# WUDL States Counterplan

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# Notes on the File

The states counterplan is a very traditional counterplan commonly used in domestic policy debate topics. The idea behind the counterplan is the notion that the federal government and the state governments serve very different roles in public policy. The negative’s argument is that some public policy objectives, such as education, are best accomplished by state governments rather than the federal government.

**Background**

Historically, the state and federal governments served dramatically different rolls in public policy. The federal government, which is responsible for creating large-scale national policy was historically best at managing policies affecting multiple different states, such as handling mail delivery across state lines and conducting foreign policy. The state governments normally enact policies that are relevant to more local matters such as funding local police and fire and regulating family law (divorce/marriage). During the twentieth century, however, the federal government began to make policy in areas traditionally handled by states such as pollution control and drug laws. This shift in federal policy to “pre-empt” the states in areas where they had historically made policy has started a national debate about federalism.

Education federalism is a hot topic for this federal/state power debate. Until recently, education was exclusively regulated by the states. Recent national school standards like common core have sparked debates about whether a national one-size-fits-all standard helps or hurts students. If national standards say marine biology is important, should students in Wyoming (which is landlocked) care? Should teachers teach a national history curriculum or focus on state history? These questions and others are all important, and those studying federalism have not found answers yet.

**How the Counterplan Works**

The counterplan essentially substitutes federal government action for state government action. The negative says this is good because it allows each of the 50 states to try their own approaches to the affirmative plan. As a result, some states will create good programs and other states will create bad programs. The good programs then get modelled by the other states, which means that the counterplan solves better in the long term than the federal government ever could because it has the benefit of testing 50 different types of programs in 50 different laboratories. The negative should read this counterplan together with disadvantages that federal action is bad (such as federalism, spending, and politics).

The affirmative responses come in three types: permutations, solvency deficits, and debate theory. The perms each advocate state and federal cooperation. The solvency deficits argue that states are bad at education policy and need federal help to craft good standards and provide funding. The debate theory arguments claim that the state counterplan is inherently unfair.

# States Counterplan - 1NC Text

*[print out multiple copies of this page and write out a new copy of the counterplan text before each debate. Don’t forget that you can ask the opposing team to see their plan text before the debate starts]*

*Instructions:*

1. *After the word “should” write out the portion of the plan text that describes what the plan does. You do not need to use all of the space provided.*
2. *Do not include the phrase “United States federal government” - the point of this counterplan is that the states take all of the action. If the plan includes some other federal actors, such as the President or the Department of Education, replace those words in the plan text with their state law equivalents, such as Governor or State Departments of Education.*

**Counterplan Text: Each of the 50 State Governments should**

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# States Counterplan - 1NC Shell

*[remember to write out and read the counterplan text BEFORE reading this page]*

**Contention 1 is Competition**

**This counterplan competes though net benefits, specifically, disads that prove federal action on education is bad.**

**Contention 2 is Solvency**

**Returning educational control to states is key to improve education through laboratories of democracy**

**Evers 2014**, 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/>

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.

# \*\*\* Negative Extensions \*\*\*

# Solvency - Education 1/2

**State control is best for education policy**

**Hess and Kelly 2015**, 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>.

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.

# Solvency - Education 2/2

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

**Marshall and Burke 2010**, 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.

# Solvency - STEM

**States are the best actor to improve STEM education**

**Lips and McNeill 2009**, Dan Lips (Senior Policy Analyst at the Heritage Foundation) and Jena Baker McNeill (Senior Associate Fellow at the Heritage Foundation), A New Approach to Improving Science, Technology, Engineering, and Math Education, Heritage Foundation (2009), http://www.heritage.org/education/report/new-approach-improving-science-technology-engineering-and-math-education

Even though the government has spent billions of dollars on massive federal programs aimed at tackling the STEM problem over the past 50 years, the problem persists. Experience has shown that the most recent federal STEM initiatives, including the funding increases in the American Recovery and Reinvestment Act, are unlikely to be the solution. The importance of improving STEM education for national security and economic competitiveness should force federal policymakers to evaluate whether the current policies are likely to solve the problem and fix the leaky pipeline. A can­did assessment of the current approach would find that it has failed to do so. The solution to the STEM problem will not be found in the halls of Congress. Success will not be found in a litany of federal policy initiatives or increased spending. What is needed is a major transformation in this country's approach to education, beginning at the state and local level: State leaders should embrace systemic educa­tion reforms to improve student learning. Fixing the broken pipeline in STEM education will require fixing the overall quality of public educa­tion in America. States and localities are best positioned to implement the kinds of sweeping education reforms that change public school governance to encourage improvement. The state of Florida offers a blueprint for sys­temic education reform that is improving stu­dent learning. Over the past decade, Florida has gone further than most states in reforming the governance of its public school systems. Before the No Child Left Behind Act created federal requirements for state testing, Florida was hold­ing schools accountable for results by testing students annually and grading public schools based on their performance on state tests. Florida has also gone further than other states in offering parents public- and private-school choice. In addition, Florida has implemented other education reforms, such as ending social promotion by requiring students to master read­ing before advancing to the fourth grade, improving reading instruction, and reforming how teachers are hired and compensated. This aggressive approach to reform has led to significant improvement in student achievement. Since these reforms began in 1999, Flor­ida's students have made dramatic progress on the annual National Assessment of Educational Progress, a reliable indicator of student learn­ing.[[25]](http://www.heritage.org/education/report/new-approach-improving-science-technology-engineering-and-math-education" \l "_ftn25" \o ") States across the country should imple­ment similar aggressive reforms to improve the public education. Strengthening the overall quality of public schools through these types of reforms is the most important step to fix the bro­ken pipeline to ensure that more children are able to succeed in STEM classes.

**Federal action on STEM fails - Congress should stop expanding programs and trust the states**

**Lips and McNeill 2009**, Dan Lips (Senior Policy Analyst at the Heritage Foundation) and Jena Baker McNeill (Senior Associate Fellow at the Heritage Foundation), A New Approach to Improving Science, Technology, Engineering, and Math Education, Heritage Foundation (2009), http://www.heritage.org/education/report/new-approach-improving-science-technology-engineering-and-math-education

Congress should resist new efforts to expand federal programs, including those that sup­port STEM education, and instead focus on reforming existing federal programs to encourage state and local innovation. Federal policymakers should review the effectiveness of current STEM education programs and termi­nate those programs they find to be ineffective or unnecessary. Moreover, federal policymakers should reform major federal education programs like No Child Left Behind to facilitate reform and innovation at the state level.[[38]](http://www.heritage.org/education/report/new-approach-improving-science-technology-engineering-and-math-education" \l "_ftn38" \o ") Conclusion For more than 50 years, American political, business, military, and academic leadershave emphasized the economic and national security reasons for improving STEM education. Yet after a half century, American students continue to underperform in sci­ence, technology, engineering, and math. Instead of focusing on federal solutions and increased spend­ing for national STEM programs, policymakers and the private sector should refocus attention on sys­temic education reforms at the state, local, and school levels to fix the broken pipeline and dramat­ically increase the number of students who are able to succeed in STEM fields at school and in the workforce.

# Solvency - Transgender Rights

**States are best equipped to handle transgender bathroom issues**

**Dewart 2016**, Ms. Deborah J. Dewart (lawyer specializing in Nonprofit Corporations, Estate Planning and Business Transactions cases), Amicus Brief - GLOUCESTER COUNTY SCHOOL BOARD, Petitioner, v. G. G., BY HIS NEXT FRIEND AND MOTHER, DEIRDRE GRIMM, Respondent BRIEF OF LIBERTY, LIFE, AND LAW FOUNDATION, WETHEPEOPLEINORDER.COM, AND THE NATIONAL LEGAL FOUNDATION AS AMICI CURIAE IN SUPPORT OF PETITIONER – September – Available at SCOUTS blog – along with all amicus briefs on this matter – modified to avoid potentially objectionable language - http://www.scotusblog.com/wp-content/uploads/2016/09/16-273-cert-amicus-LLL.pdf

Judicial interposition in the operation of the public school system of the Nation raises problems requiring care and restraint. ... By and large, public education in our Nation is committed to the control of state and local authorities.

Epperson v. Arkansas, 393 U.S. 97,104 (1968). "We see no reason to intrude on that historic control in this case." Bd. of Curators of University of Missouri v. Horowitz, 435 U.S. 78, 91 (1978) (citing Epperson and declining to formalize the academic dismissal process by requiring a hearing). The same is true here. There is no reason for the federal judiciary to interfere in the privacy policies of local schools and shut citizens out of the process.

The Fourth Circuit Decision Threatens Individual Liberty To Participate In The Political Process.

This case implicates the most sensitive privacy concerns of young school children. Accommodation of those concerns—both for transgender students and all others—requires compassion and skillful crafting of workable policies for each school district. It may also require construction or remodeling of facilities to implement accommodations. The federal government has attempted to dictate a one-size-fits-all "cookie cutter" solution for the entire nation. It is impossible, at the federal level, to consider the multitude of factors that may differ from one school district to another.

Federalism safeguards individual liberty, allowing states and local communities to "respond to the initiative of those who seek a voice in shaping the destiny of their own times without having to rely solely upon the political processes that control a remote central power." Bond v. United States, 564 U.S. 211, 221 (2011). Public school boards illustrate the outworking of this fundamental principle. Board members are typically selected, often by popular election, from among local citizens. Parents, teachers, and even students have the opportunity to participate in meetings and express their concerns. If the Fourth Circuit decision stands, these voices (perspectives) will be silenced (ignored) all across America.

This Court recently reinforced the importance of maintaining "the status of the States as independent sovereigns in our federal system . . . [o]therwise the two-government system established by the Framers would give way to a system that vests power in one central government, and individual liberty would suffer." NFIB, 132 S. Ct. at 2602. In short, "federalism protects the liberty of the individual from arbitrary power." Id. at 2578 (internal quotation marks and citation omitted). It is hard to imagine a more striking instance of arbitrary power than this case presents.

# Solvency - Vouchers

**States are empirically better than the federal government at implementing voucher programs**

**Lips 2007**, Dan Lips (Senior Policy Analyst at the Heritage Foundation), Federalism: The Path to School Choice, The Heritage Foundation (2007), http://www.heritage.org/education/report/federalism-the-path-school-choice

States have also pioneered the use of school vouchers to help at-risk children. In 1999, Florida created the first school voucher program for special-education students. Today, that program offers school choice to all special-needs students in Florida and is currently helping more than 17,000 children. The program has proven popular among participating families. Following Florida's success, lawmakers in Ohio and Utah have implemented similar scholarship programs for children with special needs, and dozens of other states have considered similar legislation. Last year, Arizona created the first scholarship program for foster children, an at-risk group that is often poorly served by the traditional school system. That program is scheduled to begin providing scholarships to approximately 500 students this fall. Already lawmakers in Maryland and Tennessee have proposed similar initiatives. Federal Policy Should Follow the Momentum State momentum on school choice has far outstripped action at the federal level. While the Bush Administration sought to advance a broad voucher proposal in early 2001, that effort was quickly abandoned in the negotiations over No Child Left Behind (NCLB). The federal government has had limited success in implementing NCLB's remaining choice elements: public school choice and after-school tutoring programs. All this points toward an important lesson that conservatives and school choice supporters should consider as the reauthorization debate over No Child Left Behind approaches. Federal education policy can create the conditions most favorable to advancing parental choice in education nationwide by transferring greater policymaking authority back to the state and local level. States and localities have control over the vast majority of educational funds, enough to create voucher programs on the scale that would create systemic change and make public education more accountable to parents and taxpayers. History has shown that parental choice in education expands more effectively through local and state policy decisions than through the federal government. Now that Utah has embraced universal vouchers, the future is even brighter.

**Federal interference in vouchers leads to worse outcomes for children by creating red tape**

**Flanders and Curtis 2017**, Will Flanders (Wisconsin Institute for Law & Liberty education research director) and Jake Curtis (associate counsel at the Institute’s Center for Competitive Federalism), A Word of Caution to the Trump Administration on School Choice, National Review (January 6, 2017), http://www.nationalreview.com/article/443597/school-choice-block-grant-could-end-being-counterproductive

One of the best features of voucher programs is that they are largely run without extensive federal intervention. While public schools are beholden to any number of federal regulations through the threat of reduced aid, voucher schools have far greater freedom to offer their students a diverse curriculum that may not be completely in line with federal dictates. This makes the choice sector a far friendlier realm for innovation, in general, than traditional public schools. Academic research has shown the benefits of this freedom in higher test scores, higher graduation rates, and lower rates of involvement in criminal behavior. Increased federal regulations would likely serve as a wet blanket on these positive outcomes. In considering President-elect Trump’s block-grant proposal, policymakers would do well not only to consider the lessons of past coercive grant arrangements similar to those outlined above, but also to take to heart state leaders’ request for more flexibility.

# Solvency - Charters

**State laboratories are the best ways to find successful charter school policies - only they know how to reach rural and suburban communities**

**Petrilli 2015**, Michael J. Petrilli (President of the Thomas B. Fordham Institute), The case against federal accountability mandates in education, The Fordham Institute (January 2015), https://edexcellence.net/articles/the-case-against-federal-accountability-mandates-in-education

I’m not saying that we should give up on all efforts at top-down accountability. States should continue to experiment with various interventions in low-performing schools. That’s particularly important for rural and suburban communities where charters are unlikely to gain much of a foothold and in districts that aren’t totally dysfunctional or bereft of capacity. They just might need a bit of a nudge to overcome inertia or local political challenges; state actions can be constructive.

But let’s admit that we don’t know precisely what that should look like, and thus we definitely shouldn’t prescribe a particular approach from Washington. What Uncle Sam *can* do is demand transparency around results, plus put some major new investments into high-quality charter schools. That sounds like a federal role that both sides of the aisle could support and that might actually do some good. How about we give it a try?

**Federal charter policies always fail - only trust the counterplan to get it done**

**Boehm 2017**, Eric Boehm, Federalism in the Age of Trump, Reason (January 19, 2017), http://reason.com/archives/2017/01/19/federalism-in-the-age-of-trump-three-are

DeVos, in her home state of Michigan, has a long history of fighting for those kinds of reforms. In 2000, she was heavily involved in an unsuccessful effort to remove the state constitution's ban on voucher programs via ballot initiative, and since then she has backed efforts to expand public charter schools there. In her new federal post, she could help nudge states towards reform, says Ben DeGrow, director of education policy for the Michigan-based Mackinac Center. That's where conservatives and libertarians find themselves walking a bit of a policy tightrope. Federal interventions, like No Child Left Behind, in state education policy has not worked, DeGrow says, but school choice activists should resist the urge to call for more federal action to implement policies they like.

# Solvency - CTE

**Every single state does CTE already - means the counterplan solves best because it can build off of existing programs rather than build a new one from scratch**

**Kreamer 2017**, Kate Blosveren Kreamer (Associate Executive Director of the National Association of State Directors of Career Technical Education Consortium), The Future of Career Technical Education, Counsel of State Governments (March/April 2017), http://www.csg.org/pubs/capitolideas/2015\_sept\_oct/technical\_education.aspx

Interest and support for career technical education has grown exponentially over the past few years, with policymakers at all levels working to advance opportunities for students to engage in CTE, as well as strengthen the links between career technical education and the labor market. Just a few examples: Between 2013 and 2014, **every single state** passed at least one CTE-­related legislative, regulatory or administrative action;

**State-level CTE is better - more flexible policy structure and allows state laboratories to experiment on the best approaches**

**Kuczera and Field 2013**, Kuczera, M. and S. Field (2013), A Skills beyond School Review of the United States, OECD Reviews of Vocational Education and Training, OECD Publishing. <http://dx.doi.org/10.1787/9789264202153-en>

In international perspective, perhaps the most striking feature of the US approach to postsecondary CTE is the very high degree of decentralization, with multiple foci of governance and policy development. This reflects broader characteristics of the public policy environment. Decentralization is not simply a matter of federalism or devolution to management at the state level. In the US educational system, decentralization is ubiquitous, in diverse relatively autonomous institutions and multiple accreditation bodies, in the lack of national skills or occupational standards, in the deregulated array of industry certifications, in the substantial role of the private for-profit sector in delivering training provision, in the limited role of employers and unions acting collectively to shape provision, either at national or state level, and in the most deregulated labor market in the OECD. Even in comparison with countries, such as the UK and Australia, which share some characteristics with the US, the US stands at an extreme end in a spectrum of decentralization. In the US the main responsibility for education, in respect of both funding and governance, rests with the states and local school districts. The role of the federal government varies over time but it is often to encourage or promote – for example through the “Race to the Top” initiative. The federal government also plays a significant role in providing financial support for students in postsecondary education through Pell grants for low-income students, loans and other programs. Such arrangements are not fundamentally different from other federal countries. In Australia, for example, states and territories are primarily responsible for the schools and much postsecondary provision. In Canada and Switzerland education responsibilities are mainly delegated to the provinces and cantons, while in Germany the regional Lander are responsible. But it is notable that federal countries often tackle some aspects of policy on vocational education and training at national level. Thus in Australia the apprenticeship system and national qualifications framework is largely national, with the body responsible for channeling the advice of industry partners (Skills Australia) also operating at national level. In Germany the regional Lander work collectively through an organization of regional Ministers of education (Kultusministerkonferenz) and in this way play a major role in planning and developing Germany’s CTE system. In Switzerland CTE is the only part of the education and training system that is managed at federal level, while in Canada the federal government has intervened to the extent of ensuring inter-provincial recognition of industry-defined standards for skilled trades typically obtained through apprenticeship (CCDA, 2012). One reason for federal involvement in other countries is the perceived need for occupational credentials with national acceptability to employers. This issue is further discussed in Chapter 3. Strengths of the US approach Relative to other countries, decentralization lies at the root both of many of the characteristic strengths of the system and the challenges it faces. On the strengths: • In many OECD countries there are gaps in provision – for example because it is difficult to pursue particular programs part-time while working, or because it is difficult to re-enter education after pursuing an initial career in another area. But in the United States, decentralization means that provision responds very flexibly to the needs of a wide range of students, employers and other stakeholders. The capacity for students to enter and re-enter postsecondary programs, with many modular options for full and part-time study, is stronger than in nearly any other OECD country. The community college system offers a wide geographical spread of sites of delivery, allowing most populations to be served. Diverse credentials are available. Local institutional autonomy, both in the public and in the independent sector, allows for a rapid and entrepreneurial response to employer and student demand including in the “not-for-credit” domain. • There is a rich field of policy development and innovation, partly because each state and sometimes each institution becomes a test-bed for new ideas and programs, but also because philanthropic foundations and policy think-tanks play a much more substantial role in policy development than in other countries. This allows many initiatives of potential value to be developed, piloted and evaluated (although sometimes leaving significant challenges in rolling out local success stories). The US capacity for analysis, and for collecting good data and undertaking rigorous evaluations, is unrivalled internationally – evidenced in the many high quality research studies referenced in this report, including the US background report.

# Solvency - Foreign Language/Dual Language Education

**States can provide effective foreign language education standards and some have developed creative solutions to draw students to the classroom - prefer our evidence: it’s from a study conducted by the federal Department of Education**

**Boyle 2015**, Andrea Boyle et al (American Institutes for Research), Dual Language Education Programs: Current State Policies and Practices, Prepared for the U.S. Department of Education (December 2015), https://ncela.ed.gov/files/rcd/TO20\_DualLanguageRpt\_508.pdf

Some states have moved to increase the numbers of dual language programs in an effort to equip students with multilingual skills that will make them more competitive in the global marketplace. For example, the state of Utah passed legislation in 2008 that called for the establishment of dual language programs throughout the state and provides funding for programs, teacher development, and curriculum and materials preparation (Utah State Office of Education, n.d.b). Since then, Utah has seen tremendous growth in the number of programs operating in the state.12 Delaware, Georgia, and North Carolina are among other states that have recently undertaken efforts to promote dual language education. Local school districts also are expanding their dual language offerings. In many cases—such as in New York City, where programs are being added or expanded at 40 schools in fall 2015—the moves are part of a plan to improve services for ELs (Mitchell, 2015). To further promote multilingualism and dual language education, states and districts across the country are increasingly adopting Seal of Biliteracy policies that officially recognize students who become bilingual and biliterate by the time they graduate high school by awarding them a special seal or insignia on their high school diploma.

# Solvency - Laboratories

**States are so much more than just laboratories, they’re competitive proving grounds to hone good policy**

**Gerken 2015**, Heather H. Gerken (Professor of Law, Yale Law School), Federalism and Nationalism: Time for a Detante, 59 St. Louis University Law Journal 997 (2015)

Gluck's third worry also goes to the relationship between state disuniformity and national ends. She worries that the new nationalist account is “[i] ndistinguishable from [s]tates as [l]aboratories [f]ederalism.”[161](https://1.next.westlaw.com/Document/I1bae4590788f11e598dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad62aee0000015c3d6f6fd12475ffe1%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI1bae4590788f11e598dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=c726e99c11fcd90eebbe90078af9a66b&list=ANALYTICAL&rank=20&sessionScopeId=f9c5638a0ffa652eec389329752ebb67b2ed647ae829f14ef57b7c3cac8c0694&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F161434026992) Here I think Gluck casts her critique at too high a level of generality.[162](https://1.next.westlaw.com/Document/I1bae4590788f11e598dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad62aee0000015c3d6f6fd12475ffe1%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI1bae4590788f11e598dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=c726e99c11fcd90eebbe90078af9a66b&list=ANALYTICAL&rank=20&sessionScopeId=f9c5638a0ffa652eec389329752ebb67b2ed647ae829f14ef57b7c3cac8c0694&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F162434026992) To be sure, both the states-as-laboratories narrative and the new nationalists' account of the “discursive benefits of structure” depend on states being sites where diverse norms are forged and different policies are enacted. But if that's enough to equate the two theories, then virtually all of the reasons conventionally offered in federalism's favor collapse into a single claim. After all, states can only facilitate choice or compete for the hearts and minds of citizens because they can promote different norms and enact different policies. So, too, states can only serve as bulwarks of liberty because they can pursue different paths than the federal government. Like the labs account, the new nationalist story depends on diversity within state policymaking arenas. But the new nationalists have a much less technocratic, much more wide-ranging account of the discursive benefits this diversity promotes. Some of us have explored the expressive and constitutive benefits associated with what I call “dissenting by deciding.”[163](https://1.next.westlaw.com/Document/I1bae4590788f11e598dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad62aee0000015c3d6f6fd12475ffe1%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI1bae4590788f11e598dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=c726e99c11fcd90eebbe90078af9a66b&list=ANALYTICAL&rank=20&sessionScopeId=f9c5638a0ffa652eec389329752ebb67b2ed647ae829f14ef57b7c3cac8c0694&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F163434026992) Some have focused on the importance of states as sites of political competition.[164](https://1.next.westlaw.com/Document/I1bae4590788f11e598dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad62aee0000015c3d6f6fd12475ffe1%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI1bae4590788f11e598dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=c726e99c11fcd90eebbe90078af9a66b&list=ANALYTICAL&rank=20&sessionScopeId=f9c5638a0ffa652eec389329752ebb67b2ed647ae829f14ef57b7c3cac8c0694&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F164434026992) Some have lauded the benefits associated with playing out political conflicts in different settings with different power dynamics.[165](https://1.next.westlaw.com/Document/I1bae4590788f11e598dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad62aee0000015c3d6f6fd12475ffe1%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI1bae4590788f11e598dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=c726e99c11fcd90eebbe90078af9a66b&list=ANALYTICAL&rank=20&sessionScopeId=f9c5638a0ffa652eec389329752ebb67b2ed647ae829f14ef57b7c3cac8c0694&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F165434026992) Still others have limned more technocratic themes having to do with regulatory overlap and redundancy.[166](https://1.next.westlaw.com/Document/I1bae4590788f11e598dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad62aee0000015c3d6f6fd12475ffe1%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI1bae4590788f11e598dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=c726e99c11fcd90eebbe90078af9a66b&list=ANALYTICAL&rank=20&sessionScopeId=f9c5638a0ffa652eec389329752ebb67b2ed647ae829f14ef57b7c3cac8c0694&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F166434026992) Many of these ideas have little or nothing to do with the states' role as laboratories of experimentation, and *\*1037* others involve claims far richer than the narrow notion that national policymakers can learn from state experiments.

# Solvency - Federal Modeling

**Federal government models state action - states act as political insiders to shape policy**

**Gerken 2015**, Heather H. Gerken (Professor of Law, Yale Law School), Federalism and Nationalism: Time for a Detante, 59 St. Louis University Law Journal 997 (2015)

If you care about state power, the states are still powerful. While states can't block the federal government from invading their turf, they are also licensed to invade the federal terrain. They may not preside over their own empires, but they hold sway over large swaths of the federal empire. That means that states play an important role in shaping not just state law, but federal law. It means that state and local officials don't just engage in cooperative federalism, but uncooperative federalism. They aren't outsiders to the behemoth we call the Fourth Branch, but powerful insiders. Their status as critical parts of federal administration enables them to be critics of the federal administration. They are still checking the national Leviathan, albeit in entirely different fashion than traditional federalism scholars have contemplated. States these days may not look as powerful to the law professor who focuses unduly on the formal exercise of jurisdiction and unthinkingly assumes that the principal can always command the agent. But if you focus on conditions on the ground, you'll see that states retain their preeminent role. Real power comes not just from formal legal authority, but from money and manpower, politics and practice. The state's democratic role is just as important as its regulatory one. To be sure, states may not constitute independent mini-polities, resolving their own questions entirely as they see fit. But they aren't just convenient polling places for national debates, either. Instead, states are the front lines for national debates, the key sites where we work out our disagreements before taking them to a national stage. States aren't pushed aside by national politics; instead, they “fuel” it.[117](https://1.next.westlaw.com/Document/I1bae4590788f11e598dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad62aee0000015c3d6f6fd12475ffe1%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI1bae4590788f11e598dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=c726e99c11fcd90eebbe90078af9a66b&list=ANALYTICAL&rank=20&sessionScopeId=f9c5638a0ffa652eec389329752ebb67b2ed647ae829f14ef57b7c3cac8c0694&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F117434026992)

**Empirics prove that the federal government models state education plans**

**New York State Archives 2009**, New York State Archives, Albany, Federal Education Policy and the States, 1945-2009: A Brief Synopsis, (November 2009), <http://www.archives.nysed.gov/common/archives/files/ed_background_overview_essay.pdf>

In retrospect, Eisenhower’s comment appeared ironic, because his administration as president saw the most rapid expansion of federal aid to education to date, and nearly every administration after his—both Republican and Democratic—expanded the federal role in education. It will be useful, therefore, to survey the proposals of each succeeding presidential administration, examining the political, social, and ideological context that shaped its approach to education and identifying the most important legislation that arose in each period. Of course, each new piece of education-related legislation had its origins in the work of particular members of Congress, and these members of Congress, in turn, derived many of their ideas from local constituents in states throughout the country. In fact, the best way to understand the development of education policy at the federal level is often to study local issues in the states and districts of the senators and representatives who push particular bills or who hold leadership roles on key congressional committees responsible for education. As policy analyst Christopher Cross has observed, “Federal policy often follows state/local action*.*”9 In some cases, an innovative state-level program can serve as the model for a new federal program. In other cases, states and localities have jointly advocated for federal action where a nationwide educational need was most efficiently addressed at the federal level. In still other cases, state-level resistance to federal action or a widespread lack of state-level innovations can serve as the catalyst for new federal mandates or federal grants. In yet other cases, the origins of a federal program might lie in cross-state or even non-state activities such as the work of interest groups, lobbies, community activists, philanthropic foundations, or research organizations whose explicit goal is to build on (or overcome obstacles to) various policy initiatives at the state level. It will not be possible in this short historical overview to scrutinize the state-level antecedents of every major piece of federal education legislation. It will, however, be possible to give a sense of the general evolution of a rapidly expanding federal role in schools since 1950.10 It will also be possible, besides following the activities of Congress and the presidency, to examine the involvement of the federal courts in public schools. One could well argue that the judicial branch has done even more than the executive or the legislative branches of the federal government to shape America’s schools in the past fifty years. The courts, therefore, will not be marginalized in this analysis.

# AT: Perm Do Both

**They say perm do both:**

**1. The perm links to the disads - federal action subsumes the entire policy arena**

**Gerken 2015**, Heather H. Gerken (Professor of Law, Yale Law School), Federalism and Nationalism: Time for a Detante, 59 St. Louis University Law Journal 997 (2015)

The new nationalists have even shown that devolution serves not just national interests writ large, but the self-interest of national actors--those concerned with their own political fates rather than the fate of the nation. Abbe Gluck has identified the counterintuitive ways in which devolution can entrench federal power rather than dilute it. When Congress uses states to implement federal law, state participation helps “entrench” the statutory regime and invests more political actors in its success.[27](https://1.next.westlaw.com/Document/I1bae4590788f11e598dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad62aee0000015c3d6f6fd12475ffe1%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI1bae4590788f11e598dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=c726e99c11fcd90eebbe90078af9a66b&list=ANALYTICAL&rank=20&sessionScopeId=f9c5638a0ffa652eec389329752ebb67b2ed647ae829f14ef57b7c3cac8c0694&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F27434026992) Delegating power to state agencies even allows the federal government to engage in what Gluck terms “field claiming:”[28](https://1.next.westlaw.com/Document/I1bae4590788f11e598dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad62aee0000015c3d6f6fd12475ffe1%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI1bae4590788f11e598dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=c726e99c11fcd90eebbe90078af9a66b&list=ANALYTICAL&rank=20&sessionScopeId=f9c5638a0ffa652eec389329752ebb67b2ed647ae829f14ef57b7c3cac8c0694&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F28434026992) easing federal entry into “a field of lawmaking traditionally governed by the states.”[29](https://1.next.westlaw.com/Document/I1bae4590788f11e598dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad62aee0000015c3d6f6fd12475ffe1%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI1bae4590788f11e598dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=c726e99c11fcd90eebbe90078af9a66b&list=ANALYTICAL&rank=20&sessionScopeId=f9c5638a0ffa652eec389329752ebb67b2ed647ae829f14ef57b7c3cac8c0694&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F29434026992) So, too, Rodríguez has demonstrated how federal lawmakers deliberately let the states move issues forward in circumstances in which national actors cannot. Self-interested national actors, for instance, have been delighted to have states doing the basic legwork on topics like same-sex marriage and marijuana legalization.[30](https://1.next.westlaw.com/Document/I1bae4590788f11e598dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad62aee0000015c3d6f6fd12475ffe1%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI1bae4590788f11e598dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=c726e99c11fcd90eebbe90078af9a66b&list=ANALYTICAL&rank=20&sessionScopeId=f9c5638a0ffa652eec389329752ebb67b2ed647ae829f14ef57b7c3cac8c0694&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F30434026992)

**2. The perm can’t claim the laboratories solvency benefit - if the federal government acts at the same time it can’t learn from the states.**

**3. The perm puts too many cooks in the kitchen - federal authority on education is constraining and creates bad policy**

**Lawson 2013**, Aaron Lawson (J.D. 2013, University of Michigan Law School), Educational Federalism: A New Case for Reduced Federal Involvement in K-12 Education, Brigham Young University Education and Law Journal (March 1st, 2013), <http://digitalcommons.law.byu.edu/cgi/viewcontent.cgi?article=1333&context=elj>

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. Using policies adopted in New York State in response to RTTT as an example, this Comment argues that the federal government should step aside to the extent necessary to allow state courts more flexibility to protect the substantive educational rights of poor and minority children. Specifically, where federal constitutional rights are not at issue, federal involvement in education should be minimized to the point that state courts have an unrestrained ability to protect the educational needs of, and ensure adequate educational opportunity for, each state’s children.25 This Comment does not argue for an end to all education policymaking at the federal level. Rather, it argues that the functioning of the state’s court-legislature dynamic should act as a limitation on the policies enacted at the federal level. The educational rights of poor and minority children in particular may be more efficiently safeguarded by putting the power in the hands of state courts and legislatures, whereas recent federal programs have taken that ability from the states in a way that may be detrimental to the nation’s youth. In particular, the expansion of the federal presence in the education arena has changed policymaking dramatically.

# AT: Perm - Links to Federalism Disad

**The perm erases the benefits of federalism for education**

**Hess and Kelly 2015**, 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>

To be sure, local control has its downsides. Local school politics tend to be dominated by interests like teachers unions. School boards are often parochial and shortsighted. And the federal government is uniquely positioned to do some jobs that states can't, like providing a national bully pulpit to spotlight problems, funding research and promoting interstate transparency. The feds also have opportunities to take on the dominance of entrenched local interests by playing a "trust-busting" role. Federal recognition of alternative approaches like charter schools, nontraditional teacher licensure programs and innovative postsecondary programs can challenge incumbents' privileged market position. Federal funding is another trust-busting lever; wherever possible, reformers should ensure that public dollars flow to students and families and empower them to choose. Rather than write prescriptive rules that all schools must obey, trust-busting gives local problem-solvers an opportunity to change politics and policy from the bottom up. But the feds are not well equipped to fix schools. More to the point, getting Washington involved undermines the many benefits of state-driven reform in our federal system. Limiting the federal government's role in education isn't a slogan, it's a way to ensure that American education is both accountable to the public and dynamic enough to meet today's challenges.

# AT: Executive Federalism Perm

**They say perm use the executive branch:**

**1. Cross-apply all of our answers to perm do both - they apply here as well.**

**2. The perm is severance - the plan text says “United States federal government” which means all three branches of government. It’s unfair for them to pick just one branch in the 2AC because it forces us to change strategy mid-debate. We only had one opportunity to read a 1NC. It’s also uneducational because they aren’t forced to defend their own advocacy.**

**3. The perm is intrinsic - they add an element of oversight not present in the original plan - that’s a reason to reject the perm - it’s unfair to let them change their advocacy halfway into the debate. It also encourages bad plan writing if the aff knows it can use intrinsicness perms to fix any screw-ups.**

# AT: Race to the Bottom

**1. Fiat solves race to the bottom - the states must at least meat the counterplan’s minimum standards**

**2. No race to the bottom in education - state legislatures can’t let standards slip without jeopardizing their states’ reputations**

**Evers 2014**, 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/>

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.

**3. In fact, the opposite is true - because the federal government imposed restrictions on states in the early 2000s, it stopped healthy competition among the states**

**Evers 2014**, 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/>

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.

# AT: State Funding Fails

**State-based funding is more effective than federal—money from the fed gets misallocated and wasted**

**Albright 2015**, Logan Albright (director of fiscal studies for Capital Policy Analytics), Throwing Money at Education a Proven Failure, http://www.freedomworks.org/content/throwing-money-education-proven-failure)

Leave it government to never, ever learn from its mistakes. Since the establishment of the U.S. Department of Education in 1979, the go-to solution for all things education related has been federal dollars piled atop more federal dollars. But for a Department so fixated on testing and results, it's remarkable how demonstrable failures are either extended or replicated without end. Race to the Top, Head Start, and No Child Left Behind have poured billions into schooling, without the promised improvements in student achievement. Across the country, the school districts that spend the most per child have the worst results, with the District of Columbia being among the worst offenders.

In a recent piece, Politico reports on how outgoing Education Secretary Arne Duncan's plan to pump billions of dollars of stimulus money into the nation's worst schools was a complete failure. After six years, the schools showed virtually no improvement compared with the ones that received no extra money, while a third of the targeted schools actually got worse. Why, then, does public policy continue to fail the American education system?

There are really two things at work here: the inherent problem with central control, and a basic misunderstanding of how children learn. The first is a staple of conservative and libertarian thought that, at this point, requires little explanation. The more remote a problem is from those trying to solve it, the more difficulty will be had. A central bureaucracy operating out of Washington, DC is simply not capable of addressing the individual needs of states, to say nothing of cities, school districts, schools, and individual students. Since these decision makers can't possibly have the knowledge necessary to know where and how money should be spent at the local level, it inevitably gets misallocated and wasted.

# AT: 50 State Fiat Bad

**50 State Fiat is good.**

1. **The federal government is the resolutional actor and negative ground requires a way to test it.**
2. **The counterplan is heavily grounded in the literature - at worst, the counterplan is predictable. At best, the counterplan provides educational benefits by exploring a core area of the topic.**
3. **No unfairness - the states are all acting uniformly and the aff can, and has, read disads to the counterplan.**
4. **No voting issue - if you think the counterplan is unfair, evaluate the disads alone**

# AT: Science Education Disad

**No internal link - more than half of teachers who do teach climate science get their facts totally wrong**

**Hirji 2016**, Zahra Hirji, Majority of Science Teachers Are Teaching Climate Change, but Not Always Correctly, Inside Climate News (2016), https://insideclimatenews.org/news/11022016/science-teachers-are-teaching-climate-change-not-always-correctly-education-global-warming

Most public middle and high school science teachers in the United States are devoting two hours or less per course to the topic of climate change —and they are often getting the facts wrong, according to a new study published Thursday in the journal Science. While three out of four teachers are teaching the issue, only half of those instructors are correctly explaining that humans are driving climate change. An even smaller number of teachers are aware of how overwhelming the scientific consensus on the issue is. These findings appear in a landmark study that involved a comprehensive national survey of public school science teachers for the first time. It asked if and how they are talking to students about climate change. The results come as[at least 16 states](http://academicbenchmarks.com/next-generation-science-standards-adoption-map/) are adopting a new science curriculum (the[Next Generation Science Standards](http://www.nextgenscience.org/next-generation-science-standards)) that tackles climate change more directly and in greater depth.

**Education policies really don’t matter on climate change - teachers will teach what they personally believe anyway**

**Berkman and Plutzer 2010**, Michael B. Berkman and Erik Plutzer (Penn State Researchers), State Standards as Local Constraints: Evolution and Creationism in the High School Classroom, Penn State Seminar Presentation (2010), http://collinsinstitute.fsu.edu/sites/default/files/FINAL%20PAPER-BERKMAN.pdf

Teachers ―ultimately decide the fate of national and state science standards‖ (Spillane and Callahan 2000, 401-402). They determine whether standards will successfully constrain communities and their elected officials in their efforts to offer full instruction in evolution, undercut its theoretical importance, or introduce non-scientific alternatives through ―the curricular and instructional decisions they enact within the specific, particular contexts of their own classrooms‖ (Goldstein 2008, 449). They are no different in this way from other unelected public servants who are responsible for implementing policies and programs developed in rulemaking or law-making bodies. Often referred to as street-level bureaucrats, teachers like social service employees, police, corrections workers, and mental health counselors have wide discretionary authority in their work with client populations (Lipsky 1980; Maynard-Mooney and Musheno 2003; Smith 2003; Keiser 1999; Meier and O‘Toole 2006). Teacher implementation of standards therefore presents what is commonly referred to as a principal-agent problem (McCubbins, Noll, and Weingast 1987; Brehm and Gates 1997): Principals are those who write laws and rules subject to electoral constraints—for example, the state policymakers and their appointees who develop standards—while agents are those who are relied upon to carry them out. Under this ―top-down‖ model of democratic control, bureaucrats are expected to be responsive to those who make laws and set policy (Meier and O‘Toole 2006). As teachers interpret the range of ―state-, district-, and school-led policies‖ affecting their work they, in effect, make education policy (Goldstein 2008, 449). Teachers are therefore critical actors in determining whether standards operate as a constraint on local preferences. But teachers can also serve to translate local public opinion and interests into policy, therefore undermining the capacity of standards to operate as constraints. Fredrick Mosher (1982) argues that the capabilities, orientation and values of unelected bureaucrats are shaped by their background, training, and education, while Brehm and Gates find that the very best explanation for why agents generally do not do as their principals want is that they do not share the same values (1997, 20). Other work on street level bureaucrats also finds or suggests that they bring their own attitudes and values to bear on how they do their jobs (Meyers and Vorsanger 2003; Keiser and Soss 1998; Keiser, forthcoming; 1999). Since attitudes toward evolution are part of teachers‘ fundamental values they are not easily transformed (Bishop and Anderson 1990; Lawson and Weser 1990). And decades of research on street level bureaucracy have shown how local culture and politics can influence policy implementation (e.g., Wiessert 1994; Soss 2000; Wilson 1989; Whitford 2002; Percival, Johnson and Nieman 2009). Indeed, Kenneth Meier and his colleagues (e.g., Meier and O‘Toole 2006) argue that popular control is most effectively achieved not from the top but from the bottom- up, when bureaucracies are responsive to the clientele and communities they serve.

# \*\*\* Affirmative Answers \*\*\*

# 2AC States Counterplan 1/2

**1. Perm do both - local control of education is important but only federal accountability will ensure good results**

**Robinson 2016**, Kimberly Jenkins Robinson (Professor of Law at the University of Richmond), Fisher’s Cautionary Tale and the Urgent Need for Equal Access to an Excellent Education, 130 Harvard Law Review 185 (2016).

Local control has greatly diminished in recent decades and thus enjoys only a circumscribed existence in school districts today.[292](https://1.next.westlaw.com/Document/Ie4174a68adac11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DIe4174a68adac11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=11&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F292453059640) Nevertheless, local control that sparks innovation, parental and teacher involvement, and tailoring of educational opportunities to the needs of children must be maintained. While beneficial forms of state and local control of education should be preserved,[293](https://1.next.westlaw.com/Document/Ie4174a68adac11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DIe4174a68adac11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=11&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F293453059640) the United States must simultaneously declare that the autonomy to shortchange some children while privileging others has come to an end. Instead, the United States should adopt a new understanding of education federalism that embraces federal leadership for a federal-state partnership that ensures equal access to an excellent education for all children. Despite federalism-based concerns over this increase in federal influence over education as too great a reduction in state and local control, my approach would retain a number of features that recognize *\*230* federalism's potential benefits. My proposal retains most of the existing forms of state and local control of education. It does not embrace a national schoolhouse or federalize our education system. Instead, it insists that states equitably distribute educational opportunities and provide all children an excellent education. In addition, my theory for disrupting education federalism would empower new forms of state and local control for those communities who have lacked the influence to demand an excellent and equitable education for their children.[294](https://1.next.westlaw.com/Document/Ie4174a68adac11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DIe4174a68adac11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=11&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F294453059640) This theory admittedly and intentionally ends a state's ability to distribute resources in an inequitable and irrational manner that harms both disadvantaged children and the nation's interest in an educated citizenry and workforce. However, states would retain primary control of education as each state would select the best path for it to ensure equal access to an excellent education.

**2.** [insert a plan-specific reason why the federal government is important]

**3. 50 state fiat is unfair and warrants an aff ballot.**

**a. It’s impossible to counter 50 different actors working at once - it’s unbalanced because the aff only gets the federal government.**

**b. Not real world - all 50 states have never acted in perfect unison ever.**

**c. Neg has ground without the states - they can read disads and other counterplans.**

**d. The damage is done - our constructive speeches are over and the neg wasted our time, which means you can vote aff. At worst, give the perm the benefit of the doubt.**

**4. Interstate and intrastate funding disparities prevent uniform counterplan solvency**

**Takhar 2015**, Neelam Takhar (Editor for the U. Cal. Hastings Women’s Law Journal), No Freedom in a Ship of Fools: A Democratic Justification for the Common Core State Standards and Federal Involvement in K-12 Education, 26 Hastings Women’s Law Journal 355 (2015).

Interstate disparity shows that large gaps exist between states even when adjusting for regional costs of living.[71](https://1.next.westlaw.com/Document/I169c2394ff8d11e498db8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad62af00000015cbe2cabeaa3b3f20e%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI169c2394ff8d11e498db8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.History*oc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=eef6f34232f4d974009119ab94f27c8e&list=ANALYTICAL&rank=18&sessionScopeId=2ef7864733a8cb09167dfc94d2fe47b0d683d31069cb0d80f193730c039c71df&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.History*oc.Search%29#co_footnote_F71430200371) For example, in 2009-10, spending per student in New Jersey was $17,379, whereas in Utah, it was only $6,452.[72](https://1.next.westlaw.com/Document/I169c2394ff8d11e498db8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad62af00000015cbe2cabeaa3b3f20e%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI169c2394ff8d11e498db8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.History*oc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=eef6f34232f4d974009119ab94f27c8e&list=ANALYTICAL&rank=18&sessionScopeId=2ef7864733a8cb09167dfc94d2fe47b0d683d31069cb0d80f193730c039c71df&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.History*oc.Search%29#co_footnote_F72430200371) The disparity is caused by a number of factors. One is capacity, which refers to the ability of the state to fund education based on its economy and resources.[73](https://1.next.westlaw.com/Document/I169c2394ff8d11e498db8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad62af00000015cbe2cabeaa3b3f20e%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI169c2394ff8d11e498db8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.History*oc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=eef6f34232f4d974009119ab94f27c8e&list=ANALYTICAL&rank=18&sessionScopeId=2ef7864733a8cb09167dfc94d2fe47b0d683d31069cb0d80f193730c039c71df&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.History*oc.Search%29#co_footnote_F73430200371) Another is effort, or the willingness of state voters and politicians to provide funding for education.[74](https://1.next.westlaw.com/Document/I169c2394ff8d11e498db8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad62af00000015cbe2cabeaa3b3f20e%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI169c2394ff8d11e498db8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.History*oc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=eef6f34232f4d974009119ab94f27c8e&list=ANALYTICAL&rank=18&sessionScopeId=2ef7864733a8cb09167dfc94d2fe47b0d683d31069cb0d80f193730c039c71df&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.History*oc.Search%29#co_footnote_F74430200371) Wealthy states with high fiscal capacity spend more on education than states with fewer resources.[75](https://1.next.westlaw.com/Document/I169c2394ff8d11e498db8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad62af00000015cbe2cabeaa3b3f20e%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI169c2394ff8d11e498db8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.History*oc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=eef6f34232f4d974009119ab94f27c8e&list=ANALYTICAL&rank=18&sessionScopeId=2ef7864733a8cb09167dfc94d2fe47b0d683d31069cb0d80f193730c039c71df&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.History*oc.Search%29#co_footnote_F75430200371)However, some states with severely limited resources, like Montana, devote a higher percentage of total available funding on education, designating them a low fiscal capacity but high fiscal effort state.[76](https://1.next.westlaw.com/Document/I169c2394ff8d11e498db8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad62af00000015cbe2cabeaa3b3f20e%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI169c2394ff8d11e498db8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.History*oc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=eef6f34232f4d974009119ab94f27c8e&list=ANALYTICAL&rank=18&sessionScopeId=2ef7864733a8cb09167dfc94d2fe47b0d683d31069cb0d80f193730c039c71df&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.History*oc.Search%29#co_footnote_F76430200371)Intrastate disparities exist when there are large differences in funding among school districts within the same state.[77](https://1.next.westlaw.com/Document/I169c2394ff8d11e498db8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad62af00000015cbe2cabeaa3b3f20e%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI169c2394ff8d11e498db8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.History*oc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=eef6f34232f4d974009119ab94f27c8e&list=ANALYTICAL&rank=18&sessionScopeId=2ef7864733a8cb09167dfc94d2fe47b0d683d31069cb0d80f193730c039c71df&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.History*oc.Search%29#co_footnote_F77430200371)Financing relies in part on local property taxes, meaning that spending on education from district to district in the same state can differ vastly depending on property values.[78](https://1.next.westlaw.com/Document/I169c2394ff8d11e498db8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad62af00000015cbe2cabeaa3b3f20e%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI169c2394ff8d11e498db8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.History*oc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=eef6f34232f4d974009119ab94f27c8e&list=ANALYTICAL&rank=18&sessionScopeId=2ef7864733a8cb09167dfc94d2fe47b0d683d31069cb0d80f193730c039c71df&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.History*oc.Search%29#co_footnote_F78430200371) For example, in 2009-10, the New Trier Township High School District, located just outside of Chicago, Illinois spent $21,000 per student.[79](https://1.next.westlaw.com/Document/I169c2394ff8d11e498db8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad62af00000015cbe2cabeaa3b3f20e%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI169c2394ff8d11e498db8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.History*oc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=eef6f34232f4d974009119ab94f27c8e&list=ANALYTICAL&rank=18&sessionScopeId=2ef7864733a8cb09167dfc94d2fe47b0d683d31069cb0d80f193730c039c71df&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.History*oc.Search%29#co_footnote_F79430200371) Less than 200 miles into the interior of the state, the Farmington Central Community Unit School District spent only $7,000 per student.[80](https://1.next.westlaw.com/Document/I169c2394ff8d11e498db8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad62af00000015cbe2cabeaa3b3f20e%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI169c2394ff8d11e498db8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.History*oc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=eef6f34232f4d974009119ab94f27c8e&list=ANALYTICAL&rank=18&sessionScopeId=2ef7864733a8cb09167dfc94d2fe47b0d683d31069cb0d80f193730c039c71df&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.History*oc.Search%29#co_footnote_F80430200371)

# 2AC States Counterplan 2/2

**5. States have proven incapable of implementing better policy and instead coordinate to all provide uniformly low educational standards**

**Robinson 2016**, Kimberly Jenkins Robinson (Professor of Law at the University of Richmond), Fisher’s Cautionary Tale and the Urgent Need for Equal Access to an Excellent Education, 130 Harvard Law Review 185 (2016).

NCLB revealed that many state agencies lacked the expertise to implement substantive education reform and instead were more accustomed to distributing funding and monitoring how it was spent.[273](https://1.next.westlaw.com/Document/Ie4174a68adac11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DIe4174a68adac11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=11&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F273453059640) Technical assistance can expand the capacity of states and localities for reform and offer insights from other states and localities that would encourage greater efficiency in reforms.[274](https://1.next.westlaw.com/Document/Ie4174a68adac11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DIe4174a68adac11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=11&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F274453059640) Federal financial assistance also could provide both incentives and assistance for providing equal access to an excellent education.[275](https://1.next.westlaw.com/Document/Ie4174a68adac11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DIe4174a68adac11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=11&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F275453059640) Such assistance will be critical for gaining buy-in for comprehensive reform and for encouraging states and localities to raise the quality of the most disadvantaged schools rather than lowering the quality of more *\*228* privileged schools.[276](https://1.next.westlaw.com/Document/Ie4174a68adac11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DIe4174a68adac11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=11&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F276453059640) My theory also adds a needed layer of federal accountability for equitable distribution of an excellent education.[277](https://1.next.westlaw.com/Document/Ie4174a68adac11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DIe4174a68adac11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=11&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F277453059640)By undertaking this substantial shift in education federalism, the United States could implement a comprehensive education reform agenda that ensures equal access to an excellent education.[278](https://1.next.westlaw.com/Document/Ie4174a68adac11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DIe4174a68adac11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=11&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F278453059640) Insistence on state and local control of education and limited federal influence has operated as a shield that has insulated states from meaningful federal accountability, despite the fact that states have refused to implement the extensive reforms that are needed to provide an excellent and equitable education to all children.[279](https://1.next.westlaw.com/Document/Ie4174a68adac11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DIe4174a68adac11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=11&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F279453059640) The nation's longstanding approach to education federalism reveals numerous shortcomings that indicate that a new approach is needed.[280](https://1.next.westlaw.com/Document/Ie4174a68adac11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DIe4174a68adac11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=11&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F280453059640) Education federalism has hindered efforts to advance equal educational opportunity.[281](https://1.next.westlaw.com/Document/Ie4174a68adac11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DIe4174a68adac11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=11&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F281453059640) For instance, education federalism drove the Court's insistence on a quick return to local control of public schools after a relatively short desegregation effort to remedy the longstanding denial and segregation of education for African American children.[282](https://1.next.westlaw.com/Document/Ie4174a68adac11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DIe4174a68adac11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=11&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F282453059640) Education federalism also limited the ability of Congress to establish a national floor for state standards or for teachers in NCLB and thus left the states free to adopt relatively weak academic and teacher-qualification standards.[283](https://1.next.westlaw.com/Document/Ie4174a68adac11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DIe4174a68adac11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=11&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F283453059640)

**6. Perm do the counterplan with federal executive oversight**

**Bulman Pozen 2016**, Jessica Bulman-Pozen (Associate Professor of Law at Columbia University), Executive Federalism Comes to America, 102 Virginia Law Review 953 (2016).

Compared to legislative processes, executive federalism has several advantages in fostering negotiation across the political spectrum. First, as differentiated integration underscores, negotiations may be bilateral or partially multilateral. Instead of a need for a grand compromise that satisfies an aggregate national body, executive federalism may unfold through many smaller compromises that satisfy disaggregated political actors.[209](https://1.next.westlaw.com/Document/I1e33be882fa711e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI1e33be882fa711e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=20&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F209445659740) The sum total of these negotiations shapes national policy, but no one negotiation does. This disaggregated quality can reduce the partisan temperature and bring intraparty difference to the fore. Second, because it tends to arise in the process of implementing national policy over a period of time, state-federal bargaining involves iterated interactions over both bigger-picture issues and smaller details. Such implementation is policymaking, not mere transmission of preexisting instructions, but it is more concrete than lawmaking, and partisan dogmas may be unsettled as new issues arise in the implementation process. Third, federal and state executives tend to be differently situated with respect to particular programs: The states may rely on the federal executive for funding as the federal executive relies on the states to achieve its policy goals; or the states may rely on federal cooperation to achieve their policy goals as the federal government relies on the states for political capital. ***\*1003*** Such mutual reliance, but varied responsibilities and interests, may create more paths to, and incentives for, compromise. Finally, executive negotiations may transpire in greater secrecy than legislative deliberations that occur in the sunshine.

# AT: Solvency - States Fail

**Federal authority is key to maintaining a meaningful floor of educational quality—ESSA gives enough deference to states while maintaining effective federal enforcement power**

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

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.

**Dual federalism magnifies educational inequalities**

**Robinson 2015**, 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

# AT: Solvency - Race to the Bottom

**State courts facilitate race to the bottom in education**

**Bowman 2017**, 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.

# AT: Solvency - States Can’t Pay

**The counterplan can’t fix lack of funding and inefficient resource allocation**

**Robinson 2016**, Kimberly Jenkins Robinson (Professor of Law at the University of Richmond), No Quick Fix for Equity and Excellence: The Virtues of Incremental Shifts in Education Federalism, 27 Stanford Law and Policy Review 201 (2016).

Disparities in educational opportunity along lines of class, race and neighborhood remain an enduring characteristic of schools and districts throughout the United States.[2](https://1.next.westlaw.com/Document/I95264432be5c11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI95264432be5c11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=28&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F2453489525) These disparities are shaped in substantial part by the funding mechanisms that govern schools.[3](https://1.next.westlaw.com/Document/I95264432be5c11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI95264432be5c11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=28&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F3453489525) As the recent report of the U.S. Department of Education's Equity and Excellence Commission noted, “students, families and communities are burdened by the broken system of education funding in America.”[4](https://1.next.westlaw.com/Document/I95264432be5c11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI95264432be5c11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=28&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F4453489525) Although some progress has been made, despite almost half a century of state school finance litigation,[5](https://1.next.westlaw.com/Document/I95264432be5c11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI95264432be5c11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=28&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F5453489525) most states generally have not taken consistent and sustained action to adopt and maintain funding systems that promote equal access to an excellent education.[6](https://1.next.westlaw.com/Document/I95264432be5c11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI95264432be5c11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=28&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F6453489525) Furthermore, the education reforms that have been undertaken have not demanded sufficient changes to end the longstanding inequities in how the states fund schools.[7](https://1.next.westlaw.com/Document/I95264432be5c11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI95264432be5c11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=28&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F7453489525)The United States should not expect these longstanding disparities and challenges to end without a new commitment and approach to eliminating them. Even though we have learned some important lessons from how states have implemented their education clauses, the laboratory of the states has failed to protect the national interest in an excellent and equitable education system for all children. Given this inconsistent and lackluster state commitment to the education finance systems that the United States needs, the United States must look for new avenues to secure this important national interest. Federal options for addressing spending disparities are particularly crucial because the greatest ***\*203*** variation in per pupil spending occurs between states, rather than within states.[8](https://1.next.westlaw.com/Document/I95264432be5c11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI95264432be5c11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=28&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F8453489525) Currently, this variation in funding between states accounts for seventy-eight percent of per pupil spending differences and this variation represents a “historic high” and highlights the inadequacy of state reforms alone to equalize resources.[9](https://1.next.westlaw.com/Document/I95264432be5c11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI95264432be5c11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=28&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F9453489525) Furthermore, research demonstrates that on international assessments, the achievement of U.S. students at all income levels, including those from upper income families, lags behind their international peers.[10](https://1.next.westlaw.com/Document/I95264432be5c11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI95264432be5c11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=28&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F10453489525)Federal reforms are particularly important given the fact that according to a 2016 review of the funding in forty-six states, at least twenty-five states have not returned their per student general aid--the primary type of state funding for schools--to 2008 levels.[11](https://1.next.westlaw.com/Document/I95264432be5c11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI95264432be5c11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=28&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F11453489525) Seven of these twenty-five states have cut state general aid by ten percent or more.[12](https://1.next.westlaw.com/Document/I95264432be5c11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI95264432be5c11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=28&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F12453489525) In addition, although most states increased general aid in 2016, twelve states reduced per pupil funding this year.[13](https://1.next.westlaw.com/Document/I95264432be5c11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI95264432be5c11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=28&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F13453489525) Insufficient financial support for public schools has remained the public's top education concern for at least a decade.[14](https://1.next.westlaw.com/Document/I95264432be5c11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI95264432be5c11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=28&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F14453489525)

**States fail as laboratories in education because they fail at allocating resources efficiently**

**Robinson 2016**, Kimberly Jenkins Robinson (Professor of Law at the University of Richmond), Fisher’s Cautionary Tale and the Urgent Need for Equal Access to an Excellent Education, 130 Harvard Law Review 185 (2016).

Education federalism's emphasis on state and local control of education also has not reaped some of the benefits that it is designed to achieve.[284](https://1.next.westlaw.com/Document/Ie4174a68adac11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DIe4174a68adac11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=11&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F284453059640) State and local control can encourage excellence, experimentalism, and responsiveness to local needs.[285](https://1.next.westlaw.com/Document/Ie4174a68adac11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DIe4174a68adac11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=11&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F285453059640) However, local control is not an end in itself but merely a method for achieving these benefits.[286](https://1.next.westlaw.com/Document/Ie4174a68adac11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DIe4174a68adac11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=11&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F286453059640) For example, the funding systems of most states do not distribute greater funding to districts with higher concentrations of poverty, despite research demonstrating that students in these districts need additional resources to compete successfully with their more privileged *\*229* peers.[287](https://1.next.westlaw.com/Document/Ie4174a68adac11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DIe4174a68adac11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=11&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F287453059640) Instead, fourteen states deliver less funding to districts with greater concentrations of poverty, eighteen states deliver the same funding, and only sixteen states provide more funding.[288](https://1.next.westlaw.com/Document/Ie4174a68adac11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DIe4174a68adac11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=11&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F288453059640) This reveals a fundamental unwillingness, or at least an inability, of most states to meet the educational needs of students within their states and to distribute funding in an equitable manner. Research also demonstrates that many states provide quite low per-pupil funding levels[289](https://1.next.westlaw.com/Document/Ie4174a68adac11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DIe4174a68adac11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=11&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F289453059640) and do not include mechanisms for overseeing the efficient use of resources.[290](https://1.next.westlaw.com/Document/Ie4174a68adac11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DIe4174a68adac11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=11&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F290453059640) Students within the United States at all income levels perform significantly and pervasively below their international peers in Asia, Europe, and some other countries in the Americas.[291](https://1.next.westlaw.com/Document/Ie4174a68adac11e698dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DIe4174a68adac11e698dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=11&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F291453059640) This evidence indicates that the laboratory of the states is generally failing to provide the excellent and equitable schools that the nation's schoolchildren need and deserve and that the United States needs to thrive.

# Perm Extensions

**Perm is cooperative federalism - solves by creating oversight of state laboratories**

**Morton-Bently 2016**, Daniel W. Morton-Bently, The Rowly Enigma: How Much Weight is Due to IDEA State Administrative Proceedings in Federal Court? 36 Journal of the National Association of Administrative Law Judiciary 428 (2016).

In designing the IDEA, Congress divided rulemaking and adjudicative responsibilities between two institutions, delegating rulemaking authority to the United States Department of Education's Office of Special Education Programs and recognizing that state departments of education would exercise adjudicative duties.[26](https://1.next.westlaw.com/Document/I7b8ebd1d272e11e798dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI7b8ebd1d272e11e798dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=12&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F26456912366) This allocation embodies the principle of cooperative federalism, a system where “a federal statute provides for state regulation or implementation to achieve federally proscribed policy goals.”[27](https://1.next.westlaw.com/Document/I7b8ebd1d272e11e798dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI7b8ebd1d272e11e798dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=12&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F27456912366) Cooperative federalism allows states to create novel solutions, which are responsive to local conditions in a way that a unitary federal standard cannot be.[28](https://1.next.westlaw.com/Document/I7b8ebd1d272e11e798dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI7b8ebd1d272e11e798dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=12&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F28456912366)

**Perm solves best - federal and state governments should work together**

**Robinson 2016**, Gerard Robinson (Resident Fellow at the American Enterprise Institute), A Federal Role in Education: Encouragement as a Guiding Philosophy for the Advancement of Learning in America, 50 University of Richmond Law Review 919 (2016).

The federal government must remain a stakeholder in education given its importance to the economic, scientific, social, and national security demands of our nation. This does not mean that the federal government should behave as a national school board. Rather, the federal government should use its constitutional authority to implement a guiding philosophy based upon the spirit of Article III of the Northwest Ordinance of 1787--“schools [public and private, nonprofit and for-profit, secular and religious] and the means of education [traditional, homeschool, online, dual enrollment] shall forever be encouraged.”[153](https://1.next.westlaw.com/Document/Iedf772acfe2511e598dc8b09b4f043e0/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad6ad3f0000015c27e6b12cb362b861%3FNav%3DANALYTICAL%26fragmentIdentifier%3DIedf772acfe2511e598dc8b09b4f043e0%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=16de3372f9a60bc05e1a29124ff8f506&list=ANALYTICAL&rank=25&sessionScopeId=7a7c27c276a3b5cfe4569df5e1bc46d8cee8ddab3d8c1385f980bb95624694d4&originationContext=Search%20Result&transitionType=SearchItem&contextData=%28sc.Search%29#co_footnote_F153443103723)

An encouragement philosophy guiding the federal role in education would provide five benefits. First, it could guide federal involvement through the DOE, but also the HHS, the USDA, and the Department of Labor. Second, it would focus federal involvement in education on supporting states' goals for education. Third, it would enable states to approach the federal government for guidance with more excitement and less fear of indictment. Fourth, it would push the federal government to most often serve as an educational partner rather than an educational parent. Finally, it would invite greater innovation from states and local school boards with the knowledge that they can rely on federal support to invent new educational futures for our children.

# 2AC Science Education Disad 1/2

**a. Federal curriculum oversight is critical to prevent states from teaching climate denialism in public schools - Trump gives us uniqueness**

**Glinskis 2017**, Emmalina Glinskis, Climate Denial in Schools, Vice News (April 27, 2017), <https://news.vice.com/story/six-states-trying-to-pass-climate-denial-in-education-legislation>.

Legislation proposed across the country since Donald Trump’s election threatens to bring climate change denial into the classroom under the guise of “academic freedom.” Currently, six states have legislative measures pending or already on the books that would allow anti-science rhetoric, including the rejection of global warming, to seep its way into schools’ curricula. While these types of proposals have become fairly routine in certain states, some of the most recent crop have advanced farther than in the past. Senate Bill 393 in Oklahoma, for example, would permit teachers to paint established science on both evolution and climate change as “controversial.” The “controversy,” however, doesn’t really exist — [more than 97 percent](https://climate.nasa.gov/scientific-consensus/) of actively publishing, accredited climate scientists agree that global warming trends over the past century are directly attributable to human activity. And [some teachers](http://www.ibtimes.co.uk/climate-change-more-70000-us-science-teachers-tell-students-global-warming-natural-1543334) might already be misleading students. Since its initial proposal in early February, the bill passed out of the Senate and into the House, where it circumvented the House Education Committee and now heads for a full House vote. “It’s important to note that this exact bill in Oklahoma has been proposed in the past seven times, and it’s only this year, at a time when there’s federal policy that’s egregiously anti-science, that the bill made it so far,” said Lisa Hoyos, the director of Climate Parents, a Sierra Club–affiliated organization that supports climate change education. In fact, the bill’s sponsor, Republican Sen. Josh Brecheen, has introduced similar legislation every year since 2011. He’s said he wants “every publicly funded Oklahoma school to teach the debate of creation vs. evolution.” A bill [similar](https://legiscan.com/TX/text/HB1485/2017) to Oklahoma’s is currently working its way through the Texas Legislature. And Florida has [two bills pending](https://ncse.com/news/2017/04/further-progress-florida-antiscience-bills-0018507) aimed at letting local residents object to the use of certain instructional materials, such as textbooks that teach human-induced climate change, in public schools. Some states are passing resolutions, which have a less direct influence but send strong signals about where the state Legislature stands on climate change. In February, [Indiana](https://iga.in.gov/legislative/2017/resolutions/senate/simple/17#document-1ef08683) successfully passed its [Senate resolution](https://iga.in.gov/legislative/2017/resolutions/senate/simple/17#document-1ef08683) supporting teachers “who choose to teach a diverse curriculum,” giving climate denial and creationism the chance to enter classrooms. A similar “academic freedom” resolution has already made its way through the [Alabama](https://legiscan.com/AL/bill/HJR78/2017) House. Finally, [Idaho](https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2017/legislation/SCR121.pdf) locked in a legally binding Senate resolution in March that deletes material about climate change and human impact on the environment from the state’s science standards. “Academic freedom bills are the new normal,” said Glenn Branch, deputy director for the [National Center for Science Education.](https://ncse.com/)According to him, state legislators across the country have filed over 70 academic freedom bills since 2004. That’s when state-level legislation began using vague language to protect teachers’ “academic freedom” by permitting educators to teach about the “strengths and weaknesses” of existing scientific theories. The bill pending in Texas, for example, includes “climate change, biological evolution, the chemical origins of life, and human cloning” among its controversial theories. “We’re very familiar with this type of language, and it has clearly morphed from the anti-evolution education perspective into the anti-climate change perspective,” said David Evans, executive director of the National Science Teacher Association, which played a key role in shaping the Next Generation Science Standards. The standards, adopted by 18 states and Washington, D.C., since 2015, included the first-ever recommendations for students to learn about human-induced global warming. These old proposals are being made new again along with a stark ideological switch at the federal level. The president has called climate change a “hoax.” The EPA administrator doesn’t believe carbon dioxide contributes to global warming. And the White House’s continued rollback of environmental regulations reflects those viewpoints. In fact, [a series of Pew studies](http://www.pewinternet.org/2016/10/04/the-politics-of-climate/ps_2016-10-04_politics-of-climate_1-15/) shows 2016 marked the largest gap yet between Republicans and Democrats over belief in human-caused global warming. “It’s no coincidence when you have an administration banning climate science material from federal websites that science deniers in states would feel emboldened. But at the end of the day, it’s our kids that get shortchanged,” Hoyos said. Her organization, Climate Parents, is circulating [a petition](https://sierra.secure.force.com/actions/ClimateParents?actionId=AR0074893) — with over 2,250 signatures so far — that urges Republican Gov. Mary Fallin to veto Oklahoma’s bill and stand by the science standards she passed in 2014.

# 2AC Science Education Disad 2/2

**b. Teaching climate science in classrooms is a pre-requisite to save humanity from climate change**

**Tobin 2015**, Kenneth Tobin (City University of New York’s Urban Education Program), EcoJustice, Citizen Science, and Youth Activism: Situated Tensions for Science Education (eds. Michael P. Mueller and Deborah J. Tippins 2015), Chapter 18 (Section Editorial - Ponder This: Science Education in Times of Challenge - Opportunity) @ page 303.

Extinction is certainly a dire prediction and it seems self-evident that humanity has never faced a more pressing priority for education and transformation. Can the situation be reversed? For that matter, what is meant by reversed? Obviously it is impossible to return exactly to an a priori set of conditions - so what is meant when reversal is contemplated? Cleary, appropriate action has ethical dimensions because even at a global level there are more living species to be considered than just humans - or just Americans - as the case might be. Accordingly, to make a claim that reversibility is not possible or that irreversibility is inevitable is in many ways trivial. The more important thing is to consider, when actions are planned, what macro conditions are being sought, in which parts of the world or universe are they applicable, and what are the benefits and harms of making efforts to re-create identified conditions? At the very least all citizens need to be educated to understand problems and how to enact new lifestyles that will not exacerbate global warming and myriad associated conditions. Furthermore, politics has to lead the way in ensuring that the entire community is reconstructed in ways that are fair and equitable. The solutions, if they exist, would have to transcend national boundaries and the divisiveness of self-interest, political parties, and international competitiveness. How might science education respond to critical issues such as those I have addressed here? It seems self-evident that such a response needs to be immediate and yet we seem to be decades away from being ready to respond proactively. Science education is immersed in what it has traditionally focused upon. In order to be responsive and proactive, science educators will need to rid themselves of the shackles of the past! There are at least two broad components to be addressed - to understand the problem in ways that lead to commitments to personal and collective transformations. Learning needs to extend beyond language to embrace ongoing, continuous, never wavering change to sustain the universe. This must be associated with a moral value associated with sustainability and an abhorrence of deviations from pathways leading to sustainability. An important ingredient of what is learned is responsibility for all humans to act in ways that foster harmony across networks/ecosystems. Acting in ways that acknowledge interdependence of all living and nonliving components of the universe seems central to social life and an overarching goal for science education.