

The Republican Club of Sun City

NEWSLETTER

February 2017

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(Website: rcsctx.com)

Sun City Texas

(Topics in this newsletter: Influence of Courts on Schools; School Choice; Court Rulings on Schools; the Entitlement Challenge)

LT. GOVERNOR DAN PATRICK TO ADDRESS CLUB

Lt. Governor Dan Patrick will address the club during its dinner meeting scheduled for **Thursday, February 9 in the ballroom of the Social Center in Sun City**. As will be explained below, the position he holds is both powerful and unique to the State of Texas.

According to Texas Politics, the office of the President of the Senate is occupied by the Lieutenant Governor, an executive branch position that is elected independently of the Governor. The most powerful legislator in Texas, ironically, is the Lieutenant Governor – a member of the executive branch.

Even more ironically, the executive branch duties of the Lieutenant Governor are almost non-existent, except in the case of the Governor's death, resignation, removal from office, or absence from the state. In such circumstances, the Lieutenant Governor exercises the powers and duties of the office of the Governor.

The Lieutenant Governor's legislative duties, however, are much more robust. The Lieutenant Governor appoints the committees of the Senate: a considerable power, since committees generally control specific policy areas. Of the 31 Senate members, there are 20 Republicans and 11 Democrats.

Furthermore, the Lieutenant Governor has authority in the Senate to assign bills to specific committees. Generally, the various committees have responsibility over specific areas of public policy. But the rules for assignment to committee are weak enough that they give the Lieutenant Governor considerable discretion in assigning bills to committee.

With the considerable power of his office as noted above, the reader may be especially interested in learning of his legislative priorities. According to Texas Insider Report under date of November 14, 2016, his top 10 legislative priorities were: 2017 Budget, Property Tax Reform, School Choice, Sanctuary Cities, Photo Voter ID, Women's Privacy Act (re: restrooms, showers, locker rooms), Inappropriate Teacher-Student Relationships, Fetal Tissue/Partial Birth Abortion, Spending Cap, Hailstorm Lawsuit Reform.

The Lt. Governor also serves as chairman of the Legislative Budget Board and the Legislative Council, and is vice-chairman of the Legislative Audit Committee and the Legislative Education Board.

Patrick was elected Lt. Governor of Texas in 2014. Prior to being elected to that position, he served 8 years in the State Senate. Before entering public service, he was a successful small-businessman, a conservative radio talk host, a television anchor, a Christian author and a Christian movie producer.

Patrick has been married to his wife Jan, a former schoolteacher, for 41 years. They have two children and four grandchildren.

INFORMATION ABOUT THE MEETING OF FEBRUARY 9, 2017

BEGINNING TIMES: Social Period – 6:00 PM; Dinner – 6:30 PM; Program – 7:00 PM (approx.)

MENU: Lady Bird salad - spring mix with fresh strawberries, blue cheese crumbles, candied pecans and maple vinaigrette dressing (blue cheese on the side), penne pasta alfredo, roasted golden potatoes, chicken parmesan, braciolo (thinly sliced steak wrapped around stuffing and topped with marinara), garlic bread.

COST: Dinner fees, effective in 2017, have been increased to \$18 per person to cover increased charges by the caterer. Checks made out to "The Republican Club of Sun City" should be mailed to: **The Republican Club of Sun City, 1530 Sun City Blvd., Suite 120, Box 227, Georgetown, TX 78633**, or left in a special drop box located on the front porch of the home of the club treasurer, Gene Edwards, at 202 Duck Creek Lane. For information, contact Gene at 512-990-1159 or geneedwards@earthlink.net The deadline for payment or reservations is Friday, February 3.

VISITORS ARE WELCOME! (Non-members may attend a maximum of two meetings per year – as attendees for the dinner or as observers for the program – without having to pay membership dues.)

VICE CHAIRMAN OF THE REPUBLICAN PARTY OF TEXAS TO ADDRESS CLUB IN MARCH

Amy Clark, Vice Chairman of The Republican Party of Texas, will address the club during its dinner meeting scheduled for **Thursday, March 9** in the ballroom of the Social Center in Sun City.

Details of that meeting will be provided in the March newsletter.

OTHER CLUB NEWS

Membership for 2017. Individuals who were club members in 2016 will have their names kept on the communications list until February 28. If they have not renewed by that date, their names will be removed from that list. They can, of course, renew their memberships anytime during 2017.

There will be a deadline date – to be announced later – by when individuals must pay membership dues in order to be listed in the club Directory, to be published later in the year.

Dues (\$15 per person) may be submitted by mail provided an Application, available at rcsctx.com, accompanies the payment. Mail those items to the address shown in the “COST” section above.

Vice President Vacancy. The Executive Committee has indicated that it intends to select during its meeting of March 2 a person to fill the vacancy of First Vice President (for programs) resulting from the resignation of Ted Kennedy from that position. Anyone wishing to be considered for that position or wishing to suggest someone for it should contact club president Meredith Chiles as soon as possible. Speakers have been scheduled through July, so a major responsibility of that position has already been met.

Statistics. Vice President Cody reports that as of the January 26 meeting, club membership for 2017 was 195; club treasurer Gene Edwards reports the number of attendees at the January 26 meeting was 150, with an additional estimated 22 individuals attending as observers.

Website Revisions. Webmaster Bill Harron has made some significant improvements in the club's website, rcsctx.com. Club members are urged to explore that website to see the wealth of information available there. Recent newsletters are on file there and can now be read, printed and forwarded in their [original form](#).

THE PUBLIC SCHOOLS AS SHAPED BY THE FEDERAL GOVERNMENT AND FEDERAL COURTS

Purpose. The purpose of this report is to reveal how federal and state legislation and federal court rulings have shaped today's public schools, often to the dismay of conservatives who are now motivated to provide parents of school age children with choice as to where they send their children for an education.

The Decades-Long Search to Find Suitable Standardized Tests. Texas has used standardized tests for decades in an effort to improve performance of public school students. One of the earliest efforts was the Texas Academic Skills Program (TASP) designed to ensure that all college students in Texas had the reading, math and writing skills necessary to perform effectively in college courses. While its purpose was to be sure students were ready for college course, it contained a provision that students could complete a certain number of college courses until remediation brought them to the needed level of preparation. But students who were successfully able to complete those college courses brought into question the need for such testing.

The Texas Assessment of Knowledge and Skills (TAKS) was the fourth standardized test in Texas. From 2012 to 2014, the test has been phased out and replaced by the State of Texas Assessment of Academic Readiness (STARR) test. It is this test which led to the A-F system of classifying schools based, reportedly, on 55 percent of the STARR test and three other areas (improvement, career preparation, and closing of the performance gap between low-income and high-income students).

Preliminary test results published in newspapers reveal some area schools received the lowest grades in some of the areas. There has been considerable criticism of the process, with one area superintendent saying he “disagrees with the system” itself.

Insofar as student scores are concerned, they can be granted exceptions from the required scores via the use of a committee, a procedure criticized by the Texas Association of Business Officials which has expressed concern about the academic preparation of the workers they hire.

In summary, the use of standardized tests can be shown to go in cycles: (1) first, there was evidence (including some provided by business leaders) that high school graduates were lacking in basic academic skills, (2) the matter was deemed serious enough for the state to establish minimum levels of competence on standardized tests, (3) the state mandated that students who did not meet those levels of competence could not graduate, (4) but too many students – including a disproportionate percentage of minority students – failed the test and could not graduate, (5) various devices – including the lowering of standards – were then employed to improve the passing/graduation rates. But after this cycle was completed, the state found that it had arrived – again – at the point when high school graduates lacked basic academic skills. So the cycle was repeated yet once again.

A Critique of Testing by a College Teacher. A college English teacher writing in the *Austin paper* contends, “our obsession with low test scores has no diagnostic value . . . too many children have not been raised to respect teachers, or to value the acquisition and *integration* [a key term] of new knowledge. . . we have supported the inculcation of data or beliefs rather than the capacity for critical thought.” In other words, the writer seemed to be decrying the mere regurgitating of facts – which is the case with current testing – at the expense of critical thinking.

Charter Schools and Districts of Innovation. In response to the public outcry for alternatives to the

traditional public school, the legislature has provided two alternatives: the Charter School and the District of Innovation, each of which is a public school subject to laws and court rulings affecting traditional public schools.

The Involvement of Federal Courts in School Matters. The federal courts have become involved in public school matters because, according to judicial interpretation, public schools are a part of state government. (Private schools are not so categorized.)

This means federal judges have become involved in school discipline and other matters. But it would be difficult to identify two settings more dramatically different from each other than, on the one hand, a courtroom and, on the other hand, a public school classroom. The judge speaks from an elevated position, thus symbolically conveying authority. All present have an interest in hearing what the judge has to say. None of this authority is available to the classroom teacher who must deal with, seemingly, ever-increasingly belligerent students who have absolutely no interest in learning about the subject at hand. Yet courts have stated there must be "appropriate discipline" which means what?

The *Tinker v. Des Moines District Case and Its Aftermath.* Just as there was one particular case, the *Everson* case (discussed at length in the January newsletter) which affected the Judeo-Christian culture of the nation, so too is there one particular case, discussed below, which had remarkable impact on public schools.

That case was the *Tinker v. Des Moines District* case decided in 1969 which produced results still unfolding today. While the case originally was about First Amendment rights of public school students being coterminous with adults, its effects have now been expanded to include due process (which now resemble those for adults), teacher-pupil relationships, respect for authority, and other matters.

Some factual background. When the issue began in 1965, a group of Des Moines principals became aware of a plan for students, through the use of arm bands, to use the schools as a platform to protest the Vietnam War. The principals, out of fear of disturbance, banned the use of arm bands and suspended students who did not comply. Some suspended students sued.

The District Court, used using the then-prevailing "reasonableness" test, concluded the action of school officials was reasonable because it was based upon fear of disturbance, and dismissed the case. But the Supreme Court, absent any understanding of school classrooms or school corridors, in a conclusion which was to have all sorts of ramifications, said, in reversing the District Court, "undifferentiated fear or apprehension are not enough to overcome the right to freedom of expression."

The standard of court review of school regulation was thus dramatically changed. Whereas it once was that in the absence of a school regulation being found arbitrary, or found unreasonable, it was upheld. But now, in regard to constitutional matters, as will be illustrated in this report, matters are now far more complicated. Now, as one court stated, "where rules infringe upon freedom of expression, the school officials have the burden of showing justification."

Cloistered Judges and Justices make decisions totally out of their realm. Several Justices, aware of the resulting void, made observations about the *Tinker* case which may be relevant and worthy of consideration today, having been validated by events since the *Tinker* ruling:

Justice Stewart: "I cannot share the Court's uncritical assumption that . . . First Amendment rights are co-extensive with those of adults."

Justice Jackson: "The Court's holding in this case ushers in . . . an entirely new era in which the power to control pupils by elected officials of state supported public schools . . . in the U. S. is in ultimate effect transferred to the Supreme Court . . . Uncontrolled and uncontrollable liberty is an enemy to domestic peace . . . School discipline, like parental discipline, is an integral and important part of training our children to be good citizens . . . One does not need to be a prophet . . . to know that after the Court's holding today some students . . . will be ready, able, and willing to defy their teachers on practically all orders..."

Chief Justice Roberts, commenting about *Tinker* in another case: "Why is it that the classroom ought to be a forum for political debate simply because the students want to put it on their agenda?" "Where does the notion that our schools have to be content neutral come from? I thought we wanted our schools to teach something, including something besides the basic elements . . ."

Justice Thomas, commenting about *Tinker* in another case: He contended that the standard set forth in the 1969 *Tinker* case is without basis in the Constitution, and that the holding of that case should be overturned. He wrote: "To elevate . . . impertinence to the status of constitutional protection would be farcical and would indeed be to 'surrender control of the American school system to public school students.'"

The Expansion of Due Process Procedures: The *Goss v. Lopez* Case. Kay Hymowitz, author of a report titled "Who Killed Schools Discipline," reports what happens when federal standards concerning due process come on the school campus: "In 1975, the Supreme Court hampered schools officials' authority yet further in *Goss v. Lopez*, a decision that expanded the due-process rights of students. *Goss* concerned several students suspended for brawling in the school lunchroom. Though the principal who suspended them actually witnessed the fight itself, the court concluded that he failed to give the students an adequate hearing before lowering the boom. Students, pronounced the court, are citizens with a property right to their education. To deny that right requires, at the least, an informal hearing with notice, witnesses, and the like."

The Law and the Teacher-Pupil Relationship. Legal commentator Zechariah Chaffee makes the following

straight-forward contention: “The central idea of our law is relation.” He explains that we speak of the law of principal and agent, landlord and tenant, and vendor and purchaser. He also points out that while the written word will describe much of the relation between two parties, the relation is also given definition by unwritten sources such as the tradition and usage,

Courts were comfortable with the *in loco parentis* concept, meaning teachers had the same authority over their pupils as parents had over their children. But with the concept that children are to be treated as adults, there is considerable uncertainty. Indeed, the breakdown of the traditional hierarchical relationship of teachers to pupils may be a contributing factor to the improper romantic relationships now noted between today's teachers and students, a matter to be addressed by the legislature.

Conclusion. If past is prelude, present efforts to bring about student improvement will be lacking. Perhaps alternatives based on the programs of private schools should be considered – at least by some parents. That is subject of the next report.

AN IDEA WHOSE TIME HAS COME: SCHOOL CHOICE

“There is nothing more powerful in all the world than an idea whose time has come” - Victor Hugo

Purpose of This Report. While there is now considerable interest in providing school choice for parents who have children in failing schools, this report could be especially helpful for parents whose children are not necessarily in failing schools but who nevertheless are not satisfied with what is being taught and the culture of the public school their children attend. The information could especially be timely in view of the prospect that the state legislature may provide some form of financial help – like an Education Savings Account – which could enable parents to make a change not now possible. Several years ago, at a convention, Republicans approved by a whopping 84 percent a plan to provide parents with funds so they could send their children to schools of their choice, including private schools.

The Prevailing Ideology. Various court rulings, the curricula of universities and public schools, the culture promoted by the entertainment industry and other sources now promote an ideology incompatible with the traditional Judeo-Christian ideology which has served the nation so well. This development has, in turn, enhanced the standing of a competing ideology, one known as *Secular Humanism*, an atheistic ideology which has been codified in a document known as the *Humanist Manifesto*. Excerpts of the 2000 version of that document are reproduced in the October 2016 newsletter, on page 5, available at the club's website, rcscctx.com

Evidence that this ideology was adopted much of the teaching profession is revealed by positions the National Education Association (NEA), the nation's largest union, has taken in resolutions it passed at the 2016 convention. Those positions indicate the union has been taken over by the left. Note the subject matter of some of the resolutions passed: sexual orientation, gender, lesbian; aid for undocumented students; opposition to therapies to alter the orientation or identity of LGBTQ students; support for single payer health care plan; support for redress for descendants of slaves; opposition to English as the official language.

These leftist resolutions represent a stunning change from NEA's belief system of the past. Phyllis Schlafley provides evidence that at one time the NEA supported traditional American values as evidenced by the following excerpt from a NEA Handbook of 1951:

“It is important that people who are to live and work together shall have a common mind – a like heritage of purpose, religious ideals, love of country, beauty, and wisdom to guide and inspire them.” This message was fortified by selections suitable for memorization, such as Old and New Testament passages, the Ten Commandments, the Lord's Prayer, the Boy Scout oath, and patriotic songs.

Where Do Teachers and Politicians Send Their Kids? Although politicians and teachers may not openly support school choice, they show their support for private schools by where they send their own children. Columnist Larry Elder reports some stunning statistics in this regard:

Nationwide, about 11 percent of all parents – nationwide, rural and urban – send their children to private schools. The numbers are much higher in urban areas. One study found that in Philadelphia a staggering 44 percent of public school teachers send their own kids to private schools. In Cincinnati and Chicago, 41 and 39 percent of public school teachers, respectively, pay for a private school education. In Rochester, New York, it's 38 percent.

With respect to members of Congress, Elder reports that, “A 2007 Heritage Foundation study found that 37 percent of Representatives and 45 percent of Senators with school age children sent their own kids to private schools. Of the members of the Congressional Hispanic Caucus with school-age children, 38 percent them to private school. Of the members of the Congressional Black Caucus with school-age children, 52 percent sent them to private schools.”

The Education Savings Account (ESA). Two writers from the Cato Institute and the Heritage Foundation make some observations about an ESA, one of the plans being considered by the Texas Legislature:

“With an ESA, parents can customize their child's education. Instead of enrolling their child at his or her assigned school, they can use a portion of the funds allocated for their child to pay for private school tuition, tutoring, textbooks, educational therapy, online courses and more.”

The writers note that parents are not subject to the same top-down regulations as school districts; however, they contend, "The best form of accountability is when schools or other education providers are directly answerable to parents. ESAs empower parents to choose the learning environment that works best for their child, so if a school isn't meeting their child's learning needs, they can go elsewhere."

The writers acknowledge, however, that the state would still set certain health and safety standards and ensure that ESA funds are spent properly.

With respect to the all-important "accountability" matter, it should be noted that the public has little confidence with the current standardized testing requirement for students or the A-F ranking of schools.

The Role of the State With Respect to Private Schools. Authors Walsh, Kemerer and Maniotis, in their book, *The Education's Guide to Texas School Law*, make the following observations"

The Texas Education Agency ceased accrediting private schools in 1989. Instead, the commissioner of education has endorsed the accreditation decisions of the consortium of private school accreditation associations called the Texas Private School Accreditation Commission (TEPSAC), located in San Antonio. The commissioner recognizes the standards for accreditation of private schools by TEPSAC as being comparable to those applied to public schools. Consequently, student credit earned in TEPOSAC-accredited schools is transferable to Texas public schools, and teacher service has been recognized for salary increment purposes in public school. . . While private schools are not required to follow the state curriculum and student assessment program or employ certified teachers and administrators, they are not exempt from basic health and safety laws passed by local, state, and federal governments. Private schools also are subject to selected civil rights laws such as Title VII of the 1964 Civil Rights Act.

THE IMPACT OF CERTAIN RULINGS ON PUBLIC AND PRIVATE SCHOOLS

A Study of the Contrasting Impact of Court Rulings on Public and Private Schools

Following is a listing of the subjects of certain court rulings followed by a brief description as to how those rulings impacted public schools, followed by a brief statement about how private schools were affected, if at all.

SUBJECT: RESPECT FOR AUTHORITY/SCHOOL DISCIPLINE

Public Schools: Recall from the preceding report the complications schools must deal with, not only in regard to student expression but also in regard to the due process. Respect for authority has been impacted.

A teacher writing on a consultant's website has the following insightful comment about why teachers are leaving the profession and the deplorable situation existing in classrooms of which the general public may not be aware:

The second reason why I believe teachers are leaving the profession has to do with the lack of morals and discipline that some students receive at home, and the inability to do much about it in the classroom. This generation is the most fatherless, divorced, and neglected generations in the history of America, and it is noticed in the classroom. For young teachers, it is often difficult to balance teaching with discipline when respect and honor for teachers has not been instilled in students. Some students are not taught moral values at home, and children are often in situations where they raise themselves. In this case, it becomes difficult to expect a teenager to follow your rules and turn in homework when the student has never had to follow rules or have responsibility at home.

In regard to another matter regarding "respect for authority" - in this case, police – Democrat State Senator John Whitmire has introduced SB 273 which, according to press accounts, directs the State Board of Education to adopt a required course which would teach, among other topics, "proper behavior for civilians and police," and "how to file a complaint against an officer."

In regard to another development regarding "respect for authority" - in this case, a civil servant – it should be noted that, according to press reports, "A 17-year-old is accused of threatening to blow up a Williamson County district judge's house up after she sent him to jail for contempt of court."

Private Schools. Religiously-affiliated schools have an entirely different perspective about respect for authority than exists – or can even possibly exist – in public schools. A writer in *Truth* explains: "The rebel against civil law is a rebel against divine law. Government is an ordinance of God, and rulers are ministers of God. To disobey civil law indicates an undisciplined life that leads to vice and dissipation."

SUBJECT: TEACHER-STUDENT RELATIONSHIPS

Public Schools. As discussed above in the *Tinker* case, First Amendment rights are generally regarded as being coterminous with those of adults; due process procedures are similar to those of adults. The distinction between teacher and pupil, having now been largely eradicated, the growing problem of inappropriate teacher-student relationship should not have been unexpected. To cope with this problem, State Representative Tony Dale has filed HB 218.

Private Schools. Constitutional First Amendment and due process rights are not a factor; the contract between parent and school is controlling. The hierarchical teacher-pupil relationship is not affected.

SUBJECT: BOYS IN GIRL'S BATHROOMS, LOCKERS AND DRESSING ROOMS

Public Schools. The U. S. Supreme Court will hear Gloucester County School Board v. Grimm, a case involving discrimination against a transgender student. Gavin Grimm, a transgender boy, filed suit against the school board alleging the district violates Title IX of the Education Amendments of 1972 by denying him use of the boy's restroom. The Supreme Court's decision in this case will likely have far-reaching consequences for tens of thousands of transgender students and others across the nation.

Private Schools: Title IX does not apply to private schools.

SUBJECT: CURRICULUM CONTENT

Public Schools. The State Board of Education has a major role in determining curriculum content in public school courses. There is often conflict about historical accuracy, ethnicity and matters which may be regarded as being political or ideological. One of the current controversies concerns evolutionary theory and the question if there should be a removal of four passages, now required, which some board members say challenge evolutionary science. One passage, for example, requires biology teachers to examine "all sides of scientific evidence of those scientific explanations, so as to encourage critical thinking by the student."

The significance of those passages is not readily apparent; however, Chuck Garner, a chemistry professor and textbook committee member, explains: "Someone asked earlier why these four standards stand out among all the others in the biology department . . . It's because they have serious philosophical implications. That's why. You can find any number of people that will tell you it was in their high school biology class they became atheists . . . What that means is, you better present as very accurate view of evolution, in my opinion. You're dealing with huge philosophical issues here, whether you want to or not, and that's when evolution is such an important topic."

Private Schools. State Board of Education does not have authority over private schools.

SUBJECT: THE POSTING OF THE TEN COMMANDMENTS

Public Schools. The posting of the Ten Commandments, even though purchased with private contributions, is unconstitutional because it violates the Establishment Clause. Specifically cited was the *Lemon v. Kurtzman* case which states: "First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religions . . . ; finally the statute must not foster 'an excessive entanglement with religion.'"

Private Schools. The cited court case is not applicable to private schools.

THE ENTITLEMENT CHALLENGE

Author Kirby Anderson contends the Trump administration will have to deal with the challenge of entitlements. Currently, three government programs - Social Security, Medicare, and Medicaid consume all federal revenues. The rest (homeland security, education, research, veterans, etc.) is being financed by China and other countries.

"Let me say again. All the current revenue pays for is entitlements. The rest of the federal budget (which includes the Defense Department, Agriculture, the rest of Health and Human Services, Housing and Urban Development, and Homeland Security) is financed by debt. We are borrowing money from other countries and from our citizens to pay for what most of us assume are the actual functions of the federal government":

For a better understanding the debt, key in **USDebtClock.Org**