



# Oklahoma Common Core Repeal Found Constitutional

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## **School Choice Weekly #45**

With an 8–1 decision on Tuesday, the Oklahoma Supreme Court rebuffed a lawsuit the state board of education had filed against the legislature. The board of education argued the legislature has no constitutional right to determine public school curriculum and tests. Four hours after oral arguments, the court ruled that as it is: Preposterous.

For one, in 2010 the board made no objection to legislators deciding curriculum mandates when the legislature passed Common Core into law. For another, the Oklahoma Constitution says the board's "powers and duties shall be prescribed by law." If the legislature doesn't decide those laws, it's an utter mystery from whence the state board's powers descend.

So the legal arguments in this case are far less interesting than what it reveals: the latest block in a pattern occurring across this country of unelected bureaucrats versus the people they rule but are supposed to serve. The Oklahoma board of education found it a better use of its time to sue the legislature for doing its job than to salute its masters' representatives and march forward in obedience. The board sued as an excuse to avoid following the law, not because the law was truly itself illegitimate. In short, lawlessness is not limited to the Obama administration. It is endemic to any bureaucracy confronted with a demand that counters the bureaucracy's self-interest.

The lawsuit casts suspicion over how the board will handle being forced to carry out the same orders it attempted to refuse. The people of Indiana found what happened when they were put into a similar situation this spring: new mandates, same as the old mandates, with a spritz of press releases and new acronyms.

This means two things. First, the fight against Common Core is not merely a fight over one set of coercive, academically impoverished curriculum mandates and tests. It is a fight over who gets to control education: parents or over-credentialed, underqualified "experts." Second, if Common Core goes away, but the bureaucracy doesn't, Common Core didn't really go away.

SOURCES: Jenni White, Associated Press

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### **School Choice Roundup**

- **TEXAS:** The state GOP adds school choice as a policy plank, but some Republican leaders aren't interested and have steadily torpedoed choice legislation.
  - **POLICY:** Although vouchers seem to get more press, tax-credit scholarships are more popular and less intrusive, explains the Cato Institute's Jason Bedrick. He discusses a new scorecard for states' tax-credit scholarship programs and suggests it should place a higher priority on maintaining private school freedoms.
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### **Common Core Watch**

- **MISSOURI:** Gov. Jay Nixon has signed a bill requiring the state to replace Common Core with new curriculum and testing mandates and provide the public an inventory of the student data it collects.
- **SOUTH CAROLINA:** The outgoing state superintendent has six months to replace Common Core with new curriculum mandates--and he's determined that, unlike the replacements in other states, South Carolina's will be substantially different and of far higher quality.
- **TESTING LAWSUIT:** The next move in a lawsuit alleging contract-rigging within one set of national Common Core tests asks for future contracts to be opened to bids from more than one company.
- **NORTH CAROLINA:** The Senate passes a bill that would repeal Common Core but allow its replacement to retain some of its curriculum mandates. The House is expected to pass the bill, having already passed one that would have banned any use of Common Core.
- **UNIONS:** The American Federation of Teachers has announced it will have members write critiques of Common Core, or possibly even a new set of curriculum and testing

mandates to replace Common Core. At its annual convention this summer, AFT delegates are also expected to consider resolutions demanding the resignation of U.S. Education Secretary Arne Duncan. This AFT member has little confidence a rewritten Common Core will be much good.

- **TESTING:** What would Mark Twain have thought of Common Core and its computer-graded tests? An Illinois Advanced Placement literature teacher speculates.
  - **NEW JERSEY:** The state board of education reaffirms its support for Common Core and adopts curriculum-lite national science standards.
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## **Education Today**

- **AP HISTORY:** Not only is the new Advanced Placement history curriculum anti-American, teachers who have been given an advance copy of its sample test have been threatened with repercussions if they share that test.
- **NEW YORK:** After a victory in a California court case against tenure, advocacy lawyers have filed a similar case in New York, again arguing union rules send the worst teachers to minority and poor students.
- **NORTH CAROLINA:** State Senate negotiators have abandoned a proposal to offer teachers an 11 percent raise in exchange for giving up tenure. In the state, approximately three-quarters of teachers have tenure.
- **UNIONS:** Take a look at this breakdown of how the nation's two largest teachers unions spend their members' money. The nation's two largest teachers unions spend far more on campaigns at the state and local level than at the national level.
- **NEW YORK:** A big funding increase for New York City's government preschool program is attracting the best teachers away from private preschools.
- **WASHINGTON:** A new ballot initiative seeks billions more dollars to reduce class sizes—but it's not clear where the money would come from.