions, amass men and resources in neighboring countries, and launch combined arms assaults that overwhelm the enemy technologically and operationally. The American-led coalition in the First Gulf War of nearly one million soldiers eviscerated an entrenched Iraqi army of over 1.5 million. However, without neighboring Saudi Arabia’s willingness, the U.S. would have been unable to conduct the operation. A naval assault would have been smaller, and Kuwait’s crowded coastline could have meant high casualties. The First Gulf War suggested a clear strategy to counter the U.S. Deny American forces access to a region, and the U.S. loses power. Chinese, Russian, and Iranian efforts have all focused on denying America access to their respective regions. As it turns up the heat on the Baltic States, Russia is proscribing options for a rapid buildup by deploying long-range air defense and strike missiles at NATO’s borders. This is consistent with U.S. European Command commander General Philip Breedlove’s late February statement to Congress that “President Putin has sought to undermine the rules-based system of European security and attempted to maximize his power on the world stage.” China’s land reclamation campaign, increasing naval power, and anti-ship missiles aim to keep American forces at a distance from which effective combat power cannot readily be applied. Iran’s low-cost missile boats, midget subs, large numbers of ballistic and cruise missile as well as mines, and its influence at the Strait of Hormuz seek to offset American escalation. Instability in Iraq and the U.S.’s shaky relations with Pakistan further restrict staging points for an American attack. Declining U.S. military budgets and a shrinking force combined with poor treatment of critical allies have made things worse calling into question the US’ ability to honor its commitments. The current administration’s abrogation of ballistic missile defense agreements with Poland and the Czech Republic; its prolonged interruption of defensive arms sales to Taiwan; and its failure to keep the Saudis informed about last year’s deal with Iran are examples of treating allies shabbily. As a result, the U.S. is less able to rely on adequate basing rights where they are needed both to deter and if necessary to fight. The man or woman who takes office 10 months from now faces a new challenge to U.S. national security. It calls for changes to American strategy. The access that once allowed us to deter the Soviets has been eroded. Its resurrection in today’s Europe is unlikely. Such access is largely nonexistent in the Middle East and tenuous in East Asia. Coalitions of allied and partner nations remain extremely important—as they have since the U.S. became a major power. U.S. ground forces will not go it alone. They rarely have. Even the 1994 operation to remove Haiti’s military junta engaged coalition partners: Poland and Argentina. The combat operation, had it been necessary, would have been staged out of the U.S, Puerto Rico and Guantanamo. Equally reliable options are limited in Eurasia. So, while alliances and partnerships—for example, of Sunni states opposed to ISIS—are vital, they may not always be available, or dependable. If North Korea were to invade the South, there is no guarantee that Japan would allow its bases to be used for repelling the invaders or striking deep into North Korea. Seapower possesses the advantages of geography, mobility, and—with sufficient investment—numbers and growing technological edge. It will be essential in future conflicts because it depends less on nearby bases. Logistics ships in sufficient number can keep battle groups including amphibious forces on station, present, and combat-ready largely independent of basing agreements. Maritime coalitions will likely offer more security in the future. But there is no alternative to dominant U.S. seapower today. Allies like Japan lack the industrial capacity to make up the deficit between the U.S. Navy and the expanding PLAN. Newer partners like Vietnam cannot hope to hold against a Chinese onslaught without American support. Seapower is the surest means to assure constant access to effective combat capability in the Western Pacific. The same shift in thinking applies to the greater Middle East. Its gulfs and seas allow access that is largely independent of diplomatic agreement. Robust seapower may not be sufficient to cover our security interests in the Middle East, but its usefulness increases proportionately to the territorial holdings on which ISIS makes its claim as a caliphate. The Persian Gulf and Gulf of Oman are Iran’s southwest and southern borders. It’s a long haul from there or from the Eastern Mediterranean to Tehran but a doable one with refueling tankers based in Gulf States or carrier-launched drones of the foreseeable future that can refuel the ship’s strike aircraft. The Cold War plan to mass land forces in defense of Europe has been voided by continental hopes that perpetual peace arrived. Even the most stalwart American partners, such as the UK, have cut military capacity and capability. But Europe is a peninsula. It is surrounded by accessible waters from St. Petersburg to Crimea. Seapower cannot stop a Russian ground invasion of the Baltics but it can snap the supply lines of an attack and give such ground forces as NATO can muster a chance to prevail. Naval vessels’ ability to project power inland can also deter Russia. The U.S. has emerged into a new world. To the potential for nuclear warfare with a would-be peer competitor—China—that American statesmen most wished to avoid after the Cold War have been added threats from a nuclear-armed Russia, North Korea, and sooner or later, Iran. The more immediate prospect of a triple hegemony may not be an existential threat. But its outcome would cripple our markets, destroy our alliances, and endanger us where we live. All can be avoided by a change in grand strategy that continues to hold threats at a distance as it relies on the independence, accessibility, and technological superiority of seapower.

**Foreign Language Module**

#### States are currently pursuing major efforts to promote bilingual education in public schools, others are looking to follow

Farmer, Liz Farmer has a Bachelor of journalism from UT Austin, 11-9-2016, "Bilingual Education Will Make a Comeback in California," <http://www.governing.com/topics/education/gov-california-bilingual-education-state-ballot-measure.html> CAA

Nearly two decades after voters made California one of the most restrictive states for bilingual education in public schools, residents on Tuesday reversed that decision. In California -- which has the nation's highest rate of students who speak a non-English language at home -- fewer than 5 percent of public schools now offer multilingual programs. But by approving Proposition 58, school districts can now offer regular dual-language programs. In 1998, voters approved Prop. 227, a law passed amid anti-immigrant fervor that said students whose first language isn't English can only take one year of intensive English instruction before transitioning to English-only classes. Parents who wanted bilingual classes for their kids beyond that had to sign a waiver each year. Prop. 58 essentially repeals the waiver system but keeps intact the part of the law requiring proficiency in English. It cruised to victory Tuesday night by a nearly three-to-one margin. Critics of the waiver system said it creates a lot of inconsistency between school districts. For example, the San Diego Unified School District has dozens of dual-language programs in elementary schools, while Fresno Unified offers just a few even though its share of English learners is higher. Bilingual education, particularly for primary school children, has become increasingly popular among native English speakers over the past decade, said Santiago Wood, executive director of the National Association for Bilingual Education, which supported Prop. 58. That's primarily because studies have shown that a multilingual brain is nimbler and better able to deal with ambiguities and resolve conflicts. Some research shows multilingual people are even able to resist Alzheimer’s disease and other forms of dementia longer. California was one of four states -- the others are Arizona, Massachusetts and New Hampshire -- with laws constraining the use of bilingual education programs, according to the U.S. Department of Education. Meanwhile, seven states -- Delaware, Georgia, New Mexico, North Carolina, Rhode Island, Utah and Washington -- have launched major efforts to promote bilingual education in public schools in recent years. Utah, for example, started a program in 2008 that offered instruction half in English and half in either Chinese, French or Spanish. It started with kindergarten, and the intention was to add one grade to the program each year. Two years later, the program expanded beyond elementary schools, and by 2014, more than 25,000 students were enrolled in dual-language programs at 118 schools. Callifornia's proposal immediately impacts about 1.4 million students in public schools who are English learners. But given the increasing popularity for English-speaking students to enroll in dual-language immersion programs, the total number of students could be much higher. Prop. 58 was supported by the state's education establishment, major business groups and many of the state’s top politicians, including Gov. Jerry Brown. One of the most active campaigners against Prop. 58 was Ron Unz, a Silicon Valley entrepreneur who was a leading force behind the 1998 law. In numerous op-eds on the issue, Unz has said that the old system of sheltering non-English-speaking children in their own classes led to halted education development and frustrated parents. In fact, in 1996, a group of Latino immigrant parents in Los Angeles protested against their local elementary schools for ignoring their requests to teach their kids in only English. But supporters of Prop. 58 argued that the new proposal wouldn’t doom California back to the days when non-English-speaking students were languishing in Spanish-only classes. Instead, they point to scores of research that shows that bilingual education -- when executed effectively -- has benefits for all students because it stimulates the learning center of the brain. “For anyone today to not want to not recognize this as a fact of life and as a 21st Century pathway, it would be an act of folly,” said Wood. “Why not let your child be part of the larger world?”

#### The Trump budget will eliminate federal funding for foreign language skills—states are key to fill in the gap now, foreign language skills are key to solve SCS tensions, North Korean aggression, and diseases

**Abdel-Kader 5-24-17**

Mohamed Abdel-Kader (Security Fellow with Truman National Security Project and former Deputy Assistant Secretary for International & Foreign Language Education). “When education is an ignored national security matter.” The Hill. May 24th, 2017. <http://thehill.com/blogs/congress-blog/education/334943-when-education-is-an-ignored-national-security-matter>

Every day, our newsfeeds quickly fill up with a dizzying array of global challenges. After the tragic events of 9/11 and the many following crises, we learned quickly that Americans—and American experts—must be equipped to analyze and process what is happening in the world around us while simultaneously making the best decisions for our national and economic security. Whether it is the ongoing humanitarian crisis in Syria, tensions in the South China Sea, the threat of a nuclear-capable North Korea, or disunity in the European Union, all issues absolutely demand a nuanced and well informed understanding of its various dimensions—geopolitical, economic, historic, military, and cultural. This is where U.S. analysts and linguists come in to shed light on these dimensions as well as to relay complex data, accurately contextualized, across the decision making apparatus and often with allies. Shrouded by the dangers of the Cold War, the National Defense Education Act of 1958 gave birth to the Department of Education’s Title VI programs and, later in 1961, the Fulbright-Hays programs as part of the Mutual Education and Cultural Exchange Act. These programs helped to address America’s need to train experts in world areas and less commonly taught languages—such as Arabic, Mandarin, Farsi, and Urdu. Since their inception, these programs have supported some of America’s finest and most innovative colleges and universities in training countless soon-to-be military personnel, diplomats, intelligence experts, changemakers in the development world, regional and country experts, as well as men and women in international business. However, the FY18 Trump administration budget completely eliminates the Title VI and Fulbright-Hays programs without any regard for America’s human capital readiness for future global crises or recognition of the needs of our businesses to have a cadre of experts to draw from as they expand into new markets. Recent disease outbreaks such as Ebola, Zika, the MERS and SARS viruses could have all been on U.S. shores much sooner and wreaked much more havoc had our public health personnel not had the training and global perspective to understand other geographies, other people and cultures, and movement within communities. The knowledgeable, effective responses to these outbreaks stand as a testament to the need for discipline-specific training with an international perspective and expertise amongst our men and women. It’s nearly impossible to predict where the next conflict will emerge or which emerging market will necessitate American business people with regional knowledge and linguistic capability to be successful. Yet, it is clear that a continued lack of investment will result in a generational atrophy that would take the nation decades to rebuild—leaving America extremely vulnerable at a time when other nations are making significant investments in international studies and world area expertise. Recent reports indicate that China has been bolstering its capacity significantly in African languages, which is a wise investment given their strategic and commercial interest in the continent. Similarly, young people in Pakistan have been learning Mandarin at exponential rates. It’s no surprise that many national security experts have reported a lack of well trained linguists and analysts who can understand challenges posed by Russia’s re-emergence as a global player, the ongoing tumult in the Middle East, or Asia’s continued evolution and balance of power. In fact, in a December 2015 article in the Washington Post, Sen. John McCain (R-Ariz.) suggested that the United States was “surprised at every turn” during the crisis in Crimea. Meanwhile, Senate Select Committee on Intelligence Chairman Richard Burr (R-N.C.) described our infrastructure to train experts as having fallen to “atrophy.” Michael McFaul, the former U.S. ambassador to Russia, was also clear in his description of the situation: “Trying to figure out decision-making in Russia on foreign policy requires a great deal of qualitative depth…and that requires new investment and knowledge.” He continued, “We’re going to disagree with the Kremlin and with the Russians on certain issues over time, but what we can’t have is disagreements based on misperception and bad information.” In an uncertain world, it is abundantly clear that no one knows which world region will pose the next challenge to our shared security or be the next emerging market opportunity. Our men and women must be trained to understand, analyze, and act on tomorrow’s challenges and opportunities when they occur, wherever they may occur—and their academic training is a critical piece of this. Congress must show bipartisan leadership in keeping America prepared with the tools it needs to tackle the challenges to come. Leaving our nation unprepared should never be a partisan issue. Bipartisan investment during the Cold War led to the development of a cadre of experts that helped our nation avert disaster—and now the challenges of the 21st century require such a renewed and steadfast commitment.

#### SCS war goes nuclear

Lyle J. **Goldstein** 10/28/**15**, Associate Professor in the China Maritime Studies Institute (CMSI) at the U.S. Naval War College, “The Main Problem with America’s Abundant South China Sea Hawks,” http://nationalinterest.org/feature/the-main-problem-america%E2%80%99s-abundant-south-china-sea-hawks-14186

As Washington and Beijing contemplate a new series of countermoves in the **S**outh **C**hina **S**ea, a debate over U.S. policy objectives and strategy is quite timely. For that reason, I particularly welcome Alexander Vuving’s recent critique [4] of my original article that lays out “Five Myths” about the South China Sea. Vuving’s essay is refreshingly candid and he illuminates several interesting arguments. I particularly applaud his focus on power and national interest, the touchstones of realist thought in foreign policy. Therefore, we may call this a friendly debate among realists—the most worthy kind of debate.¶ Vuving’s general perspective is most clearly revealed in the final sentence of his essay when he suggests that “the greatest myth of all is that the U.S. cannot and should not contain China.” That is a kind of cryptic way of saying that “the U.S. should contain China.” I emphatically disagree with that conclusion for all the most obvious reasons (e.g. the risk of **armed conflict between nuclear powers**, trillions of dollars wasted on militarized rivalry, the imperative to cooperate on climate change and nuclear nonproliferation, etc.), as do the **vast majority of America’s China specialists**, Asia specialists, as well as **academic and policy experts** in the wider field of **i**nternational **r**elations.¶ Never mind that Vuving is apparently so far outside the mainstream; he still makes a number of valuable points in the essay that I would actually agree with, and these points are worth underlining at the outset as our common ground or shared assessments. We are apparently agreed that “Washington’s support of Southeast Asian claimants will create incentives for them to be more assertive and aggressive.” One of the most interesting discussions in Vuving’s essay is his very frank suggestion that “the term ‘freedom of navigation’ is a bad choice of words. Its meaning varies according to the legal position of the national perspective you take.” I agree with Vuving’s point here, but this statement may separate him from most American “hawks,” who have made “freedom of navigation” their primary rallying cry. It does have a ring to it, admittedly.¶ But then, we are both realists, and do not wish to fight bloody wars over such ethereal and nebulous concepts as defending “the global commons.” As to whether Beijing will close the gates to South China Sea maritime trade or otherwise attempt to restrict navigation, we are again agreed that “China has enormous vested interest in keeping the flow of commerce through the South China Sea unimpeded.” It is also noteworthy that Vuving agrees with me that “the outcome of a U.S.-China war is highly uncertain.” He goes on to explain his view that the “chance of a U.S. defeat is comparable to that of a Chinese defeat.” Given the daunting constraints (e.g. surprise, geography, etc.) that U.S. forces could face in such a conflict, I concur with that conclusion. It seems thus quite clear that Vuving does not subscribe to the “clean their clocks” school among America’s South China Sea hawks. That is encouraging, and on the basis of his realistic understanding of the military balance, he does conclude near the end of his essay that “war is something that needs to be avoided.” Once again, I strongly agree with Vuving on this point.¶ So what is the main issue of disagreement, after all? It concerns what Vuving and others have termed “gray-zone” operations. Vuving suggests that my analysis is flawed because I am using the “wrong lens” of war/peace binary decisions when, according to his assessment, “disputes and contestation [are primarily] occurring in a gray zone between war and peace.” Thus, the claim is advanced that Washington would have had a variety of options for contesting against Beijing in the so-called “Scarborough Shoal Crisis” during spring 2012—if only Americans understood that the game is weiqi rather than chess. Vuving is highly critical of the Obama Administration for being allegedly misled by Beijing’s tricks in the so-called grey zone. Vuving actually undermines his own critique when he concedes that Manila most likely did call on Washington for “military backup” in those circumstances.¶ The critique is further undermined by the lack of specifics regarding what exactly were Washington’s options during that crisis—apart from calling in airstrikes. Should Washington have organized some fishing boats to contest against the Chinese fishing boats at the atoll? Perhaps Vuving and others are calling for U.S. Coast Guard cutters to go “head-to-head” with water cannons and the like against their Chinese counterparts? These are, of course, rhetorical questions, because no such feasible options exist for mounting counter–gray zone operations of this kind. Nor is it feasible to retaliate by having our diplomats and prompting sympathetic journalists to use the moniker “West Philippine Sea,” vice “South China Sea” as a smart power method to turn the tables against China. The point is that the only way to stop China’s advance in the South China Sea in its tracks is to threaten the use of force, and, barring that threat, we are mostly reliant on Chinese good will.¶ It is quite instructive, actually, when considering “gray-zone operations,” to think about the other classic case. Indeed, the term only really became popular [5] in strategic studies circles after Russia’s seizure of Crimea by “little green men” in March 2014. The implication of Vuving’s argument in this critique seems to be that if the U.S. and NATO had simply understood that this was a gray-zone operation rather than being fooled by Mr. Putin, that there could have been a proper gray-zone response. Washington could respond against “little green men” with “little beige men” (U.S. combat troops in desert camo, but lacking U.S. insignia, of course). The scenario is laughable, and no such options were ever under any consideration, to my estimate. The point is that the Russian “gray-zone operation” in Crimea was successful because Moscow’s gambit also represented a clear and credible threat to resort to the use force.¶ True, Beijing’s shenanigans in and around Scarborough Shoal are a little less clear and credible in that respect, but the unmistakable message has been that these ships, albeit unarmed for the most part, will be defended by Chinese armed might if necessary. Arguably, the Chinese gray-zone initiatives are more clever as they are less easily condemned since they do not represent an overt use of force, but rather a veiled threat to employ force. Thus, the first and most obvious counter to Vuving’s critique is that U.S. non-military options for use in such maritime gray-zone operations do not presently exist and are not likely to be created in the next decade—no matter how many former U.S. and Japanese coast guard vessels are gifted to the Philippines.¶ Still, the far more potent argument beyond the relatively obvious questions regarding feasibility against countering Chinese shenanigans with American shenanigans is that neither side knows where the other’s red lines actually lie. Thus, Vuving’s prescription to “up the ante” with either containment measures or robust support for front-line states is all but certain to increase tensions, such that “~~sleepwalking~~” into a U.S.-China **direct armed clash** becomes a **near certainty**. What is ultimately so shallow, therefore, about Vuving’s line of critique and the argumentation of most hawks is they do not admit that their prescriptions necessarily entail risks associated with the **slippery slope of escalation**. Perhaps I’ve misunderstood him, but Vuving seems to me to be saying implicitly: “Trust me. Beijing is not really serious. This is just a game of weiqi with no actual risk of military conflict. If Washington is serious, Beijing will back down.”¶ This type of oblivious attitude to the risk of conflict could be excusable perhaps if China was not a nuclear power with increasingly potent conventional forces to match. In fact, this demeanor is distressingly common among hawks of the “cakewalk” school, but we have already seen that Vuving has a relatively clear appraisal of the military balance and has recognized that outright U.S. military superiority in the Western Pacific is a vestige of the past. Thus, there is a clear contradiction in Vuving’s thinking: he does not view the military balance as favorable to the U.S., and yet he recommends escalatory maneuvers.¶ This is not only foolhardy from a military-strategic point of view, but also starkly ignorant of history. Did the Russian czar think that he would spark the largest war in history when he opted to mobilize forces in response to the Serbian crisis in 1914? Did President Roosevelt know that he was contributing to setting the Pacific War in motion when he pushed the U.S. Pacific Fleet from the West Coast to Pearl Harbor to deter Japan from striking at Singapore in 1940? Washington clearly misunderstood Chinese intentions in 1950 during the Korean War and underestimated Hanoi’s determination when undertaking escalation in Vietnam. The point is that one hardly has to look very far to find examples of leaders, including American leaders, “sleepwalking” into major conflicts. Do we really believe our leaders are any wiser or better informed today than they were back then?¶ Another point made by Vuving in his critique is more sensible, and concerns the actual strategic value of China’s newly built facilities in the South China Sea. He contends that I misunderstand China’s strategy, because I focus on resources (oil and fish) vice strategic location. For example, he holds that the main value of Scarborough Shoal is that it is an “ideal place from which to watch and patrol the central eastern sector of the South China Sea.” But another surveillance post in the South China Sea is quite redundant, because Beijing already has more than enough patrol assets (military, coast guard or militia)—and that is not even considering ample and developing aerial surveillance capabilities, as well as real-time satellite reconnaissance.¶ In fact, our assessments are not that different with respect to the new facilities in the Spratly islets. He explains, “Although China’s military assets on the South China Sea islands will be highly vulnerable in wartime, they can be very useful for peacetime patrolling and psychological intimidation.” A main point of my initial analysis was to draw attention to the high vulnerability of any Chinese assets based on these facilities in the age of precision guided munitions. So Vuving evidently accept my analysis for military conflict scenarios—as does a Pentagon official who was quoted in this forum [6] as saying, “If China wants to build vulnerable airstrips on these rocks, let them—they just constitute a bunch of easy targets that would be taken out within minutes of a real contingency.”¶ I agree with Vuving that these facilities in the South China Sea will allow for somewhat increased surveillance and even maybe, yes, “intimidation.” Chinese sailors and air crews may be a little less green after getting a break from their long patrols. Chinese fishing boats may indeed grow more numerous in the area if they know they have a truly safe shelter from the common typhoons that sweep the area. But who exactly will be intimidated by the increased Chinese presence during peacetime? Will the U.S. Navy be intimidated? Of course not. Those likely to be intimidated by an elevated Chinese patrol presence are local hydrocarbon exploration and fishing interests. Thus, we return to the issue of resources, and I again emphatically reject the notion that Washington should take active steps in the direction of military conflict with Beijing to support Philippine or Vietnamese oil and fishing interests.¶ Vuving’s critique repeats many times that the new Chinese facilities in the Spratlys will indeed “allow China to upset the military balance.” Not only does he posit that China is likely to deploy thirty to forty fourth-generation aircraft to the new airstrips in the Spratlys, but he also claims that regional states will be deterred from attacking the new airfields, because “China can declare that it makes no difference between an attack on these islands and an attack on its mainland.”¶ To my estimate, it is still quite early to suggest that China is able or likely to stage so many fighter aircraft out of the new facilities. One leading expert on PLA development has stated, for example, that the only plane that will fly from these “bases” will be the small maritime patrol aircraft, the Y-7. As he explained it, that is partly due to the weak coral base of these airstrips, which can neither support heavy aircraft nor the tough tempo that fighter operations would require. But let’s assume the worst case, putting aviation logistics aside as well, that Chinese fighter interceptor squadrons will not only be deployed to these remote airstrips, but will deploy in operationally significant numbers. I have posited that, in any contest with the U.S., these aircraft would likely be smoking, twisted metal wrecks within the first twenty-four hours of the beginning of a conflict. Vuving does not contest that point, but says that the new Chinese facilities will “upset the regional balance.”¶ My response to this point is that there is actually no “regional balance” to upset. Since the 1990s (if not before), China has had the firepower to take on and defeat any Southeast Asian opponent with relative ease. In 1988, for example, they swept aside Vietnamese forces in a lopsided set of naval skirmishes to set up several preliminary bases in the Spratlys. I have discussed the very uneven nature of the China-Vietnam military contest in some detail in an interview with the [7]New York Times [7] and also in this article [8] for National Interest. Thus, Vuving is correct to say that China will have vast military superiority in the South China Sea with its new set of airstrips in the Spratlys. However, my view is that China was already vastly superior in military terms (when the U.S. is not involved), so the actual change to the military balance is quite marginal.¶ And for the same reason that the new facilities will be highly vulnerable to U.S. firepower, so even Southeast Asian nations will have a reasonably good chance to put the new airstrips out of commission for lengthy periods. Indeed, one does not have to turn the islets into a “sea of fire” by cratering every part of the runway, when all that is required is to take out the fuel or munitions storage facilities. Most ideally, stealthy and relatively invulnerable submarines could barrage the new Chinese bases with missiles from various vectors. Vietnam and Malaysia could develop those capabilities quite easily. But even laggard Philippines could likely put ordnance on these obvious targets by, for example, quietly purchasing an array of medium and long-range surface-to-surface cruise missiles that South Korea has been developing [9] for a long time. True, that may require some adjustment of the Missile Technology Control Regime (MTCR), but that would be wholly reasonable in the face of China’s major conventional missile buildup. Other weapons systems could also be used to inhibit air operations, such as planting sea mines [10] around the islets to interdict their resupply.¶ This kind of deterrence will be much more effective than attempts to massively scale up the Philippines’ coast guard to play gray-zone games against China’s massive coast guard forces. The latter approach is a genuine pipe dream for the foreseeable future. Maybe Vietnam’s coast guard prospects are a little better, but most Americans would oppose their taxes going to fund Vietnam’s coast guard since these gray-zone games are just about oil and fisheries interests and do not seriously impact U.S. national security.¶ The strangest and most objectionable part of Vuving’s critique comes near the end. Here he candidly suggests that “China and the United States may share the same view when it comes to nautical freedom…” and, as I have related above, Vuving also explains that “freedom of navigation” does not quite fit the bill as a persuasive rallying cry for confronting Beijing in the South China Sea. Therefore, he argues, the real question in the South China Sea is about China’s alleged “grave threat to U.S. leadership in the region.” This line of reasoning seems to resemble closely that classic neo-conservative tract [11] from 1992, authored by Paul Wolfowitz, that claimed the goal of U.S. foreign and defense policy should be primacy, plain and simple.¶ Vuving may underestimate Americans’ distaste for the rather tautological formula of seeking to maintain leadership in all areas of the world in order to preserve primacy. In the critique’s final, tortured logic, Vuving explains: “The concentration in this domain of Asia’s chief arteries means that, to paraphrase Harold Mackinder, he who controls the East and South China Seas, dominates Asia; and with the rise of Asia, he who dominates this region, commands the world.” It strikes me as particularly odd and disappointing that even today leading American strategists could engage in such bombastic nineteenth-century rhetoric by looking to British imperialist theorists [12] for guidance. Mackinder and such thinkers were obsessed with protecting India from the imagined Russian threat, neglecting the fact that Russia’s help would be badly required in the contests that would follow for Britain. Next, these contemporary South China Sea hawks, with Mackinder tucked under their arms, will propose erecting myriad new coaling stations around the “spice islands” and perhaps also making the U.S. presence in Afghanistan permanent—the better to protect the Asian “heartland” from China’s encroaching Silk Road initiative. Americans thankfully have more common sense than to pursue expansion and endless conflict on the other side of the planet indefinitely. Certainly, that is how the founders of our country distinguished themselves from statesmen in London way back when.¶ I am on record repeatedly calling for both a stronger U.S. Navy (increased numbers of submarines, for example [13]), as well as the prudent drawing of credible red lines that would cover the home islands of our allies. Vuving mischaracterizes my approach when he suggests that my view is the U.S. should “keep its hands out of the South China Sea.” Indeed, I am reasonably comfortable with present U.S. force levels in the area, as well as occasional patrols by U.S. forces. Limited goals require neither massive forces nor enormous engagement. There may come a day when the U.S. needs to commit many more resources for deterrence in the Western Pacific, or could even have to contemplate a major war to halt Chinese aggression. But such dangers are nowhere on the horizon. The present danger is “fear itself,” related to the Thucydides Trap [14], not to mention the quite irrational or uninformed urgings of odious parochial and nationalist interests of various “third-party” states.¶ To summarize, Vuving does make a number of valuable points and I concur with parts of his assessment, including especially his clear-eyed view of the military balance and his rejection of high-sounding, but quite inappropriate rhetoric. As noted above, I do accept that Beijing has made some incremental gains with its new facilities in the Spratlys both with respect to “gray-zone” operations and also in underlining its military superiority versus Southeast Asian states, though I don’t think these marginal gains should be exaggerated, since they do not fundamentally alter previous strong advantages held by Beijing. Far and away the biggest problem in Vuving’s critique, and among many like-minded hawks, however, is the misguided notion that there is a clear and discernible line between non-military methods of coercion (“gray-zone” operations) and actual combat that rational leaders in Beijing, Manila, Hanoi and Washington certainly will not cross. That binary assessment is a gross simplification of these situations that will inevitably be confused by the **“fog” of crisis** and thus **gravely underestimates** the **potential for escalation to war**. A step in the right direction would be for such hawks, advocating for containment policies and the like, to be more candid and recognize that their recommendations carry significant risks, not only of heightened tensions and wasted resources, but also of direct armed **conflict among nuclear** armed **superpowers**.

#### Korean war goes nuclear

**Chol 11**

Kim Myong Chol is author of a number of books and papers in Korean, Japanese and English on North Korea, including Kim Jong-il's Strategy for Reunification. He has a PhD from the Democratic People's Republic of Korea's Academy of Social Sciences "Dangerous games" Aug 20 [www.atimes.com/atimes/Korea/MH20Dg01.html](http://www.atimes.com/atimes/Korea/MH20Dg01.html)

The divided and heavily armed Korean Peninsula remains the **most inflammable global flashpoint**, with **any conflict** sparked there likely to become a **full-blown thermonuclear war** involving the world's fourth-most powerful nuclear weapons state and its most powerful. Any incident in Korea by design, accident, or miscalculation could erupt into a **devastating DPRK-US war**, with the Metropolitan **US serving as a main war theater**. Rodong Sinmun warned on August 16: "The Korean Peninsula is faced with the worst crisis ever. An all-out war can be triggered by any accident." Recent **incidents illustrate the real danger** of miscalculation leading to a total shooting war, given the volatile situation on the Land of Morning Calm. 1. The most recent case in point is the August 10 shelling of North Korea by the South. Frightened South Korea marines on Yeonpyeong Island mistook three noises from a North Korean construction site across the narrow channel for artillery rounds, taking an hour to respond with three to five artillery rounds. The episode serves as a potent reminder to the world that **the slightest incident can lead to war**. A reportedly malfunctioning firefinder counter-artillery radar system seems to partly account for the panicky South Korean reaction. South Korean conservative newspaper the Joong Ang Daily reported August 17: "A military source said that radar installed to detect hostile fire did not work last week when North Korea fired five shots toward the Northern Limit Line (NLL), the disputed maritime border, on Aug 10. "'We must confirm the location of the source of the firing through the ARTHUR (Artillery Hunting Radar) and HALO (hostile artillery location) systems, but ARTHUR failed to operate, resulting in a failure to determine the source of the fire,' said the source." BBC reported on November 25 last year the aggressive nature of troops on the South Korea-held five islands in North Korean waters. "Seen in this sense, they (five islands including Yeonpyeong Island) could provide staging bases for flanking amphibious attacks into North Korea if South Korea ever takes the offensive." 2. An almost catastrophic incident took place at dawn on June 17 near Inchon. South Korean marines stationed on Gyodong Island near Inchon Airport fired rifles at a civilian South Korean jetliner Airbus A320 with 119 people aboard as it was descending to land, after mistaking it for a North Korean military aircraft. The Asiana Airlines flight was carrying 119 people from the Chinese city of Chengdu. About 600 civilian aircraft fly near the island every day, including those flying across the NLL, but they face a perennial risk of being misidentified as a hostile warplane. It is nothing short of a miracle that the Airbus A320 was not hit and nobody harmed. 3. On March 26, 2010, the high-tech South Korean corvette Sokcho fired 130 rounds at flocks of birds, mistaking them for a hostile flying object. The innocent birds looked like a North Korean warplane just at a time when an alleged North Korean midget submarine had managed to escape with impunity after torpedoing the hapless Cheonan deep inside security-tight South Korean waters. The South Korean military's habit of firing at the wrong target increases the risk of an incident running out of control. CNN aired a story December 16, headlined: "General: South Korea Drill Could Cause Chain Reaction." F/A-18 pilot-turned Marine Corp General James Cartwright told the press in the Pentagon, "What we worry about, obviously, is if that it [the drill] is misunderstood or if it's taken advantage of as an opportunity. "If North Korea were to react to that in a negative way and fire back at those firing positions on the islands, that would start potentially **a chain reaction of firing and counter-firing**. "What you don't want to have happen out of that is ... for us to lose control of the escalation. That's the concern." Agence France-Presse on December 11 quoted former chief of US intelligence retired admiral Dennis Blair as saying that South Korea "will be taking military action against North Korea". New Korean war differs from other wars Obama and the Americans seem to be incapable of realizing that North Korea is the wrong enemy, much less that a new Korean War would be **fundamentally different from all other wars including the two world wars**. Two things will distinguish a likely American Conflict or DPRK-US War from previous wars. The first essential difference is that the US mainland will become **the main theater of war** for the first time since the US Civil War (1861-1865), giving the Americans an opportunity to know what it is like to have war fought on their own land, not on faraway soil. The US previously prospered by waging aggressive wars on other countries. Thus far, the Americans could afford to feel safe and comfortable while watching TV footage of war scenes from Afghanistan, Iraq, Pakistan and Libya as if they were fires raging across the river. The utmost collateral damage has been that some American veterans were killed or returned home as amputees, with post traumatic stress disorder, only to be left unemployed and homeless. However, this will no longer be the case. At long last, it is Americans' turn to have see their homeland ravaged. An young North Korea in 1950-53 was unable to carry the war all the way across the Pacific Ocean to strike back, but the present-day North Korea stands out as a fortress nuclear weapons state that can withstand massive American ICBM (Intercontinental ballistic missile) attacks and launch direct retaliatory transpacific strikes on the Metropolitan USA. The second essential difference is that the next war in Korea, that is, the American Conflict or the DPRK-USA War would be the first actual **full-fledged nuclear, thermonuclear war** that mankind has ever seen, in no way similar to the type of nuclear warfare described in science fiction novels or films. North Korea is unique among the nuclear powers in two respects: One is that the Far Eastern country, founded by legendary peerless hero Kim Il-sung, is the first country to engage and badly maul the world's only superpower in three years of modern warfare when it was most powerful, after vanquishing Nazi Germany and Imperial Japan. The other is that North Korea is fully ready to go the length of fighting [hu]mankind's [the] **first and last nuclear exchange** with the US. The DPRK led by two Kim Il-sungs - the ever-victorious iron-willed brilliant commander Kim Jong-il and his heir designate Kim Jong-eun - is different from Russia under Nikita Khrushchev which backed down in the 1962 Cuban missile crisis. Khrushchev and his company never fought the Americans in war. As a rule, most countries are afraid to engage the Americans. As the case is with them, North Korea is the last to favor war with the Americans. However, it is no exaggeration to say that the two North Korean leaders are just one click away from ordering a retaliatory nuclear strike on the US military forces in Guam, Hawaii and metropolitan centers on the US mainland. On behalf of Supreme Leader Kim Jong-il, Kim Jong-eun will fire highly destructive weapons of like Americans have never heard of or imagined to evaporate the US. The North Koreans are too proud of being descendents of the ancient civilizations of Koguryo 2,000 years ago and Dankun Korea 5,000 years ago, to leave the Land of morning Calm divided forever with the southern half under the control of the trigger-happy, predatory US. The North Koreans prefer to fight and die in honor rather than kowtow to the arrogant Americans. At the expense of comforts of a better life, North Koreans have devoted more than half a century to preparing for nuclear war with the Americans. All available resources have been used to **convert the whole country into a fortress**, including arming the entire population and indigenously turning out all types of nuclear thermonuclear weapons, and developing long-range delivery capabilities and digital warfare assets. An apocalyptic Day After Tommorow-like scenario will unfold throughout the US, with the skyscrapers of major cities consumed in a sea of thermonuclear conflagration. The nuclear exchange will begin with retaliatory North Korean ICBMs detonating hydrogen bombs in outer space far above the US mainland, leaving most of the country powerless. New York, Washington, Chicago, San Francisco and major cities should be torched by ICBMs streaking from North Korea with scores of nuclear power stations exploding, each spewing as much radioactive fallout as 150-180 H-bombs.

#### Disease causes extinction – outweighs nuclear war

Guterl, executive editor – Scientific American, 11/28/’12

(Fred, “Armageddon 2.0,” Bulletin of the Atomic Scientists)

The world lived for half a century with the constant specter of nuclear war and its potentially devastating consequences. The end of the Cold War took the potency out of this Armageddon scenario, yet the existential dangers have only multiplied.Today the technologies that pose some of the biggest problems are not so much military as commercial. They come from biology, energy production, and the information sciences -- and are the very technologies that have fueled our prodigious growth as a species. They are far more seductive than nuclear weapons, and more difficult to extricate ourselves from. The technologies we worry about today form the basis of our global civilization and are essential to our survival. The mistake many of us make about the darker aspects of our high-tech civilization is in thinking that we have plenty of time to address them. We may, if we're lucky. But it's more likely that we have less time than we think. There may be a limited window of opportunity for preventing catastrophes such as pandemics, runaway climate change, and cyber attacks on national power grids. Emerging diseases. The influenza pandemic of 2009 is a case in point. Because of rising prosperity and travel, the world has grown more conducive to a destructive flu virus in recent years, many public health officials believe. Most people probably remember 2009 as a time when health officials overreacted. But in truth, the 2009 virus came from nowhere, and by the time it reached the radar screens of health officials, it was already well on its way to spreading far and wide. "H1N1 caught us all with our pants down," says flu expert Robert G. Webster of St. Jude Children's Research Hospital in Memphis, Tennessee. Before it became apparent that the virus was a mild one, health officials must have felt as if they were staring into the abyss. If the virus had been as deadly as, say, the 1918 flu virus or some more recent strains of bird flu, the result would have rivaled what the planners of the 1950s expected from a nuclear war. It would have been a "total disaster," Webster says. "You wouldn't get the gasoline for your car, you wouldn't get the electricity for your power, you wouldn't get the medicines you need. Society as we know it would fall apart."

### More STEM Ev

#### States can implement STEM education – Chicago, California, and New York are examples

Department of Education, 2015, Twenty-two STEM and education professionals. " STEM 2026: A Vision for Innovation in STEM Education," <https://innovation.ed.gov/files/2016/09/AIR-STEM2026_Report_2016.pdf> CAA

Another way to think of flexible and inclusive learning spaces in STEM 2026 is to reimagine where schools themselves are located. In the imaginings of one contributor to this project, the physical boundaries of teaching and learning among youth, educators, and experts in the field are blurred. Schools are better connected with workplace settings. Teaching and learning experiences and learning settings are enhanced as students, teachers, and workplace employees exchange knowledge and ideas in a variety of educational settings. CTE programs already are employing this type of approach. Many CTE programs apply hands-on and lab-based teaching and learning approaches that are designed to provide students with experiences that introduce them to the actual work and practice of STEM in a variety of occupations and job positions. For example, an IndustryWeek article offers a few examples of CTE programs that appear to be providing beneficial STEM learning experiences for students: [At] Linked Learning schools in California, at the MET schools in Rhode Island, and at Tech Valley High outside Albany, high school students complete internships in real workplaces, exploring fields as diverse as baking, engineering and biotechnology. Students have the opportunity to check out more than one profession so they can see how adults use their education in the workplace. This helps students stay motivated to earn a degree and introduces them to the behaviors and practices specific to the working world. (Nash-Hoff, 2013, para. 3) Some jurisdictions are building on the CTE model to create STEM pathways that are in direct alignment with in-demand STEM jobs and provide students with hands-on opportunities to explore STEM careers in these growing markets and be prepared to enter them. The Illinois Pathways initiative is one example of a state effort to build local-level public-private education partnerships organized around several industry-specific STEM Learning Exchanges, each of which comprises a network of education partners, businesses, industry associations, labor organizations, and other organizations. Programs of study vary, ranging from Energy to Agriculture, Food, and Natural Resources; Architecture and Construction; Manufacturing; and many others. Students in pathways courses are provided access to work-based learning experiences in the STEM Learning Exchange industry in which they are participating, including activities that develop career awareness, career exploration, career preparation, and on-the-job learning experiences and training. The time is ripe for rethinking the space of the classroom, including where and with whom STEM learning occurs, the role of work-based learning experiences in offering alternate spaces that can deepen understanding and content-knowledge in STEM, and how rapidly evolving technology can be leveraged to connect and empower students, educators, businesses, and communities in flexible and inclusive learning spaces. Innovative approaches to identifying and creating a wide array of learning settings can create new opportunities for engaging diverse learners in STEM teaching and learning environments that promote interest and cultivate STEM talent.

**More Foreign Language Evidence**

#### States funding ELL programs leads to equity, innovation, transparency, and predictability.

Millard, 2015, Maria Millard is a policy analyst for the Education Commission of the States. " ELL Funding Trends in State Laws: State funding mechanisms for English language learners," http://www.ecs.org/clearinghouse/01/16/94/11694.pdf CAA

Research is clear that English language learners (ELLs) perform better academically and achieve greater language proficiency when they have high-quality English language instruction.1 Like all supplemental services, these necessary supports require additional funding above the average per-student amount. The federal government provides grant funding to states through Part A of Title III to help ELLs with language acquisition and meeting content standards. While Title III dollars offer some support, a 2012 survey found that Title III officials and district administrators believe the funds are helpful but insufficient for ELL services. To address such shortages, 46 states allocate additional state funding dedicated to supporting ELLs. The mechanisms through which ELL funds are allocated can be confusing at best. Without a comprehensive understanding of school finance, it is difficult for policymakers to determine what changes are needed to better support their ELL students. Familiarity with ELL funding allows policymakers to evaluate their own funding models against those from other states, make adjustments and use their state funds to further drive innovation. This brief provides a clear and detailed description of the three ways in which states finance ELLs. Tables at the end of the document shows each state’s ELL funding mechanism. ELL funding mechanisms 46 states provide some additional funding for ELLs in three primary ways:  Formula Funding: 34 states fund ELL programs through their state’s primary funding formula. Of the states that use student weights in their formula, weights range from 9.6 percent (Kentucky) to 99 percent (Maryland) per ELL student.  Categorical Funding: Nine states fund ELL programs through a line in the budget that exists outside of the state’s primary funding formula.  Reimbursements: Three states reimburse districts upon submission of the costs of educating ELL students. Formula Funding Thirty-four states allocate money for ELLs through their state’s primary funding formula. Accounting for ELL students through adjustments in their formula provides equity, transparency and predictability to school districts. ELLs are accounted for in funding formulas three primary ways: weights, dollar amounts and teacher allocations.  Weights are applied evenly across a state’s school districts and are designed to provide fair levels of funding for all students. This model accounts for ELLs by multiplying a base funding amount per student (an amount deemed sufficient to educate a general education student to meet state standards) by an additional weighting factor. Weight factors vary depending on the perceived level of the student’s educational needs.2 Some states adjust their ELL weights based on student language proficiency levels or on the density of ELL students within a district. Weights for ELL students range from 9.6 percent (Kentucky) to 99 percent (Maryland).  Dollar amounts are used to account for ELL students in the formula by setting a single amount per ELL. Although this strategy may appear to be a categorical expenditure (explained in the next section), these dollar amounts are part of the formula, not separate.  Teacher allocations account for ELLs in their state’s primary funding formula through staffing costs. For example, Tennessee’s formula provides districts with funding for an additional teaching position for every 30 ELLs and an additional interpreter position for every 300 ELL students. Considerations Formula funding is a popular mechanism because funds tend to be more insulated from budgetary cuts. Formula funding is considered:  Predictable  Reliable  Transparent  Equitable  Simple Formula funding does not, however, always guarantee that the additional funds will be spent on ELLs. Most formulas do not contain mandates on how funds are spent. State formulas simply allocate funds to districts, and districts decide how ELL funds are used. State Example California’s Local Control Funding Formula is a new and simplified funding formula that weights ELLs rather than relying on categorical funding (explained in the next section). It is drawing national attention for being transparent and straightforward, and for empowering local districts to choose how to best spend their resources.3 Categorical Funding Nine states allocate funds for ELLs through categorical programs, which are provided outside of the state’s primary funding formula and allot money for specific programs through line items in the budget. State distribution of categorical funds is like the distribution of gift cards. For example, a district will get a designated allocation from the state that can only be spent on ELLs. Considerations States have been moving away from categorical funding in recent years. A 2008 analysis found that ELL funding was one of the most common categorical programs. Since then, 29 states have decreased their use of categorical funding generally, and ELLs are no longer one of the most common targets for categorical funds.4 States still using categorical funding for ELLs tend to do so because it guarantees that state funds earmarked for ELLs are being used accordingly. While categorical funding for ELLs ensures that districts spend money to support student language acquisition, opponents argue the funding is too narrowly directed and thereby limits district and school flexibility. Critics argue that decisions on how to most appropriately use funds are more easily determined at the local level.5 A challenge faced by districts is that the amount of funding received depends on ever-changing state budgets, thereby creating uncertainty. Categorical funding is considered:  Less transparent  More unstable and unpredictable  More complicated  Rule oriented  More paperwork State Example The Colorado Department of Education determines the amount of money for each district based on number of ELLs and the amount of state appropriations.

#### Mobilizing within a local context allows for a more inclusive learning environment

Knight et al. February 2017, David S. Knight, Elena Izquierdo, and David E. DeMatthews, Center for Education Research and Policy Studies. " IMPLEMENTATION, COST, AND FUNDING OF BILINGUAL EDUCATION IN TEXAS: LESSONS FOR LOCAL AND STATE POLICYMAKERS," http://www.utep.edu/education/cerps/\_Files/docs/briefs/cerps\_policybrief2\_bilingual\_education.pdf CAA

# 12,747 districts analyzed

Summary and Policy Implications The studies described here offer policy implications for both local practitioners and state legislators. Part 1 provides important lessons for educators implementing dual language education models. One study of district-level administrative leadership demonstrates how superintendents can improve implementation of bilingual education by mobilizing key stakeholders within their local context. Another study showed how school leaders can use bilingual education models to support more inclusive learning environments. In Part 2, we report the findings from a study of the cost of implementing dual language programs. We found that the cost of dual language education ranges from $896 to $1,568 per student across schools, 18 Center for Education Research and Policy Studies representing an increase in costs of between 10% to 16%. Much of these costs resulted from start-up expenses that diminish after the first five to seven years of implementation. These findings suggest the need for state legislators to provide additional funding for districts that plan on implementing dual language education models or for those with high proportions of ELL students. Alternatively, state departments of education could provide special funding for implementation of bilingual education models. Part 3 reports the results of a study showing that districts in Texas with high proportions of ELL students receive less funding than otherwise similar low-ELL districts. For districts with similar proportions of students in poverty, enrollment size, and urbanicy, those with more ELL students receive slightly more state funding, but far less local funding than low-ELL districts. High-ELL districts in Texas choose higher local tax rates, on average, compared to otherwise similar low-ELL districts. This finding largely counters the myth that immigrant families or families of ELL students are less willing to support higher taxes for local school funding. Lower property values and insufficient state funding prevented high-ELL districts from receiving an equitable level of funding. Great Recession state funding cuts also disproportionately impacted high-ELL districts in Texas. At the same time, high-ELL districts passed fewer bonds, perhaps because the state does not equalize funding for bond repayments to the same extent as taxes for basic maintenance and operations. These findings suggest that increasing base funding for ELLs though weights or other mechanisms is necessary, but may not be sufficient for providing equitable learning opportunities. States need to protect the highest-need districts from fiscal crises in order to maintain stable learning environments. Moreover, as demonstrated by analyses of the Texas school finance system, equalizing only one part of the tax base (the M&O taxes), without 19 Center for Education Research and Policy Studies providing additional subsidies for bond repayments, will not necessarily close fiscal disparities between high- and low-ELL districts

### More Education/Competitiveness Ev

#### State action on education is key to solve global competitiveness – empirics

Gregory and Kaufman 10

(Erin R., M.A., Dean, J.D. from the University of Michigan Law School, Founding Director of Education Law and Policy Institute, Director of Institute for Investor Protection, Spring 2010, Education Law & Policy, “Education and Federalism: The Role for the Federal Government in Education Reform,” http://www.luc.edu/media/lucedu/law/centers/childlaw/childed/pdfs/2010studentpapers/Erin\_Gregory.pdf, Accessed: 6.29.17)VW

In an era where the United States is lagging behind in global education rankings, some blame the variance in state standards and the American model of allocating responsibility for education to the individual states.1 Distribution of responsibility across local, state and the federal governments is a hallmark of American constitutionalism. Even in an increasingly globalized world, the federal government has a place but allowing states and local governments to play the largest roles in providing and regulating education is the most effective way for American students to once again become competitive in the global market. Justice Stevens, in a dissenting opinion, lauded local control of education and offered several arguments in favor of a system primarily based on local control.2 First, decisions about education, and particularly exposure to “ideological cross-currents,” should be made by those closest to the children involved and familiar with the “culture of the community.”3 Second, the financial structure of school funding is such that schools should be able to shape their curriculums in response to local concerns.4 The people most directly responsible for funding local education will likely be the most invested in its outcomes and policies. Lastly, the desires of parents with respect to their children’s education should be respected and not delegated to politicians far removed from the community.5 These arguments, along with the consistent failure of the federal government to improve the current educational atmosphere, provide the foundation for a movement back to increased local control. A decreased role for the federal government, in the form of incentivizing innovative solutions to local and national education problems will provide the framework for a successful response to the United States’ declining global rankings. II. THE PROBLEM OF DECLINING GLOBAL RANKINGS AND THE FEDERAL RESPONSE Globalization and its implications for the modern workforce are undeniable and likely will only become more significant in the future. However, the United States seems unable to keep up with the demands of a global economy in terms of education rankings.6 Some argue that the need to maintain an academic advantage over international peers requires the federal government to set national standards for education and actively enforce them.7 But the federal role in education has consistently expanded over the last 50 years and has yet to demonstrate its ability to effectively reform American education. Perhaps the most significant and far reaching attempt was The No Child Left Behind Act (NCLB). The NCLB was an aggressive and ambitious attempt by the federal government to improve American education. However, it was not the first time the federal government inserted itself into the realm of education. These initial attempts by the federal government were largely a response to concerns about considerable racial disparities in education, precipitated by the Supreme Court’s holding in Brown v. Board of Education in 1954.8 The role of the federal government in ensuring access to education for disadvantaged groups should not be underestimated9 , particularly when the remnants of discrimination still plague American schools, and the federal government should continue to promote accessible education for these groups. But while racial and gender-based discrimination are problems of national magnitude requiring a Decisive national response, other problems facing the United States’ educational system today are quite different. The Elementary and Secondary Education Act (ESEA) was passed in 1965 and represented one of the first major attempts by the federal government to address growing disparities in education. The Act established the Department of Education and a Secretary of Education.10 Significantly, the Act notes that “The establishment of the Department of Education shall not increase the authority of the Federal Government over education or diminish theresponsibilityforeducationwhichisreservedtotheStatesandlocalschoolsystems…”11 In response to growing concerns about how United States students were measuring up against their global counterparts, the federal government began to take on an even more active role in education.12 The focus of these efforts shifted from ensuring accessible education to emphasizing the quality of education.13 When it became clear that schools were not meeting the education goals set in the 1980s, the federal government sought a more comprehensive approach.14 The No Child Left Behind Act, passed in 2001, delegates the responsibility for setting educational standards—known as ‘Adequate Yearly Progress’—to the states.15 The Secretary evaluates state plans for compliance with the requirements in the act.16 States that elect to participate in this program agree to comply with the act’s requirements in exchange for federal funding. Failure to meet these requirements results in the loss of the funds.17 Notwithstanding the funding problems posed by No Child Left Behind, including accusations that it is an unfunded mandate and a sixth circuit finding that NCLB does not provide notice to the states that they will be required to fund any additional costs of compliance with the acts requirements above the federal funds provided18, the act was an important step towards reforming national education achievement.19 However, since NCLB was implemented, United States students still lag behind many of their international peers.20 III. ADVANTAGES OF STATE AND LOCAL CONTROL States provide ideal laboratories for devising solutions to waning educational achievements. Even strong proponents of national control over education recognize that individual states are in the best position to determine what incentives or disincentives will most effectively accomplish academic improvement within that district.21 On several occasions, the Supreme Court has also noted that states are in a unique position to deal with the challenges presented by undertaking to provide education to its citizens.22 Now, perhaps more than ever, the United States must take advantage of its unique political structure and tap into local resources to respond to this growing and significant problem. The strongest advantage of permitting states and especially local governments to control education is that each entity will be able to develop programs that are responsive to individual needs.23 As Justice Powell remarked, “No area of social concern stands to profit more from a multiplicity of viewpoints and from a diversity of approaches than does public ceducation.”24 The problems affecting educational achievement vary from state to state and from district to district. Not only are local school districts in the best position to assess and respond to these problems, they are also in the best position to develop a curriculum tailored to the unique needs of their community. Because the problems are often individualized, the solution must be as well. Similarly, the majority of funding for education comes from state and local sources.25 Although the federal role in funding education has increased in recent years, schools are still primarily funded by the communities in which they are located. Community members are much more likely to be invested in the success of their schools if they are also directly invested in the schools through tax dollars. Shifting more control over schools to the federal government while still leaving state and local governments with the responsibility to fund schools will only produce frustration and hinder innovation. On a different level, parents should be able to control the education of their children through participation in local school programs and boards without federal officials dictating curriculum requirements. As the federal government’s role in controlling education increases, the opportunity for parents to have input into and participate meaningfully in their children’s education decreases. As Justice Stevens pointed out in Mergens, from an ethical standpoint the wishes of parents regarding their children’s education should be respected. Officials responsible for the school system can better be held accountable at the local level as well. When the responsibility for education’s success is delegated to a group of local community members, not only are they in the best position to determine the needs of their specific community but the community is also able to remove or replace officials whom they feel have been unresponsive to their needs. While members of Congress are also subject to political accountability, it is much more difficult to hold Congress accountable for the failure of individual, local schools. Parents and communities must have recourse to change directions when their school system has failed their students. As the federal government has taken on a more active role in regulating education, the power struggle between state or local governments and the federal government has grown. For example, prior to the passage of NCLB, Connecticut developed a system of assessment which included multiple choice questions as well as short answer and essay questions in the areas of reading, writing and mathematics.26 Connecticut’s program also made significant accommodations for special education students and students for whom English was not their primary language.27 Although the state’s education system is not without its shortcomings, specifically the District Court referenced an NAACP report indicating that Connecticut had not successfully remedied a “poor to non-poor achievement gap,” Connecticut students are among the highest achieving students in the country.28 Following the passage of NCLB, Connecticut requested a waiver of the NCLB requirement to administer a yearly assessment test, arguing that their current form of assessment was superior.29 The waiver was denied and Connecticut filed suit challenging several provisions of NCLB.30 While Connecticut v. Spellings provides an interesting look into the shortcomings of NCLB and the judicial response to these challenges, this case importantly highlights the problems with the current federal stance toward education.31 Connecticut has developed a system by which to measure student achievement but its efforts to improve an already successful school system are hindered by the imposition of federal requirements. Rather than discouraging different approaches, the federal government should encourage states like Connecticut to build upon already successful programs.

#### De-centralized education reform is key to innovation and federalism—empirics prove no “race to the bottom”

**Evers 14**

Williamson Evers (member of the Editorial Board of Education Next and a research fellow at Stanford University’s Hoover Institution. Evers was the U.S. Assistant Secretary of Education for policy, from 2007 to 2009). “How the Common Core Suppresses Competitive Federalism.” Education Next. September 8th, 2014. <http://educationnext.org/common-core-suppresses-competitive-federalism/>

We know that national standards are not needed for success in international comparisons. Back in the 1970s, the United States and Canada were both in the middling, mediocre ranks internationally. Both countries are rather similar in culture and level of commercial and industrial development. The United States has continued to wallow in mediocrity, even as we centralize K-12 education. Yet Canada (which has more competitive federalism in education than the United States and has no Ministry of Education in its central government) has climbed into the ranks of advanced nations in academic performance. Why is this important? Because one of the pillars of the case for national curriculum-content standards is that they are necessary for individuals to succeed in a global marketplace and that all top-performing countries have them. The case of Canada refutes that. Let’s turn to the background of the Common Core. Content standards, tests, and curriculum that had been provided by the states—thus far—will now because of Common Core be provided by federally-endorsed national curriculum-content standards, federally-funded tests, and curriculum (some of it federally funded) based on those tests and curriculum-content standards. The Common Core national standards had their origins in several Washington, D.C.-centric lobbying and policy-advocacy groups—namely, the National Governors Association (NGA), the Council of Chief State School Officers (CCSSO), and Achieve Inc. Shortly after the Obama administration came to power, it adopted and endorsed the national standards. It used competitive grants to coerce states into adopting Common Core. It paid for Common Core national tests and intervened in the test-creation process. It created a panel to oversee and monitor the national tests. It granted states waivers from the burdens of No Child Left Behind (NCLB)—conditional on continued adherence to Common Core or a federally-approved alternative. Central to the thinking (and rhetoric) of the advocates of Common Core on education reform was the idea that state performance standards were already on a downward slide and that, without nationalization, standards would inexorably continue on a “race to the bottom.” The name given to the Obama administration’s signature school reform effort, the Race to the Top program (RttT), reflects this belief. The idea is that to prevent states from following their supposed natural dynamic of a race to the bottom, the federal government needs to step in and lead a race to the top. I would disagree. While providers of public education certainly face the temptation to do what might look like taking the easy way out by letting academic standards slip, there is also countervailing pressure in the direction of higher standards (especially, as long as there are competing standards in other states). If policymakers and education officials let content standards slip, low standards will damage the state’s reputation for having a trained workforce. Such a drop in standards will even damage the policymakers’ own reputations. In 2007, the Thomas B. Fordham Institute looked empirically at state performance standards over time in a study called The Proficiency Illusion. The study showed that while states had a variety of performance standards (as would be expected in a federal system), the supposed “race to the bottom” was not happening. The proponents of the Common Core wrong in their claims that state performance standards were inevitably and everywhere on a downward slide. Why is this important? Because the other case for national curriculum-content standards is that without nationalization there will be a race to bottom and that only national standards can reverse a supposedly already-existing “race to the bottom.” But the facts refute this. This topples the other principal argument for national standards. To finance its Race to the Top program, the U.S. Department of Education took discretionary stimulus money that could be used as conditional grants, and then turned a portion of that money into a competitive grant program. It used the grants to encourage states to adopt the national standards. Policy analyst Michael Petrilli aptly called inducements to adopt the standards “the carrot that feels like a stick.” The department also paid for national consortia to develop national tests aligned with the national curriculum–content standards. The administration created another inducement in the form of No Child Left Behind waivers. In return for adopting the national standards or a federally approved alternative, states could escape NCLB sanctions for not making timely gains in student achievement. U.S. Education Secretary Arne Duncan went beyond what the law allows, by substituting the Obama administration’s favored education reforms (including national curriculum-content standards and tests) for NCLB’s accountability measures. I would add that the new accountability systems under the waivers can all too easily hide deficiencies in the performance of children in previously closely watched sub-groups and may weaken incentives to improve performance of those children. To some extent, federal officials have commandeered state curriculum-content standards and tests and substituted national standards and tests; to some extent, some state officials embraced the national standards-and-testing cartel as a relief from political pressure within their state and a relief from competitive pressure from other states. In any case, national standards and tests will change curriculum content, homogenize what is taught, and profoundly alter the structure of American K-12 public education. Nationalizing standards and tests would, according to this analysis, eliminate them as differentiated school-reform instruments that could be used by states in competition over educational attainment among the states. Sonny Perdue, governor of Georgia at the time Common Core was created, did not like it when the low-performing students of his state were compared with students in other states that had different standards from Georgia’s. He became the lead governor in bringing the NGA into the national standards effort. So, Yes, Common Core does undermine “competitive federalism.” Indeed, in part, it was designed to do so. Federalism is not only distinction from and rivalry between the federal government and the states; it is also rivalry among the states and among local governments within the states. As economist Richard McKenzie writes, the Founders sought to disperse power “among many different and competing governments—at the federal, state, and local levels.” The insight of competitive federalism is that fifty-one state school boards are better than a single federal Executive-branch office. Fifteen-thousand local school boards are better than either fifty-one state school boards or a single federal office. As political scientist Thomas Dye puts it, “intergovernmental competition” was seen by the Founders as an “auxiliary precaution” against the “monopoly abuse of power by a single centralized government.” Competitive federalism encourages innovation, allows movement between jurisdictions that enhances liberty, and permits a better match between policies and voter preferences. Common Core’s national uniformity runs counter to competitive federalism. Let’s turn to Alexis de Tocqueville, the most famous observer of American society in our history and see what he can tell us about national education standards. Tocqueville is famous for his portrait of nineteenth-century America and his philosophic insights on why the American society has flourished—and also where it might go wrong. It is worth reminding ourselves what some of Tocqueville’s insights were. Once we do, we can consider the current nationalization of K-12 public-school curriculum, with Tocqueville’s insights in mind. One of Tocqueville’s major insights was that Americans have benefited from popular participation in the large number of churches, charities, clubs, and voluntary associations in our country, as well as in state and local governments, which stand between the individual and the national government in Washington, D.C. In essence, Tocqueville believed that the civic health of America depended on popular participation in entities like associations to create and maintain religious, private, or charter schools, as well as in local authorities like school districts with fully-empowered schools boards. Such activity fosters civic virtue and “habits of the heart” and encourages everyday citizens to take on necessary social tasks that in pre-modern society lowly subjects were not allowed to undertake, but were instead the duty of the aristocracy. When Tocqueville described nineteenth-century American society he spoke, for example, of township school committees that were deeply rooted in their local communities. In those days, state control of local public education took the form of an annual report sent by the township committee to the state capital. There was no national control. Large sums (much of it taxed from laborers and farmers) were spent by these school committees, and their efforts reflected, Tocqueville thought, a widespread American desire to provide basic schooling as a route to opportunity and advancement. He admired the fact that in self-activating America, one might easily chance upon farmers, who had not waited for official permission from above, but were putting aside their plows “to deliberate upon the project of a public school.” At the same time, Tocqueville observed in European countries that activities like schooling that had formerly been part of the work of guilds, churches, municipalities, and the like were being taken over by the national government of those countries. Tocqueville feared that if either Americans neglected their participation in associations or local governments or Europeans lost their intermediate entities to the national governments, the tendency would be toward a loss of a liberty and a surrender to a soft despotism. In Democracy in America, Tocqueville described how in Europe “the prerogatives of the central power” were increasing every day and making the individual “weaker, more subordinate, and more precarious.”Once, he said, there had been “secondary powers” that represented local interests and administered local matters. Local judiciaries, local privileges, the freedoms of towns, provincial autonomy, local charities—all were gone or going. The national central government, he wrote, “no longer puts up with an intermediary between it and the citizens.” Tocqueville said that, in Europe, education, like charity, “has become a national affair.” The national government receives or even takes “the child from the arms of his mother” and turns the child over to “the agents” of the national government. In nineteenth-century Europe, the national governments already were infusing sentiments in the young and supplying their ideas. “Uniformity reigns” in education, Tocqueville said. Intellectual diversity was disappearing. He feared that both Europe and America were moving toward “centralization” and “despotism.” Tocqueville believed that in non-aristocratic societies (like America), there is strong potential for the national government to become immense and influential, standing above the citizens, not just as a mighty and coercive power, but also as a guardian and tutor. Tocqueville maintained that religion (as a moral anchor) as well as involvement in local government (such as school districts) and voluntary organizations could help America counter the tendency toward tyranny. Joseph Califano, President Jimmy Carter’s Health, Education and Welfare Secretary, articulated Tocqueville-style concerns about a centralization of schooling: “Any set of test questions that the federal government prescribed should surely be suspect as a first step toward a national curriculum. … [Carried to its full extent,] national control of curriculum is a form of national control of ideas.” Unless Common Core is stopped, its officials will dismantle what remains of state and local decision-making on classroom lessons and replace it with a new system of national tests and a national curriculum. This policy is Tocqueville’s nightmare: As in Europe, education “has become a national affair” and Common Core is the vehicle for imposing in America a one-size-fits-all centralization like that administered by the National Ministry of Education in France. Federalism, including horizontal inter-jurisdictional competition, allows policies better matched to needs and preferences of voters. It allows individuals and families to “vote with their feet”—to move to jurisdictions that they like, where the authorities don’t act counter to their liberties and preferences. Competitive federalism allows experimentation by alternative jurisdictions. One state can try one policy, while another state tries something else. This is why it is called the “laboratory of democracy.” This feature of federalism is what brought Massachusetts, Indiana, California and several other states to have the outstanding curriculum-content standards that they had before the Common Core. This is the feature of federalism that facilitates an exit strategy from Common Core: It allows states that are leaving Common Core to repeal and replace the national curriculum-content standards with outstanding pre-Common Core state standards. This can be done on an interim basis, while those states design their own replacement standards for the long run. Then the rivalry that takes place under competitive federalism will go back to work to the benefit of teachers, students, and everyone who wants a well-educated citizenry—and also everyone who wants to have the freedoms that are protected by the U.S. Constitution’s Madisonian system of federalism.

#### National education standards impose uniformity at the expense of quality and innovation

**Marshall and Burke 10**

Jennifer Marshall (Vice President for the Institute for Family, Community, and Opportunity, and the Joseph C. and Elizabeth A. Anderlik Fellow) and Lindsey M. Burke (Director, Center for Education Policy and Will Skillman Fellow in Education in the Institute for Family, Community, and Opportunity). “Why National Standards Won’t Fix American Education: Misalignment of Power and Incentives.” The Heritage Foundation. May 21st, 2010. http://www.heritage.org/education/report/why-national-standards-wont-fix-american-education-misalignment-power-and

Misconception #3: National standards are necessary because state standards vary in quality. Some states, such as Massachusetts, California, Indiana, and Virginia, have highly regarded standards. A number of other states have uneven quality of standards across subjects, and some are not up to par generally. Teachers union pressure, pervasive political correctness, and pedagogical and content disputes hamper the quality of state standards. The variation in state standards is one of the most frequently cited reasons for adopting national standards and tests.[19] But the same pressures that detract from the quality of many state standards are likely to plague national standards as well. As a result, the rigor and content of national standards will tend to align with the mean among states, undercutting states with higher quality standards.[20] For example, the Obama Administration’s proposal would force Massachusetts to abandon its highly regarded state standards and sign on instead to a set of national standards that are well beneath the rigor and content of the current state standards.[21] If it fails to do so, Massachusetts would stand to lose $275 million a year in federal funding for Title I.[22] For states like Massachusetts, the Obama Administration’s plan means facing the prospect of losing out on federal funding if they refuse to water down their standards. Secretary of Education Arne Duncan refers to the varying quality of state standards as “50 different goal posts.”[23] That is a catchy phrase, but it begs the question of whether the national standards movement is more concerned with uniformity than it is with excellence. Uniform minimum-competency standards on a national level would provide a one-size-fits-all approach that would likely lead to decreased emphasis on advanced work and a generally dumbed-down curriculum. Centralized standards and testing would eliminate the possibility of competitive pressure for increasing standards of excellence.

#### Federalism is best for education policy

**Hess and Kelly 15**

Frederick Hess (director of education policy studies at the American Enterprise Institute) and Andrew Kelly (resident scholar and director of the Center on Higher Education Reform at the American Enterprise Institute). “More Than a Slogan.” U.S. News & World Report. September 15th, 2015. <https://www.usnews.com/opinion/knowledge-bank/2015/09/15/5-reasons-federalism-in-education-matters>

Those seeking to do more and more of the nation's education business in Washington fail to recognize that federalism has its own unique strengths when it comes to education. Now, those arguing for a larger federal role have reasonable points to make. Some states do have a history of ignoring failing schools or doing too little for disadvantaged students. It is also true that states can ignore federal inducements in order to go their own way (though that's easier said than done when non-participation comes with a giant price tag). The response to these concerns should not be shallow sloganeering around the virtues of limited government, but a competing vision of how to order our community affairs and an explanation of why, at least in the American system, the federal government just isn't well suited to govern education. Anything less makes it all too easy for liberals, and even well-intentioned moderates, to dismiss federalism as an inconvenient obstacle to be overcome rather than an asset to be embraced. Federalism matters for at least five reasons. It's a matter of size. Education advocates suffer from severe bouts of Finland and Singapore envy. They tend to ignore that most of these nations have populations of 5 million or so, or about the population of Maryland or Massachusetts. Trying to make rules for schools in a nation that's as large and diverse as the U.S. is simply a different challenge. It aligns responsibility and accountability with authority. One problem with tackling education reform from Washington is that it's not members of Congress or federal bureaucrats who are charged with making things work or who are held accountable when they don't. Instead, responsibility and blame fall on state leaders and on the leaders in those schools, districts and colleges who do the actual work. The more authority moves up the ladder in education, the more this divide worsens. It steers decisions towards the practical. No Child Left Behind promised that 100 percent of students would be proficient in reading and math by 2014. President Barack Obama wants to ensure that all students can attend community college for "free" – though most of the funds would come from states. It's easy for D.C. politicians to make grand promises and leave the consequences to someone else. State leaders must balance the budget and are answerable to voters for what happens in schools and colleges; this tends to make them more pragmatic in pursuing reform. When policymakers are embedded in a community, as mayors and state legislators are, there is also more trust and opportunity for compromise. That kind of practicality might disappoint firebrands eager for national solutions, but it's a better bet for students than the wish lists and airy promises of Beltway pols. It leaves room for varied approaches to problem-solving. One of the perils of trying to "solve" things from Washington is that we wind up with one-size-fits-all solutions. No Child Left Behind emerged from a wave of state-based efforts to devise testing and accountability systems. Those state efforts were immensely uneven, but they allowed a variety of approaches to emerge, yielding the opportunity to learn, refine and reinvent. That's much more difficult when Washington is seeking something that can be applied across 50 states. It ensures that reform efforts actually have local roots. The Obama administration's Race to the Top program convinced lots of states to promise to do lots of things. The results have been predictably disappointing. Rushing to adopt teacher evaluation systems on a political timeline, states have largely made a hash of the exercise. Free college proposals make the same mistake; they depend on states and colleges promising to spend more money and adopt federally sanctioned reforms, an approach that seems destined to frustrate policymakers' best-laid plans.

## Aff

### UQ – Federal Involvement

#### DeVos has flipped her promises of state control – she’s supporting expansive federal action

Green 7/7

(Erica L., M.S. in Journalism, Education Reporter at The New York Times, 7.7.17, The New York Times, “DeVos’s Hard Line on New Education Law Surprises States,” <https://www.nytimes.com/2017/07/07/us/politics/devos-federal-education-law-states.html?mcubz=1&_r=0>, Accessed: 7.14.17)VW

Education Secretary Betsy DeVos, who made a career of promoting local control of education, has signaled a surprisingly hard-line approach to carrying out an expansive new federal education law, issuing critical feedback that has rattled state school chiefs and conservative education experts alike. President Barack Obama signed the Every Student Succeeds Act in 2015 as the less intrusive successor to the No Child Left Behind law, which was maligned by many in both political parties as punitive and prescriptive. But in the Education Department’s feedback to states about their plans to put the new law into effect, it applied strict interpretations of statutes, required extensive detail and even deemed some state education goals lackluster. In one case, the acting assistant secretary for elementary and secondary education, Jason Botel, wrote to the State of Delaware that its long-term goals for student achievement were not “ambitious.” “It is mind-boggling that the department could decide that it’s going to challenge them on what’s ambitious,” said Michael J. Petrilli, the president of the conservative-leaning Thomas B. Fordham Institute, who worked in the Education Department under President George W. Bush. He called the letter “directly in opposition to the rhetoric and the promises of DeVos.” After more than a decade of strict federal education standards and standardized testing regimes, the Every Student Succeeds Act was to return latitude to the states to come up with plans to improve student achievement and hold schools accountable for student performance. It sought to relieve states from the federal pressures of its predecessor, which required that 100 percent of the students of every school reach proficiency on state tests or the school would face harsh penalties and aggressive interventions. Unlike No Child Left Behind, the new law does not set numerical achievement targets, nor does it mandate how a state should intervene if a school fails to reach them. The law does require that states set such benchmarks on their own. Proponents, especially congressional Republicans and conservative education advocates, believed that a new era of local control would flourish under Ms. DeVos, who pointed to the new law as illustrative of the state-level empowerment she champions. But her department’s feedback reflects a tension between ideology and legal responsibility: While she has said she would like to see her office’s role in running the nation’s public schools diminished, she has also said she will uphold the law. “All of the signals she has been sending is that she’s going to approve any plan that follows the law,” Mr. Petrilli said. “And when in doubt, she’s going to give the states the benefit of the doubt.” Mr. Botel defended the department’s feedback, saying it was measuring state plans against federal statutes — including a requirement that plans be ambitious. “Because the statute does not define the word ‘ambitious,’ the secretary has the responsibility of determining whether a state’s long-term goals are ambitious,” Mr. Botel said. In the department’s letter to Delaware — which incited the most outrage from conservative observers — Mr. Botel took aim at the state’s plan to halve the number of students not meeting proficiency rates in the next decade. Such a goal would have resulted in only one-half to two thirds of some groups of students achieving proficiency, he noted. The department deemed those long-term goals, as well as those for English-language learners, not ambitious, and directed the state to revise its plans to make them more so. So far, 16 states and the District of Columbia have submitted plans, and more states will present plans in the fall. Delaware, New Mexico and Nevada were the first three to be reviewed by Education Department staff and a panel of peer reviewers. State education officials in Delaware said they had spent a year engaging the community on their plan and would resubmit it with clarifications. But Atnre Alleyne, the executive director of DelawareCAN, an advocacy group that helped draft the plan, agreed with the department’s findings. He said that his group had challenged the state about accountability measures, such as setting firm goals and consequences for failing to meet them, and found that “there was a lot of fear about being bold or aggressive” after No Child Left Behind. “Ultimately this has to be about every student succeeding, so to say that one-third are going to be proficient in 10 years, the department is right to call that into question,” Mr. Alleyne said. “A lot of people thought it was just going to be a breeze. I was glad to see it was a push.” Since Ms. DeVos was confirmed, civil rights and education advocates have expressed concern that state plans would get assembly-line approval and states would be allowed to skirt responsibility for low-performing and historically underserved students. For all of its flaws, the No Child Left Behind Act was praised for holding schools accountable for performance data. Under the law, a school was considered failing if all of its student groups, including all racial and ethnic groups, English-language learners and students with disabilities, did not meet annual achievement targets. By the end of the law, more than half of the nation’s schools were considered failures. But even after the first round of feedback, the advocates would like the department to be more aggressive and reject any state plan that lacks specifics on how they will account for the performance of historically underperforming and underserved student populations. “Pushback and feedback in and of themselves are of no interest and of no value,” said Liz King, the director of education policy at the Leadership Conference on Civil and Human Rights. Chad Aldeman, a principal at Bellwether Education Partners, who led an independent examination of state plans, said that some states, like Louisiana, New Mexico and Tennessee, had innovative plans to improve student achievement. But Mr. Aldeman agreed that many state plans reflected “process without specificity” when it came to the two most important parts of the new law — identifying how schools will account for the performance of all students, and how states plan to intervene in low-performing schools. And Ms. DeVos and Republican lawmakers were partly to blame. “The administration has signaled that they’re willing to take plans that are half-baked, and we’re seeing plans that aren’t finished and are not complete,” Mr. Aldeman said. Christopher Ruszkowski, the acting secretary for the New Mexico Public Education Department, said the idea that the new law would yield total state control was merely “rhetoric from the Beltway.” “I think a lot of the euphoria over return to local control was an overpromise,” he said. “What this signals is that U.S.D.E. will continue to play the role they’ve always played in the years ahead.” In feedback for five more states — Connecticut, Louisiana, New Jersey, Oregon and Tennessee — the Education Department avoided criticizing the ambitions of the state plans. But it did maintain its scrutiny. For example, the department noted that Tennessee neglected to identify, as the law requires, languages other than English spoken among its student population because it considers itself “an English-only state.” According to the state’s population profile, nearly 50,000 students speak English as a second language. And in Connecticut’s plan, the department pointed out that the state discussed ways to identify schools that had “consistently underperforming” student groups, but did not actually define what that meant. The state was also criticized for its use of an alternative system for measuring academic performance instead of more standard “proficiency” measurements on state tests, as the law requires. Such feedback signaled that the department “appears to be resorting to very traditional and narrow ways of interpreting student and school performance,” said Laura Stefon, chief of staff for the Connecticut State Department of Education.

#### The federal role in education has already been greatly expanded

Robinson 15

(Kimberly, J.D. from Harvard, this article won the 2016 Steven S. Goldberg Award for Distinguished Scholarship in Education Law from the Education Law Association, “Disrupting Education Federalism,” 92 Wash. U. L. Rev. 959 (2015), Law Faculty Publications, <http://scholarship.richmond.edu/cgi/viewcontent.cgi?article=2246&context=law-faculty-publications>, Accessed: 7.1.17)VW

My theory for disrupting education federalism is particularly timely for two reasons. First, the United States is undergoing an unprecedented expansion of the federal role in education and an accompanying shift in its approach to education federalism. The American Recovery and Reinvestment Act of 2009,23 also known as the stimulus bill, authorized an unprecedented $100 billion to invest in education funding, tuition tax credits, and college grants which President Obama trumpeted as "the largest investment in education in our nation's history."2 4 The stimulus bill included $4.35 billion for the Race to the Top (RTTT) program, which represented far more discretionary finding than all of Secretary of Education Arne Duncan's predecessors. 25 Although RTTT has its shortcomings,26 it has sparked significant education reform, including greater state support for the common core standards, charter schools, and revisions to state laws regarding the use of student testing data to evaluate 27 teachers. In a number of states and districts, the two years following the creation of RTTT sparked more reform than those locations had seen in the preceding twenty years.28 The stimulus bill built on the substantial expansion of the federal role in education created by the No Child Left Behind Act of 2001 (NCLB).29 NCLB represents the most expansive education reform law in the history of the United States. 30 For example, the law's far-reaching provisions required annual testing in math and reading in third through eighth grade and once in grades ten through twelve and periodically in science.3 The law also instituted public reporting of results of student assessments on the content of state standards, launched disaggregation of this data for a variety of student characteristics including race and ethnicity, created accountability interventions for Title I schools, and set minimum requirements for highly qualified teachers.32 Although NCLB also established a new federal role in education, it did not provide an accompanying new understanding of education federalism that could help to guide this role. 3 3 Given congressional failure to reauthorize the law in a timely manner, the U.S. Department of Education continues to wield this expansive federal authority through waivers of NCLB requirements if states will agree to new conditions on the receipt of federal aid.34 Second, my theory is particularly timely given the current national focus on improving educational performance of poor schoolchildren and reducing achievement and opportunity gaps. For instance, a 2013 report from the Equity and Excellence Commission, a panel of education policy experts convened by President Barack Obama, proposed a variety of far reaching reforms that would greatly expand federal responsibility for ensuring equal educational opportunity. 36 Scholars similarly have offered a variety of thoughtful proposals for how to reduce the opportunity gap that would require greatly expanding federal authority over education and thereby restructuring education federalism. 37

#### Trump says he wants state control of education but he’s expanding the federal government’s role more than ever – Common Core, school choice, and merit pay

Hiler and Hatalsky 16

(Tamara, M.A. in Public Policy & Administration, Senior Policy Advisor for Education at Third Way, Lanae Erickson, J.D., member of President Obama's third Advisory Council on Faith-Based and Neighborhood Partnerships, Legislative Counsel at Alliance for Justice, Vice President for the Social Policy & Politics Program at Third Way, 9.13.16, Third Way, “Trump’s Big Government Takeover of Education,” <http://www.thirdway.org/memo/trumps-big-government-takeover-of-education>, Accessed: 6.22.17)VW

With 60 days left before the presidential election, Donald Trump finally released his plan for our nation’s schools. Quizzically, it consists entirely of federal mandates that would require throwing out the new law Congress passed last year to overhaul No Child Left Behind, which garnered wide bipartisan support (359 to 64 in the House and 85 to 12 in the Senate). In fact, if taken seriously, Trump’s proposals could give the federal government more power to override the wishes of states and local communities than anyone in the Bush or Obama Administrations ever considered in their wildest dreams. There are three major policies Trump promises he would implement from the top down, forcing every state, district, and school across the nation to comply. 1. “End Common Core.” The most extensive and oft-repeated education proposal coming from Donald Trump on the campaign trail has been his plan to “repeal” the Common Core State Standards (CCSS) because, as he says, “it’s a total disaster.”1 But the federal government plays no role in Common Core. The National Governors Association and the Council of Chief State School Officers led that effort to create a set of uniform math and reading standards as a way to ensure that every child graduates from high school college- and career-ready regardless of the state where they live or how many times they move during the course of their education.2 Today, 42 states and the District of Columbia have voluntarily adopted the Common Core State Standards because they want to ensure that children in their local schools are being held to a consistent and high standard of academic learning.3 Donald Trump says he “wouldn’t let it continue” if he were elected president. To actually accomplish that goal and force 42 states and DC to change their standards, Trump would have to convince Congress to repeal the education law it just passed last December—a law that more than 80% of both the House and the Senate supported. That law explicitly prohibits the federal government from meddling in a state’s ability to select educational standards, including the Common Core State Standards, which are explicitly mentioned by name as an area where the federal government has no business interfering.4 Those provisions were included almost by acclamation in the new law, as policymakers across the political spectrum think the choice of standards should be a state and local decision. Apparently, Trump is in the minority on this one. 2. “Help Parents Send Their Kids to a Safe School of Their Choice.” In addition to his edicts around Common Core, Donald Trump’s latest proposal focuses heavily on increasing “school choice.”5 Specifically, a press release on Trump’s website (which is the full extent of his current education plan) proposes to create a $20 billion grant program that would allow “every disadvantaged child to be able to choose the local public, private, charter, or magnet school that is best for them and their family.” In addition to the $20 billion he expects the federal government to allocate towards this mission, an amount equal to about a third of the budget of the Department of Education, he also expects states to pony up an additional $110 billion of their own funding—a brazen demand given that only 13 states have even been able to restore per-pupil spending to pre-recession levels.6 To put the scale of this mandate into perspective, the Obama Administration’s entire Race to the Top program, which incentivized states to make changes to their education systems and was maligned by many on the right as federal government overreach, cost the federal government a total of $4.35 billion.7 Trump plans to spend more than four and a half times more to induce states to broaden voucher and other school choice programs, and he expects those states to chip in 25 times more than the federal government spent on Race to the Top to carry out his plan. Trump would not only be enforcing his will unilaterally on states through this proposal but also imposing a policy that was explicitly rejected by Congress just last year. The newly passed No Child Left Behind overhaul rejected these “let the money follow the kid” arguments because such policies divert limited resources away from the poorest schools and place them in more affluent ones, including directly transferring money out of the public school system and into wealthier private schools.8 So not only would this component of the Trump plan compel states to empty their education coffers according to his wishes, it would also override the considered judgement of a Republican-controlled Congress. 3. “Institute Merit Pay and Get Rid of Tenure.” Lastly, Donald Trump threw in a new, third component to the end of his education plan: to “support merit-pay for teachers, so that great teachers are rewarded instead of the failed tenure system that currently exists.”9 The specifics for how Mr. Trump would like to accomplish this goal are absent from this vague, one-line statement, but it is clear that any federal effort to move to merit pay systems and eliminate tenure would have to involve another major expansion of the federal government’s role in education. Teacher compensation and tenure policies are determined either at the district or state levels, and while some states have been moving to modernize their compensation structures in recent years, only two states in the nation have no teacher tenure laws whatsoever on the books.10 In addition, in order to implement a merit pay system, you must first be able to evaluate teacher performance in the classroom. But requiring states to implement a rigorous teacher evaluation system was also explicitly prohibited by Congress when it replaced No Child Left Behind last year.11 This means the only way Trump could force states to move to merit pay or abolish teacher tenure would be to pressure Congress to pass a new law allowing the federal government to dictate state and local teacher compensation policies, or to simply act in defiance of current law which bars the federal government from doing exactly that. This Trump edict could also require the federal government to step into local districts and renegotiate teacher contracts on a district-by-district basis—or simply pass a law to void those contracts entirely (which could arguably be unconstitutional). Either way, to carry out this plan, a Trump administration would need to significantly expand the reach of the federal government and ignore state and district decisions about how best to run their local schools. Those who complained about federal overreach under Presidents George W. Bush and Obama should gird their loins. Conclusion The Republican nominee wants to dictate from Washington that states massively overhaul their standards, vastly increase their spending, and upend their compensation and tenure systems. These are all decrees that Members of Congress from both sides of the aisle have already wholeheartedly rejected. And implementing this massive federal takeover of education policy would be complicated even further if Trump truly “cuts the Department of Education”—a statement he has haphazardly thrown around on the campaign trail.”12 Despite Donald Trump’s claims that he would like to return education to the local level, there is nothing small-government about his current slate of policy proposals. In fact, if taken seriously, each of his three policy planks alone represents a broad expansion of the federal government’s power that would be the envy of any big government liberal.

#### Trump is increasing federal funding for schools now – school choice

Wong 17

(Kenneth K., Ph.D. in Political Science, Walter and Leonore Annenberg Professor for Education Policy, Professor of Political Science, Public Policy, and Urban Studies, Director of the Urban Education Policy Program, 3.27.17, Brookings, “Redefining the federal role in public education: The 1st quarter of the Trump “insurgent” presidency,” <https://www.brookings.edu/blog/brown-center-chalkboard/2017/03/27/redefining-the-federal-role-in-public-education-the-1st-quarter-of-the-trump-insurgent-presidency/>, Accessed: 6.22.17)VW

SCHOOL CHOICE AS A FEDERAL PRIORITY The appointment of U.S. Secretary of Education Betsy DeVos signals a strong commitment to school choice from the Trump administration. To be sure, this is not the first time a U.S. president advocated for school choice: Ronald Reagan was a strong proponent of school choice, but was unable to gain much congressional support. President George H. Bush was receptive to the notion of charter schooling, when AFT President Albert Shanker first proposed it in the 1980s. Further, President Bill Clinton popularized charter schools with federal startup funding, a position endorsed by both presidents George W. Bush and Barack Obama. But unlike his predecessors, Trump hopes to scale up his school choice initiatives with a large infusion of federal funds. He first made this promise on the campaign trail, pledging $20 billion in federal funding. In his first presidential appearance before a joint session of Congress on Feb. 28, 2017, Trump echoed his campaign promise, proposing a bill that provides federal funding for school choice. The new governing landscape seems supportive of school choice expansion. First, the administration can rely on the state policymaking authority under ESSA. Second, with two-thirds of the states under one-party Republican control in both houses, Trump’s school choice initiative has received favorable response in several state houses. Third, charter schools have continued to receive steady, favorable preference among parents in minority communities (though some minority groups, including the NAACP, have grown more critical). It was a calculated move on Trump’s part to mention that school choice will benefit African-Americans in his joint session address last month.

### Turn – USFG k2 Competitiveness/Edu

#### Federal action in education is key to solve competitiveness – we assume all their warrants

Robinson 15

(Kimberly, J.D. from Harvard, this article won the 2016 Steven S. Goldberg Award for Distinguished Scholarship in Education Law from the Education Law Association, “Disrupting Education Federalism,” 92 Wash. U. L. Rev. 959 (2015), Law Faculty Publications, <http://scholarship.richmond.edu/cgi/viewcontent.cgi?article=2246&context=law-faculty-publications>, Accessed: 7.1.17)VW

The nation's current approach to education federalism has been praised for its ability to reap several benefits. For instance, some find this approach superior based upon Justice Brandeis's view that state and local governments may serve as experimental "laboratories" that can help to solve the nation's economic and social challenges. 55 States and localities have adopted a diverse array of governance structures for education that are designed to respond to state and local interests and preferences.5 ' This decentralization also allows state and local governments to adopt a variety of curricula, teaching, and learning approaches.57 Some also praise the current structure of education federalism for its ability to produce the most effective outcomes. For example, proponents of localism, such as legal theory and local government scholar Gerald Frug, contend that local decision making can produce more effective policy reforms because those most affected by the decision shape the reform.58 Others contend that a decentralized approach to education is more effective at identifying the most successful educational methods given the existing uncertainties regarding how best to educate children. Localism also can create an efficient allocation of goods and services. 60 Efficiency results from the ability of local governments to compete for citizens by offering an attractive array of public services.61 Within education, when localities offer diverse learning options, some citizens can shop for the best schools or relocate so that their children can attend schools that most effectively serves their educational needs.6 2 Additionally, state and local control over education is commended for its ability to foster greater accountability to citizens. Individuals exert greater influence over local government policy than federal or state 64 government. Local control can enable parents to become involved in and influence their child's education and school.6 5 Parents regularly interact with and monitor their child's school and this involvement can improve student performance.6 6 This involvement also can foster a stronger community as parents interact with other parents and their children.67 Finally, the tradition of local control of education remains an important value for many within the American public. 6 8 Many view state and local control over public elementary and secondary education as a central component of state and local government. 69 While public opinion polls reveal an increasing comfort with federal involvement in education, the polls continue to indicate that Americans generally prefer state and local control over education. 70 This preference influences the avenues for reconstructing education federalism that I explore. In addition, state and local authority over education has resulted in diversity in education governance that influences how the federal government can impact education.7 1 B. Five Reasons for Reexamining Education Federalism Given these benefits, why should the nation reexamine the structure of education federalism and consider increasing federal authority over education as part of a national plan to ensure equal access to an excellent education? This reexamination is needed for at least five reasons. 1. Education Federalism Does Not Consistently Reap Some of the Benefits It Is Designed to Achieve Although education federalism undoubtedly reaps some of the benefits that it is designed to accomplish,72 the current approach does not consistently yield the benefits that it is supposed to secure. For instance, education federalism has been praised for its ability to allow the state and local governments to serve as "laboratories" of reform. However, research reveals that in the area of school finance reform, most of the changes have been fairly limited in scope, and that the reliance on property taxes to fund schools remains the prevailing method for local funding of schools. This method has continued despite the Supreme Court's 1973 call for school finance reform in San Antonio Independent School District v. Rodriguez: The need is apparent for reform in tax systems which may well have relied too long and too heavily on the local property tax. And certainly innovative thinking as to public education, its methods, and its funding is necessary to assure both a higher level of quality and greater uniformity of opportunity.74 Even when plaintiffs have prevailed in litigation that sought to reform school finance systems, most states typically have maintained the same fundamental and unequal structure for school finance.75 Additionally, in a substantial majority of the states, funding inequities between wealthy and poor districts and schools persist.76 Only fourteen states provide more funding to districts with high concentrations of poverty than those with low concentrations of poverty,77 despite consistent research that low income students require more resources for a successful education than their more affluent peers.78 The 2013 Equity and Excellence Commission report confirms this lack of additional funding to students who live in high poverty concentrations and notes that substantial reform is needed because, apart from a few exceptions, states fail to link their school finance systems to the costs that they would need to invest to educate all children in compliance with state standards.79 Given decades of reforms that have not made consistent and substantial inroads on these challenges, the states are not serving as effective "laboratories" for school finance reform. Education federalism also is supposed to yield an efficient and effective education system. However, the education system regularly falls short of achieving these goals.so The substantial percentage of poorly educated students inflicts substantial costs upon the United States, resulting in numerous inefficiencies. 8 For example, as I have noted in 82 prior scholarship, increasing the high school graduation rate could save the nation between $7.9 and $10.8 billion annually in food stamps, housing assistance and welfare assistance. The nation forfeits $156 billion in income and tax revenues during the life span of each annual cohort of students who do not graduate from high school.84 This cohort also costs the public $23 billion in health care costs and $110 billion in diminished health quality and longevity.85 By increasing the high school graduation rate by one percent for men aged twenty to sixty, the nation could save $1.4 billion each year from reduced criminal behavior.8 6 Given this research, ineffective schools inflict high costs upon the nation-costs that it cannot afford as it wrestles with predicted long-term growth in the deficit and significant, yet declining, unemployment. 87 Local participation in the governance of school districts also is quite low. The growing federal and state influence over education has led some scholars to contend that "local control" no longer exists within American education and, in fact, it has not existed for quite some time. 88 Education federalism also has led to varying levels of local control for different communities, with low-income and minority communities oftentimes experiencing the least local control. In low-income communities, community participation regularly can yield little influence due to the lack of political power and financial means of residents.89 Low-income citizens also cannot influence local or state governments to enact favorable policies and reforms when these governments lack the funds for implementation.90 Parents also do not enjoy an unfettered ability to choose their child's school.91 Although the quality of schools certainly influences where many families purchase homes, low-income families typically lack the financial ability to choose the best schools because such schools are zoned for more \*92 expensive housing options. Local participation in the governance of school districts also fails to yield the accountability that it is supposed to secure. Research reveals that local participation in school board elections and governance can be quite limited. 93 Typically, no more than ten to fifteen percent of voters participate in school board elections.94 School board meetings also oftentimes experience low citizen attendance. 95 Even the structure of many school board meetings limits public discussion and often public discussion does not influence board decisions.96 Research also has found that many who support the concept of locally controlled school boards do not understand the functions of school boards or support the school boards in their communities.97 In noting that education federalism does not consistently yield the benefits that it is designed to secure, I am not suggesting that it does not yield some important benefits. Certainly, the decentralized nature of the American education system fosters some state and local experimentation and innovation, such as curricular reform, teaching innovations, and other state and local reforms. 98 One need look no further than the effectiveness of some charter schools against great odds, or community-based reforms that coordinate and connect the educational, health, and social service needs of children to find examples of success that have arisen from local reforms.99 The current structure of education federalism undeniably fosters more state and local control and accountability for state and local decisions than a completely federalized system of education. 00 These important benefits are worth preserving. However, the inconsistency in reaping these benefits suggests that it is worth reexamining how education federalism could be restructured to more reliably secure such benefits. 2. Education Federalism Has Served as One of Several Important Roadblocks to Reforms Aimed at Ensuring Equal Educational Opportunity As explained in the Introduction, in a 2013 article I analyzed how a preference for local control and a limited federal role in education have functioned as one of several critical roadblocks to three of the primary reforms that promote equal educational opportunity: school desegregation, school finance litigation in federal court, and NCLB.' For instance, key Supreme Court decisions, from the 1974 decision in Milliken v. Bradley to the 1995 decision in Missouri v. Jenkins, relied on the structure of federalism and the American tradition of local control of education as one of the reasons for severely curtailing the authority of courts to ensure effective school desegregation.1 0 2 In so doing, these opinions clung to a form of dual federalism that required separate spheres for certain government functions, and thus insisted that education was solely a state and local function. 03 However, dual federalism had already been eschewed in prior Court decisions that prohibited segregated educational systems, and in federal legislation and enforcement that provided additional federal funding for low-income students and that required equal educational opportunity for girls, women, disabled students, and English language students.104 Similarly, the Supreme Court relied upon education federalism as one of several justifications for rejecting a federal right to education in San Antonio Independent School District v. Rodriguez.05 The Court noted that it lacked the expertise to interfere with state and local education judgments (an objection that did not stop the Court from deciding Brown) regarding the most effective education reforms and the connection between funding and educational quality.' 06 The Court's rationale also highlighted the importance of local control of schools and the values it brings, such as tailoring programs to students' needs and experimentation.' 07 The Court insisted that it did not want to disturb the existing balance of power between the federal and state governments by reaching a decision that essentially would result in striking down school finance systems throughout the United States. 08 Thus, the Court's decision privileged federalism interests over the nation's interest in equal educational opportunity and insulated school finance disparities from federal judicial review.'09 Even when Congress was adopting NCLB, which represents the most comprehensive education statute aimed at closing achievement and opportunity gaps, the nation's longstanding approach to education federalism insisted that states decide the standards for students and teachers." This "congressional genuflect to education federalism" resulted in many states failing to adopt rigorous standards for either students or teachers. Certainly, education federalism does not stand alone as an obstacle to these reforms. Numerous other obstacles, including state and local backlash against court-ordered desegregation,' 1 2 the challenges of courtmandated school reform," 3 and inadequate funding for NCLBll 4 also undermined the effectiveness of these reforms. Nevertheless, education federalism was one of the central obstacles to the effectiveness of these reforms. 3. Education Federalism Should Be Reexamined Because States Have Refused to Take the Necessary Comprehensive and Sustained Action That Is Needed to Ensure Equal Access to an Excellent Education Throughout this nation's history-even acknowledging state reforms of education and school finance-the states have not taken sustained and comprehensive action to ensure that all students receive equal access to an excellent education."'5 Redistributive goals and equity concerns are simply not consistent state priorities for education.1 6 Indeed, the 2013 report from the Equity and Excellence Commission found that: [A]ny honest assessment must acknowledge that our efforts to date to confront the vast gaps in educational outcomes separating different groups of young Americans have yet to include a serious and sustained commitment to ending the appalling inequities-in school funding, in early education, in teacher quality, in resources for teachers and students and in governance-that contribute so mightily to these gaps.l1 Furthermore, intrastate reforms cannot address significant and harmful interstate disparities in funding." 8 The limited scope of many reforms also reveals that the United States has lacked the political will and investments in enforcement to adopt and implement the type of reforms that would make equal access to an excellent education a reality.'" 9 Given this generally consistent failure to undertake comprehensive and sustained reform, the United States should not expect different results from a system that has failed to ensure equal educational opportunity for many generations of schoolchildren.120 Instead, an assessment of how education federalism could be restructured to support a comprehensive national effort to achieve this goal is long overdue.Part II.F will explain why further expansion of the role of the federal government as the guarantor of equal opportunity represents a more fruitful avenue for reform than state level reform. 4. Education Federalism's Insistence on State and Local Control of School Finance Systems Invites Inequality Primary state and local control over education essentially invite inequality in educational opportunity because of pervasive state insistence that local governments raise education funds and state funding formulas that do not effectively equalize the resulting disparities in revenue.121 Although some influential victories have occurred,1 22 school finance litigation has mostly failed to change the basic organizational structure of school finance systems and their reliance on property taxes to fund schools.1 23 Instead, this litigation at best has obtained limited increases in funding for property-poor districts while allowing property-rich districts to maintain the same funding level or to raise their funding rate at a slower pace.124 Recent evidence of the persistent inequalities in school funding can be found in two distinct 2013 reports. A report from the Council on Foreign Relations found that in the United States more is spent per pupil in highincome districts than in low-income districts.12 5 This stands in sharp contrast to most other developed nations where the reverse is true. 12 6 The Equity and Excellence Commission report also found that "[n]o other developed nation has inequities nearly as deep or systemic; no other developed nation has, despite some efforts to the contrary, so thoroughly stacked the odds against so many of its children." 27 These disparities are due in substantial part to the continued state reliance on property taxes to fund schools.1 28 As a result, state school finance systems in the United States typically create many predominantly low-income and minority schools that predictably produce poor outcomes because these schools typically lack both the resources to ensure that their students obtain an effective education and the capacity to undertake effective reforms even when these reforms are well conceived.1 2 9 The harms from persistent and pervasive disparities in educational opportunity are not limited to schoolchildren, their families, and their communities. These disparities also harm nationwide interests in a strong economy and a just society. The United States needs to maintain international academic competitiveness to attract businesses and prevent the loss of jobs to other more educated nations.1 3 0 Yet, international assessments reveal that the performance of U.S. students is often average or below average when compared to other countries,' 3' which will make it difficult for U.S. students to compete successfully against students from many other nations. The Program for International Student Assessment (PISA), an international assessment of performance in math, reading and science, was administered in 2012 to students in sixty-five education systems.1 32 The results showed that the average U.S. student who participated scored average in reading and science literacy and below average in math literacy when compared to other countries in the Organisation for Economic Co-operation and Development.1 33 Doctors Eric A. Hanushek, Paul E. Peterson and Ludger Woessman, professors of education at Stanford University, Harvard University and the University of Munich respectively, summarized the lackluster performance of U.S. students on international assessments in a 2013 book by noting that: The evidence of international comparison is now clear. American students lag badly and pervasively. Our students lag behind students not just in Asia, but in Europe and other parts of the Americas. It is not just disadvantaged students or a group of weak students who lag, but also American students from advantaged backgrounds. Americans are badly underrepresented among the world's highest achievers.1 34 Although some challenge such conclusions from international assessments as overblown and simplistic, 35 others conclude that these less than stellar outcomes indicate that the U.S.education system is failing to prepare many of its students to compete successfully for jobs with other students from around the world.1 36 Research reveals that the long-term vigor of the U.S. economy will depend on the advanced skills that are typically provided in higher education and that are needed for upper-level technical occupations.'37 Although the U.S. higher education system historically has been considered world-class, the United States is facing substantial competition from other countries with their fast-growing higher education systems.1 3 8 As Thomas Bailey, Teachers College professor of economics and education, has summarized in his research: Occupational forecasts, analyses of job content, trends in wages, and changes in international competition all point to an increasing need in the United States for workers with high-level skills. Achieving increases in skill levels will be difficult as long as current gaps in educational attainment based on income, race, and ethnicity remain.' 39 In this environment, the U.S. economy and its competitiveness will be increasingly hindered by low college enrollment and completion rates for Hispanic and African American students who increasingly will make up a larger share of the workforce.1 40 Many U.S. students cannot compete successfully with students from other developed countries, and the lower achievement of U.S. students could cause comparatively slow growth for the U.S. economy in the years to come.141 The nation also has a strong interest in ensuring that entire segments of the American public are not foreclosed from the American dream due to their family income and racial and ethnic background. The principle of equal opportunity remains an enduring value within American society 42 even though that value has never been fully realized. Rather than abandon the interest in equal opportunity, the nation must explore how this value can become a reality for the nation's schoolchildren. In Part II I propose some innovative ideas on how to accomplish this goal by restructuring education federalism. 5. Education Federalism Should Be Guided by Research Rather than Primarily by Education Politics A reexamination of education federalism is needed because the expansion of the federal role in education has largely been guided by politics.1 4 3 Politics, indisputably, will continue to play an influential role in education reform. Nevertheless, I propose a theory for how the expanding federal role in education should be guided by rigorous research regarding the strengths of federal policymaking, just as research about the importance of educational opportunities for disabled students informed Congress's passage of the Education for All Handicapped Children Act of 1975.'" Although federal education law and policy is also influenced by politics, the federal government has demonstrated a willingness to leverage politics and research to address the needs of the disadvantaged within American society when politics has prevented effective reform at the state and local levels.1 4 5 II. A THEORY FOR DISRUPTING EDUCATION FEDERALISM Education federalism should be restructured to embrace greater federal leadership and responsibility for a national effort to provide equal access to an excellent education. This Part recommends the key elements for strengthening the federal role in education to accomplish this goal. It identifies new federal responsibilities that should be undertaken and recommends reforms of existing federal education policy that would facilitate this goal. Any substantial strengthening and reform of the federal role in education will transform the nature of education federalism because substantive changes to federal authority over education directly affect the scope of state and local authority over education. These shifts in education federalism have occurred throughout U.S. history, including federally mandated school desegregation,1 46 NCLB,1 47 and, most recently, waivers to NCLB.148

#### Federal authority is key to maintaining a meaningful floor of educational quality

**Bowman 17**

Kristi Bowman (Vice Dean of Academic Affairs and Professor of Law, Michigan State University). “The Failure of Education Federalism.” March 10th, 2017. SSRN.

Additionally, although Michigan is only one state, its experience operates as an outsized caution against the specific policy of unfettered school choice and the more general model of education federalism (dual federalism) that involves great deference to state and local authorities.161 Regarding the federalism model, if the ability to define a “right to education” remains exclusively with the states, then state courts—the backstop for education rights—can interpret these rights so minimally that they effectively refuse to consider the question of educational quality at all. Moving forward, the form of federalism in education must shift to a cooperative one, and reforms must be grounded in both liberty and equality. In September 2016, some of the attorneys who brought the “right to read” case in state court filed a complaint in federal court with just this approach.162 As of March 2017, the complaint awaits the federal district court’s ruling on the state’s motion to dismiss. IV. COOPERATIVE FEDERALISM Fortunately for the children of this country, education federalism does not fail all states—some states have robust school finance systems and related policies that produce education of an acceptable level of quality (or higher), and do so more or less uniformly. In other states, judicial intervention has remedied constitutionally and functionally inadequate systems. However, as the previous section demonstrated, not all states are willing and able to address structural problems in public education. Especially given the likely growing federal support for school choice under the Trump Administration, it is important to consider a range of federal legal protections that could create and maintain a meaningful federal floor of educational quality. This Section first discusses action that Congress and the U.S. Department of Education could take, with the idea that legislative and agency-driven reforms are theoretically easier to enact and also have the long-term potential to be more effective in some ways than judicial reforms. That said, this Article also acknowledges that the reforms proposed here are unlikely to be supported by the Trump Administration or the current Congress and thus may be more viable in the long-term than in the short-term. Because judicial reforms sometimes occur when legislative and executive reforms cannot, and because judicial reforms are more difficult to un-do, this Section then turns to the courts. Specifically, by coupling the concepts of liberty and equality, this Section ultimately proposes a de facto federal constitutional amendment through interpretation that engages both the Equal Protection Clause and Substantive Due Process.163 At the heart of each of the approaches considered in this section is, as law professor Kimberly Jenkins Robinson has argued, a shift in our approach to public education from dual federalism to cooperative federalism. A. Federal Legislation and Agency Action Congress has legislated about public education regularly since the 1960s, and for good reason. As then-law professor, now California Supreme Court Justice Goodwin Liu articulated in 2006, the Citizenship Clause is one source of authority for Congress’s involvement in education policy, and of course the Fourteenth Amendment is connected to this.164 For various reasons, Congress seems quite willing to continue legislating about public education. Additionally as law professor Kimberly Jenkins Robinson convincingly argues, even after the Court’s 2012 decision limiting Spending Clause authority in National Federation of Independent Business v. Sebelius, 165 Congress retains substantial authority to legislate about education—and the legislative and executive branch are in some ways better suited to education reform than the judiciary. 166 Congressional Acts often go hand-in-hand with federal agency enforcement, and thus the U.S. Department of Education has substantial experience by this point in time interpreting and enforcing statutory and constitutional law. This role is nothing new either in the specific context of education or in the general context of the federal government,167 and in fact federal agencies are especially important today in what law professor Karen Tani calls the “age of cooperative federalism.”168 Accordingly, the combination of Congressional action and agency enforcement can be a powerful tool in the pursuit of educational quality. Examples of that partnership include: • Title IV and VI of the Civil Rights Act of 1964, which address race discrimination169; • The Bilingual Education Act of 1968170 (repealed in 2002) and the Equal Educational Opportunities Act of 1974, which establish rights for non-native English speaking students171; • The Education for All Handicapped Children Act of 1965,172 which was superseded by the Individuals with Disabilities in Education Act of 1990173; Section 504 of the Rehabilitation Act of 1973174; and Title II of the Americans with Disabilities Act of 1990, 175 which all serve to make schools accessible to students with disabilities; • Title IX of the Education Amendments of 1972, which provide for sex and gender equity in schools; and • The McKinney Vento Homeless Assistance Act of 1987, 176 which ensures educational access for homeless children. In short, the Department of Education is involved in enforcing a wide range of statutes, and has been for quite some time. Of course, the federal government’s broadest regulation of education remains the 1965 Elementary and Secondary Education Act (ESEA). 177 Since its enactment, ESEA has been reauthorized and amended roughly every five years.178 Although ESEA began as part of President Johnson’s war on poverty, and thus provided supplemental funds for the education of students in poverty, it has grown substantially since then. The most well known rendition of the law may be the 2001 variation, the No Child Left Behind Act (NCLB).179 NCLB was notable because it required states to develop proficiency standards, test students’ proficiency on a regular basis, and make regular progress towards uniform proficiency.180 The goal was noble, and the Act sought to incorporate the current model of education federalism, dual federalism, deferring significantly to state and local authorities. 181 However, many problems emerged, not the least of which was schools’ inability to make sufficient progress toward the goal of uniform proficiency even though the states themselves determined what was proficient.182 Had the Act been reauthorized on the usual timeline, lawmakers could have revised the statute to include more realistic goals, but by the time the Act was reauthorized as the Every Student Succeeds Act in December 2015,183 nearly all states seemed to need waivers to comply with NCLB so that they could continue to receive the federal funding that makes up roughly 10% of an average school district’s budget. 184 As law professor Derek Black chronicles, under Secretary of Education Arne Duncan’s direction, the Department took the unprecedented step of conditioning its granting of waivers on states adopting certain policies. 185 This approach is only permissible if the authorizing statute provides sufficient notice—which NCLB did not, but future iterations of ESEA could. 186 Interestingly, at the same time that NCLB unfolded nationwide, states’ standards became increasingly uniform: as of 2016, 42 states and the District of Columbia had adopted the Common Core State Standards.187 Theoretically, this may open a political window for federal involvement in establishing a minimum quality level via the next (post-ESSA) iteration of ESEA. Before continuing this conversation, however, it is important to note that neither the new Congress nor the new Administration seem likely to want to pursue this course of action. But, for a Congress or an Administration so inclined, this option would be attractive because although the ESEA regulations are conditions on the receipt of funding rather than mandates, no state has yet been able to opt out of receiving this funding and thus opt out of abiding by these conditions.188 Even more significantly, imposing a uniform floor of educational quality in part through national standards (opportunity-to-learn189 or otherwise) still could allow states some options, but limit the choice to the two or three sets of standards widely-adopted nationally, assuming those are at a sufficient level. Additionally, the enforcement would not be via lawsuit but would be through the executive branch (the Department of Education) via the potential loss of the funds to which the policy strings were attached. 190 Funding cutoff is a tool that has given the federal government significant and effective persuasive authority throughout history, including during the very difficult process of school desegregation beginning in the 1960s. 191 Furthermore, such enforcement would provide political cover to state legislatures who need to raise taxes, repurpose funding streams, or enact other understandably unpopular policies in order to comply with the conditions of receiving ESEA funding. There are disadvantages to Congressional action and Executive enforcement, of course. If actually enforced, funding cutoffs are not particularly helpful in a situation of constrained resources.192 A legislative policy is much easier to overturn than a judicial one, thus education would remain politicized, albeit at a different level. Perhaps even more significantly, though, the perception that the federal government should have an incredibly limited role in social welfare services such as education is deeply held,193 even though the U.S. is an outlier in this regard on the global stage. Indeed, the 2015 version of ESEA (ESSA) pulled back from NCLB’s highly regulatory approach, deferring more to the states.194 Relatedly, it is not unusual to hear a politician propose eliminating the U.S. Department of Education altogether, and in fact a member of Congress introduced such a bill in February 2017. 195 Thus, while ease of statutory repeal is one disadvantage, inability to enact a statutory reform in the first place may be an even more significant one, especially in today’s political climate. Finally, the more directive federal education legislation becomes, the closer it gets to the trigger the Court established in NFIB v. Sebilus196 when it struck down legislation as having “cross[ed] the line from coercion to compulsion.” It appears highly likely that current federal education legislation remains compliant with Spending Clause requirements, but future legislation must be mindful of this decision. 197 The impact this approach could have for local districts is uncertain because the contours of Congressional action and executive enforcement could vary so widely. However, if any real federal quality floor for public education is created, it would seem that states would be compelled to assist local districts in a meaningful manner so that every school offers students an education at a certain basic level of quality. Many schools across Michigan, and indeed across the entire country, would benefit.

#### The states should be the ones to work together to create standards for the curriculum

Bush, 3-6-2015, Jeb Bush governor of Florida from 1999 to 2007 "Let states take the lead in education," <https://www.washingtonpost.com/opinions/let-states-take-the-lead-in-transforming-schools/2015/03/06/0c5ecbb8-c132-11e4-9ec2-b418f57a4a99_story.html?utm_term=.91c8a859006a> CAA

Given all the challenges facing education reform, we need to remember who really should make the decisions about what happens in our schools: state and local authorities and, most important, parents. This tends to get lost in a lot of education policy debates, whether on school choice, accountability, teacher pay or standards. That’s why it is so important to finally tackle the reauthorization of the Elementary and Secondary Education Act (ESEA), the critical piece of legislation that sets out the role of the federal government in school funding and policy. The act has not been improved and reauthorized since it expired in 2007. Instead, the Obama administration has issued a patchwork of waivers and side deals, given out by fiat and without consistency. No wonder parents and state and local leaders question Washington’s motives when it comes to our schools. The federal government’s role in elementary and secondary education should be limited: It should work to create transparency so that parents can see how their local schools measure up; it should support policies that have a proven record; and it should make sure states can’t ignore students who need extra help. That’s it. The reauthorization process can define and clarify this role. Where the federal government maintains the power of the purse — as it does with Title I programs aimed at supporting students from disadvantaged backgrounds — Congress should direct it to let states use that funding in a flexible manner to meet the goal of the programs. For example, states should have the right to decide whether Title I funding should be used to create education savings accounts that parents can use to send their kids to the schools that best meet their needs. In short, the federal role should be subservient to the role of states. We are long overdue in setting the lines of authority so clearly. State efforts to raise standards have been muddied by the Obama administration. Federal funding has become a whipping stick to be used on local district leaders who are unwilling to go along with every program dreamed up in Washington. Fundamentally, the needed transformation of our education system will never be achieved by Washington. The best reform ideas begin at the state and local level. That’s where reform will succeed. In 1991, Minnesota led the way on creating charter schools. Massachusetts passed a reform bill on standards, accountability and choice in 1993 and became the nation’s top academic achiever. When I was governor, Florida began grading schools on an A-to-F scale in 1999 and offered dramatic school-choice options to parents. Now, 16 states grade their schools, 19 have choice programs and all but eight have charter school laws. These successes all have two things in common. The initiatives placed the needs of students first, and the federal government had nothing to do with them. That said, the federal government has a role in creating transparency to ensure that failure is unacceptable. Before the last reauthorization of ESEA in 2001, known as No Child Left Behind (NCLB), most states had no accountability system. They plowed billions of taxpayer dollars into education bureaucracies, often getting nothing in return. NCLB changed that by creating a common yardstick. Now, all states participate in the National Assessment of Educational Progress, a series of high-quality tests known as the Nation’s Report Card. The results give us an apples-to-apples comparison among states. Annual testing and reporting also force states to confront their failures, especially the substandard education often offered to disadvantaged children. NCLB is far from perfect. It doesn’t give states the flexibility they need, and the system can be gamed. But those flaws can be fixed in the reauthorization process. Most critically, we can use the reauthorization process to keep states and local districts in control of making vital decisions about standards, curriculum and academic content. States should also actively protect the privacy of student data; some states, such as Oklahoma, have already found the right solutions to that problem. Such control can work. We’ve seen more than 40 states voluntarily work together to create the Common Core standards for language arts and math. I support such rigorous, state-driven academic standards. Some states would rather set their own standards, and that’s appropriate, provided they are high standards. But no matter what, no state should be forced to adopt standards mandated by the federal government. These kinds of solutions don’t surprise me, because states have always been more effective at addressing policy challenges in our schools. The reauthorization effort being led by Sen. Lamar Alexander (R-Tenn.) and Rep. John Kline (R-Minn.) is making important progress in Congress. The key to success is this: If we are to move forward on education reform, the states and local authorities must be allowed to lead. And for that to happen, it should be made clear in law that the federal government should always be in the back seat.

#### Federal incentive grants, like the plan, promote state innovation while ensuring the USFG is a key agenda setter—that’s key to competitiveness

**McGovern 11**

Shannon K. McGovern (J.D., NYU School of Law). “A New Model for States as Laboratories for Reform: How Federalism Informs Education Policy.” NYU Law Review. 2011. <http://www.nyulawreview.org/sites/default/files/pdf/NYULawReview-86-5-McGovern.pdf>

Incentive grants—if properly implemented as outlined in broad strokes below—are the optimal way for the federal government to harness the states’ policy making expertise in service of its own responsibility to equalize educational opportunity and increase national competitiveness in a global economy.178 Indeed, it was the failure to employ truly objective criteria—and not the fiscal mechanism of the competition itself—that threatened to coopt state policy making autonomy and ossify unproven reform trends. Race to the Top evaluated potential programs in part on the basis of congruence with the Obama Administration’s specific policy preferences. I propose instead the use of scoring rubrics that reward points chiefly for research design, taking into account feasibility, cost effectiveness, program scope, past success or failure of similar policy initiatives there or elsewhere, and capacity for replication in other states or school populations. Imposing very specific program requirements from the top down not only threatens state autonomy in a federalist system, but also stifles innovation. By contrast, a pilot program aims to discover and develop best practices. Therefore, significant discretion on the ground to anticipate and respond to local conditions and unanticipated problems would best allow for innovation.179 Consider a pilot program to evaluate how to set teacher compensation to best encourage student achievement. Proposals might range from an across-the-board salary increase to incentivize morale and retention of good teachers; bonuses for extraordinary student progress and/or student achievement; salary reductions for failure to meet certain benchmarks; or a variable salary system with each teacher’s salary set each year on the basis of the prior year’s performance. In evaluating such a proposal, the DOE, through its independent evaluators, may assess the feasibility of the program in light of current conditions in that state, the state’s union obligations, existing empirical research, and similar programs in other states, but it would not afford substantive preference to any one proposal. Indeed, the pilot program should not have been authorized if a particular result was desired. I have delineated only the outlines of a pilot program, but the four federalism considerations developed in Part II can inform pro gram specifications for this and future proposals.180 At a broad level of abstraction, a pilot program of the kind I envision internalizes both the state legislatures’ policy making autonomy and the advantages of local control. Supporting development of education policy in the states avoids coercive top-down directives and exploits the chief structural advantages of a lower level of government: proximity to “the People” and the associated values of citizen participation and locally tailored initiatives. The guiding spirit of the proposal eschews ossification of unproven policy trends by restricting the subject matter of pilot programs to cutting-edge or untested education initiatives and precluding federal policy mandates. Admittedly, politicization of the process remains a threat, notwithstanding procedural safeguards that promote transparent and independent means of evaluation.181 However, ossification can be further prevented by extending project timelines both at the proposal and implementation stages to counteract the government’s demonstrated bias for “shovel ready” projects that perpetuate the status quo.182 Finally, while limited pilot programs will not produce parity in federal and state education funding, they do provide some assistance to strained state budgets. While this proposal appears to give most autonomy to states in developing policy, the federal policy making role is enhanced in two ways. First, by selecting the subject matter of pilot projects, the federal government becomes a key education agenda setter for the nation. Second, by conducting and evaluating pilot projects over time, the federal government can learn which reforms are worthy of increased federal investment and regulation through new or existing programs. These oversight powers are important tools for addressing national competitiveness in a global economy. Unfortunately, a program of this scale cannot eliminate the substantial interstate inequalities in state education budgets that partially create the problem,183 but it offers a start, particularly if incentive grants take into account state need in terms of relative fiscal capacity. This Note has highlighted how federal education policy can impinge on state policy making autonomy. It is important to remember, however, that the success of federal spending programs relies on the federal government’s ability to police state conduct. The key lesson of NCLB, expounded at length by other writers, is the need to avoid creation of perverse incentives.184 While there is a fine line between coercion and accountability, the federal government must retain some oversight of state spending to ensure funds are being used for true reform. Analysis of the first year of short-term federal education funding programs enacted as companions to Race to the Top suggests that many states used earmarked funding primarily to fill their own budget shortfalls, in contravention of the statutory purpose of the appropriation.185 The use of reporting mechanisms and staggered appropriation of programs can help mitigate the risk that cashstarved states misappropriate federal funds.186 My pilot program proposal, though modest, illustrates the potential of a “polyphonic” model of education federalism. In the short term, the programs would harness the pluralism inherent in a large, heterogeneous federal system to test a number of innovative education solutions. In the medium– to long-term, emerging consensus on the best education policies may, but need not, suggest subject areas for substantive federal regulation. My modified “polyphonic” education policy framework tolerates—in fact, celebrates—a diversity of approaches as long as the federal government remains able to pursue national imperatives for educational quality and equality of opportunity.

#### Dual federalism magnifies educational inequalities which hamper competitiveness and growth

**Robinson 15**

Kimberly Jenkins Robinson (Professor of Law, University of Richmond School of Law). “Disrupting Education Federalism.” Washington University Law Review, vol. 92, no. 4. 2015. <http://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=6144&context=law_lawreview>

4. Education Federalism’s Insistence on State and Local Control of School Finance Systems Invites Inequality Primary state and local control over education essentially invite inequality in educational opportunity because of pervasive state insistence that local governments raise education funds and state funding formulas that do not effectively equalize the resulting disparities in revenue.121 Although some influential victories have occurred,122 school finance litigation has mostly failed to change the basic organizational structure of school finance systems and their reliance on property taxes to fund schools.123 Instead, this litigation at best has obtained limited increases in funding for property-poor districts while allowing property-rich districts to maintain the same funding level or to raise their funding rate at a slower pace.124 Recent evidence of the persistent inequalities in school funding can be found in two distinct 2013 reports. A report from the Council on Foreign Relations found that in the United States more is spent per pupil in highincome districts than in low-income districts.125 This stands in sharp contrast to most other developed nations where the reverse is true.126 The Equity and Excellence Commission report also found that “[n]o other developed nation has inequities nearly as deep or systemic; no other developed nation has, despite some efforts to the contrary, so thoroughly stacked the odds against so many of its children.”127 These disparities are due in substantial part to the continued state reliance on property taxes to fund schools.128 As a result, state school finance systems in the United States typically create many predominantly low-income and minority schools that predictably produce poor outcomes because these schools typically lack both the resources to ensure that their students obtain an effective education and the capacity to undertake effective reforms even when these reforms are well conceived.129 The harms from persistent and pervasive disparities in educational opportunity are not limited to schoolchildren, their families, and their communities. These disparities also harm nationwide interests in a strong economy and a just society. The United States needs to maintain international academic competitiveness to attract businesses and prevent the loss of jobs to other more educated nations.130 Yet, international assessments reveal that the performance of U.S. students is often average or below average when compared to other countries,131 which will make it difficult for U.S. students to compete successfully against students from many other nations. The Program for International Student Assessment (PISA), an international assessment of performance in math, reading and science, was administered in 2012 to students in sixty-five education systems.132 The results showed that the average U.S. student who participated scored average in reading and science literacy and below average in math literacy when compared to other countries in the Organisation for Economic Co-operation and Development.133 Doctors Eric A. Hanushek, Paul E. 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Americans are badly underrepresented among the world’s highest achievers.134 Although some challenge such conclusions from international assessments as overblown and simplistic,135 others conclude that these less than stellar outcomes indicate that the U.S. education system is failing to prepare many of its students to compete successfully for jobs with other students from around the world.136 Research reveals that the long-term vigor of the U.S. economy will depend on the advanced skills that are typically provided in higher education and that are needed for upper-level technical occupations.137 Although the U.S. higher education system historically has been considered world-class, the United States is facing substantial competition from other countries with their fast-growing higher education systems.138 As Thomas Bailey, Teachers College professor of economics and education, has summarized in his research: Occupational forecasts, analyses of job content, trends in wages, and changes in international competition all point to an increasing need in the United States for workers with high-level skills. Achieving increases in skill levels will be difficult as long as current gaps in educational attainment based on income, race, and ethnicity remain.139 In this environment, the U.S. economy and its competitiveness will be increasingly hindered by low college enrollment and completion rates for Hispanic and African American students who increasingly will make up a larger share of the workforce.140 Many U.S. students cannot compete successfully with students from other developed countries, and the lower achievement of U.S. students could cause comparatively slow growth for the U.S. economy in the years to come.141 The nation also has a strong interest in ensuring that entire segments of the American public are not foreclosed from the American dream due to their family income and racial and ethnic background. The principle of equal opportunity remains an enduring value within American society142 even though that value has never been fully realized. Rather than abandon the interest in equal opportunity, the nation must explore how this value can become a reality for the nation’s schoolchildren. In Part II I propose some innovative ideas on how to accomplish this goal by restructuring education federalism.

### Competitiveness Alt Cause

#### Higher education and college is a larger alt cause to competitiveness

Robinson 15

(Kimberly, J.D. from Harvard, this article won the 2016 Steven S. Goldberg Award for Distinguished Scholarship in Education Law from the Education Law Association, “Disrupting Education Federalism,” 92 Wash. U. L. Rev. 959 (2015), Law Faculty Publications, <http://scholarship.richmond.edu/cgi/viewcontent.cgi?article=2246&context=law-faculty-publications>, Accessed: 7.1.17)VW

Research reveals that the long-term vigor of the U.S. economy will depend on the advanced skills that are typically provided in higher education and that are needed for upper-level technical occupations.'37 Although the U.S. higher education system historically has been considered world-class, the United States is facing substantial competition from other countries with their fast-growing higher education systems.1 3 8 As Thomas Bailey, Teachers College professor of economics and education, has summarized in his research: Occupational forecasts, analyses of job content, trends in wages, and changes in international competition all point to an increasing need in the United States for workers with high-level skills. Achieving increases in skill levels will be difficult as long as current gaps in educational attainment based on income, race, and ethnicity remain.' 39 In this environment, the U.S. economy and its competitiveness will be increasingly hindered by low college enrollment and completion rates for Hispanic and African American students who increasingly will make up a larger share of the workforce.1 40 Many U.S. students cannot compete successfully with students from other developed countries, and the lower achievement of U.S. students could cause comparatively slow growth for the U.S. economy in the years to come.141

### AT: STEM – USFG Turn

#### USFG is key to STEM education – federal assets, expertise, and partnerships are key

Handelsman et al, 2013, Jo, Associate Director for Science, Office of Science and Technology Policy Joan Ferrini-Mundy, Assistant Director for Education and Human Resources, National Science Foundation. “STEM Education: CROSS-AGENCY PRIORITY GOAL," performance.gov, <https://www.performance.gov/content/stem-education> CAA

CROSS-AGENCY PRIORITY GOAL STEM Education GOAL STATEMENT: Improve Science, Technology, Engineering and Mathematics (STEM) Education by implementing the Federal STEM Education 5-Year Strategic Plan, announced in May 2013, specifically: Improve STEM instruction Increase and sustain youth and public engagement in STEM Enhance STEM experience of undergraduate students Better serve groups historically under-represented in STEM fields Design graduate education for tomorrow’s STEM workforce Build new models for leveraging assets and expertise Build and use evidence-based approaches Improving STEM education is a priority for the President and this Administration. Advances in science, technology, engineering, and mathematics (STEM) have long been central to our Nation’s ability to manufacture better and smarter products, improve health care, develop cleaner and more efficient domestic energy sources, preserve the environment, safeguard national security, and grow the economy. For the United States to maintain its preeminent position in the world it will be essential that the Nation continues to lead in STEM, but evidence indicates that current educational pathways are not leading to a sufficiently large and well-trained STEM workforce to achieve this goal, nor is the U.S. education system cultivating a culture of STEM education necessary for a STEM-literate public. Thus it is essential that the United States enhance U.S. students’ engagement in STEM disciplines and inspire and equip many more students to excel in STEM fields. A number of Federal agencies place a high priority on STEM education and have developed education initiatives unique to their agency’s mission, needs, and resources. To better leverage Federal assets, expertise, and partnerships toward a goal of national importance, a cross agency priority to improve STEM education has been developed to increase agency coordination and use of evidence-based approaches to improve P-12 STEM instruction, increase and sustain youth and public engagement in STEM, enhance the STEM experience of undergraduate students, better serve groups historically underrepresented in STEM fields, design graduate education for tomorrow’s STEM workforce, build new models for leveraging assets and expertise, and build and use evidence-based approaches.

### AT: Foreign Languages – No Link

#### USFG and states can work together in foreign language education

**Jenkins and Meyers 10**

Karen Jenkins (consultant who supports the North American operations with the Oxford Study Abroad Programme) and John Meyers (project director with the World Affairs Council of Connecticut). “U.S. Public Diplomacy Depends on Citizens Learning Other Languages.” International Educator, May/June 2010. https://www.nafsa.org/\_/File/\_/mayjun10\_frontlines.pdf

Fortunately, there has been federal support to promote foreign language study such as the National Security Education Program (NSEP), The Language Flagship, the National Security Language Initiative, and the federally funded STARTALK program of the National Foreign Language Center. And education abroad enrollment has been highlighted by the passage last year of the Paul Simon Study Abroad Foundation Act by the House of Representatives, which awaits passage by the Senate. While the benefits to the United States of expanding the public diplomacy infrastructure—namely the human capital pipeline—are evident, the complementary exchange programs offer valuable opportunities for people-to-people diplomacy. More than a footnote in our public diplomacy history, such exchanges were instrumental in, for example, the U.S. engagement with the newly formed countries following the collapse of the Soviet Union and the peaceful transition from apartheid in South Africa. Now is the time for a bold vision that would require language training for all students—K–12 and higher education. Every citizen should be taught to speak another language in ways that are appropriate for anticipated usage. While each educational institution will find different ways to educate for global competence and language ability, the following areas need particular attention by all educational institutions. Federal Leadership Congress should be encouraged to consider reinstating the provision for an Assistant Secretary for Foreign Language and International Education that had been included in the International Leadership Act of 2008. The position would have leadership, coordinating, assessment, and reporting responsibilities that would allow for tracking areas critical to the nation’s public diplomacy and national security infrastructure, including: language teacher needs, language enrollments, and assessment for global competencies. K–12 Foreign Language: State and Local Leadership State leaders and education decisionmakers increasingly play leading roles in determin-ing their state’s capacity to be competitive in a global economy. Federal efforts to address the country’s foreign language capacity should encourage and be in concert with those undertaken by state legislatures, State Boards of Education, and local school boards, which ultimately authorize world language requirements and allocate financing for language offerings and teaching.

### AT: Foreign Languages – USFG Turn

#### Federal action is the only way to solve the skills gap faced by the DoD and State Department—signaling is key

**McGinn 15**

Gail McGinn (retired Deputy Under Secretary for Plans in the Office of the Under Secretary of Defense for Personnel and Readiness, and the first Department of Defense Senior Language Authority). “Foreign Language, Cultural Diplomacy, and Global Security.” November 15th, 2015. <https://www.amacad.org/multimedia/pdfs/Foreign-language-Cultural-Diplomacy-Global-Security.pdf>

Filling positions with the right skills, the right language and the right proficiency is a challenge. The Department of State and USAID have Language Designated Positions (LDPs). The U.S. Department of State Foreign Affairs Manual (Volume 13)25 defines the criteria for establishing LDPs: “Operational need is the determining criterion for LDPs, where language proficiency is essential, rather than merely helpful or convenient, to enhancing U.S. effectiveness abroad.” (p.1) There are a number of additional criteria listed for deciding whether a position is classified an LDP. Prior to assuming such a position, an employee must have the required language and proficiency. However, that requirement may be waived. (p.3) USAID currently has about 20% of its positions designated as LDPs, and also provides for waivers. As noted above, the Department of State currently has 4250 LDPs, with 77% filled by language qualified personnel. Filling LDPs is a challenge because urgent requirements may arise that need immediate attention. Increasingly, these requirements arise in parts of the world where the most difficult 24 Information pertaining to USAID is based upon an interview with an official of the agency, October 8, 2015 25 See http://www.state.gov/documents/organization/88545.pdf 19 languages are spoken (e.g. Arabic, Chinese, Dari). These languages require intensive training, over one year in duration, to achieve the proper proficiency. Agencies need to make decisions about whether to fill a position without foreign language training, or hold it vacant until training is completed. (Thomas-Greenfield, 2012) DoD faces a similar issue. The DoD witness at the 2012 hearing testified that in Fiscal Year 2011, over 81% (29,960) of military positions with language requirements were filled. However, only 28% were filled with those at the required proficiency level. She notes that progress was made, but adds: The long term solution must be a national one. In short, we recruit from a national pool of individuals who, for the most part, have little or no formal language training. We recognize that our schools cannot teach every language vital to U.S. national security, but we know that having a pool of individuals who have been exposed to a foreign language or had early language training will greatly facilitate further language acquisition. A citizen possessing any language learning skills would greatly increase the Department’s ability to fill language required positions with qualified individuals. (Junor, 2012, pps. 2-3) In a perfect world, foreign language and regional expertise would be so widespread that agencies could easily identify such expertise and relate it to positions and vacancies with a 100% match. In the real world, this possibility doesn’t exist and agencies must often concentrate on filling vacancies with needed skills and abilities, dealing with the foreign language and regional expertise concern after hiring or using interpreter/translator workarounds. (McGinn, 2014, p. 19) Lacking a national pool of language educated citizens from which to recruit, agencies may not require language as a pre-requisite for hiring. There are various ways language might be considered in the hiring process. Sometimes there are extra points given in the hiring process, such as with the State Department. Sometimes agencies involve language considerations in the hiring process. Sometimes, as in the case of USAID, those who claim to have a language are tested. But, as stated in the case of USAID, individuals without language capability can be brought on as technical experts and receive follow-on language training. With the exception of the native speaker recruiting programs mentioned earlier, individuals are recruited into the military without regard to language proficiency, but those who show aptitude may be sent to school for language. The inability to hire people with language skills leads to a requirement for in-house training. In 2012, the State Department witness stated that the Foreign Service institute offers training in 65 languages and was expanding its efforts. The Foreign Service Institute trains individuals from other agencies, such as the Federal Bureau of Investigation (FBI), USAID, and DoD. The FBI has its own Foreign Language Training Program as well. The Department of Defense operates the Defense Language Institute Foreign Language Center (DLIFLC), which 20 trains about 3500 military students per year (many of them starting with little or no language background) in 22 languages. The investment in language training is significant. The costs are in money, time, and waived requirements. There is an additional cost when agencies don’t plan for language requirements and don’t require language in hiring. The Federal Government’s needs are unstated and don’t demonstrate a market for language skills. This affects the pipeline of students studying language since there is not a demonstrated market for language skills. It also, no doubt, affects the reaction of higher education as to how language is taught and proficiency developed.

#### States can’t solve inter-agency coordination—absent this, federal foreign language programs will fail

**Kollipara 10**

Puneet Kollipara (staff writer). “Government still trying to catch up on foreign language capabilities.” The Hill. June 13th, 2010. <http://thehill.com/homenews/senate/102833-government-still-trying-to-catch-up-on-foreign-language-capabilities>

The concerns come on the heels of two Government Accountability Office (GAO) reports from 2009 that found that some U.S. agencies were ill-equipped in foreign-language translation. The hearing will be one of many in the years since the Sept. 11, 2001, terror attacks and the 1993 World Trade Center bombing, which highlighted a shortage of foreign-language expertise in the government. One GAO report found that the Defense Department lacked a strategic plan for addressing language skills. Meanwhile, the other found that 31 percent of State Department officials in language-heavy posts were not qualified for their positions in 2009, up two points from 29 percent in 2005. Numerous other government reports and audits since the Sept. 11, 2001, attacks have also suggested similar problems. Some government agencies, such as the FBI, have had sizable translation backlogs, which means many pieces of foreign-language intelligence have gone unreviewed. Experts and officials say that agencies have made varying levels of progress in bolstering their language capabilities in the last decade. But they add that there is no single quick fix and that the problem runs deep, with a lack of interagency coordination and not enough emphasis on foreign languages in U.S. education. Adding to the problem are a lack of coordination among agencies, the frequent switch in emphasis to other languages, and a continually increasing volume of data that intelligence and national security agencies must handle. "Federal strategies are a lost cause, because you're always playing catch-up," said James Carafano, a national security expert at the conservative Heritage Foundation. "The strategy is either acquiring contracting services or educating people. It takes a lot of time to build up capacity in any of those." And experts have repeatedly cautioned that until the U.S. education system shores up in foreign languages, the government may continue falling behind. "The U.S. education system ... simply has not made the investment in language required to provide the government with an adequate pool of linguistic expertise from which to recruit to meet its needs," Richard Brecht, executive director of the Center for the Advanced Study of Languages at the University of Maryland, said in written testimony at a 2004 House Armed Services Committee hearing. Brecht, who will testify at Thursday's hearing, said in a phone interview that this problem has occurred in part because of lack of national investment in foreign-language education in schools. He also said that despite the Defense Department's recent efforts to invest in foreign-language instruction at the university level, there's not enough instruction going on at the elementary and secondary levels. That means the field of qualified linguists is smaller and the government ends up using more resources for training. Carafano said that government linguists also often lack full cultural awareness, a skill they need so they can put what they're translating into context. Defense has made perhaps the biggest improvements, Brecht said. And Rep. Rush Holt (D-N.J.), a member of the House Permanent Select Committee on Intelligence and one of Congress's staunchest advocates of boosting nationwide foreign-language proficiency, said he's also pleased to see language skills being factored into military promotions. But Brecht said Homeland Security and other departments have struggled to improve, and he suggested that they centralize their foreign-language standards and policies. Homeland Security spokeswoman Amy Kudwa said in a statement that the department, which fulfills its language needs through hiring, training and contracting, "is considering the implementation of a more consolidated approach to the Department’s diverse foreign language needs." Akaka and Holt have advocated legislation aimed at bolstering the federal government's language capabilities, increasing interagency coordination and widening language instruction in schools. Only a few of their proposals have made it through, however. Holt has authored several proposals aimed at increasing the national focus on foreign languages, including a K-16 partnership in which schools and universities would collaborate to build longer sequences of language learning. He also wants to continue funding the National Security Education Program's language programs, and maintain tuition incentives for people who become language teachers for five years. "It's not just for the military or the intelligence community," Holt said in a phone interview. "We want to do this throughout all school systems. The earlier you start, the better." Akaka, meanwhile, has proposed establishing a committee to deal with and coordinate foreign-language matters at the federal level. But Brecht said that legislative progress has been scarce because "we have national security needs that are a federal requirement, but language education is a state and local issue and we've never been able to bridge this in a significant enough way."