

**The Patience, Privacy, Power, Politics,
and Pensions Behind the Every Student
Succeeds Act**

**The Elitist & Corporate Agenda
Exposed**

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The Patience, Privacy, Power, Politics, and Pensions Behind the Every Student Succeeds Act

The Elitist & Corporate Agenda for American Education Exposed

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Senator Lamar Alexander (R-TN) made it his mission to get acting U.S. Secretary of Education John B. King, Jr. confirmed as secretary as soon as possible after the signing of the Every Student Succeeds Act (ESSA).¹ Speaking to governors at the 2016 National Governors Association winter meeting, Alexander said, "I urged [Obama] to appoint somebody and I told him *I'd make sure he was confirmed*."² [emphasis added] With less than 10 months until the Obama administration leaves the White House, oblivious to King's disastrous tenure as New York's commissioner of education,³ and impervious to the outcry about King's conflict of interest^{4, 5} (Melissa Steele King, his wife, has been named an associate partner at Bellwether Education Partners⁶ which lists PARCC Consortia, Jeb Bush's Chiefs for Change, Thomas B. Fordham Institute, U.S. Chamber of Commerce, and the Bill & Melinda Gates Foundation as "partners"⁷), Alexander aggressively used his position as chair of the Senate Health, Education, Labor, and Pension Committee (HELP) to manipulate the timing and process, of what should have been a deliberative decision of the hearing committee as a whole, to implement *his*

¹ http://blogs.edweek.org/edweek/campaign-k-12/2016/01/alexander_if_obama_nominates_a.html

² http://blogs.edweek.org/edweek/state_edwatch/2016/02/lamar_alexander.html

³ <http://networkforpubliceducation.org/2016/02/6303/>

⁴ <http://dianeravitch.net/2016/02/18/john-kings-wife-hired-by-bellwether/>

⁵ <http://www.eagleforum.org/publications/educate/mar16/educational-cronyism.html>

⁶ <http://bellwethereducation.org/staff/melissa-steel-king>

⁷ <http://bellwethereducation.org/who-we-work>

education agenda.⁸ When you're one of the biggest and most generous fund raisers of all current House and Senate members,⁹ you're in a position of power.

The Washington Post published the following the day the confirmation committee voted to send his nomination to the senate floor:

King's nomination came as something of a surprise, as *it had seemed that he would continue as acting secretary for the final months of the Obama administration*, allowing the president to forgo what might have been a difficult confirmation battle in the GOP-led Congress.

But Sen. Lamar Alexander (R-Tenn.), chairman of the Senate education committee, had urged Obama to go through the formal nomination process, arguing that the Senate needed to confirm the secretary to ensure accountability as the nation's public schools implement a new federal education law. Alexander voted in favor of King's confirmation.¹⁰[emphasis added]

The Senate education committee approved King's nomination by a 16-6 vote¹¹ despite the cogent and evidence-based arguments against his confirmation by Senators Mike Lee (R-UT)¹² and James Lankford (R-OK).¹³ All nay votes were cast by Republicans, meaning Alexander relied on the new ranking member of the committee, Senator Patty Murray (D-WA) and the remaining Democrat votes to send King's nomination to the floor, but his agenda was accomplished.

⁸ <https://www.washingtonpost.com/news/answer-sheet/wp/2016/02/29/u-s-legislators-give-obamas-education-pick-an-astounding-pass/>

⁹ https://www.washingtonpost.com/opinions/dont-do-it-paul-ryan/2015/10/09/a77fcdee-6ebc-11e5-9bfe-e59f5e244f92_story.html

¹⁰ <https://www.washingtonpost.com/news/education/wp/2016/03/09/senate-committee-votes-to-confirm-john-king-obamas-nominee-for-education-secretary/>

¹¹ http://blogs.edweek.org/edweek/campaign-k-12/2016/03/senate_education_committee_vot.html

¹² <http://www.lee.senate.gov/public/index.cfm?p=speeches&id=1F7B1737-0195-4CB5-B294-68C0174023D5>

¹³ <https://www.youtube.com/watch?v=5sA95y-d7ac&feature=youtu.be>

Then, the full Senate voted to confirm King 49 to 40 with 11 senators not voting.¹⁴ All but one NAY vote were Republican. The lone Democrat to vote against King's confirmation was Senator Kirsten Gillibrand (D-NY). Gillibrand issued a statement explaining her vote as King's "tenure in New York was very adversarial, leaving families, students and teachers without a voice."¹⁵ Once again, Alexander relied on Democrats to accomplish his agenda. His timing and maneuvers to ensure King's confirmation were consistent with previous descriptions of his leadership style.¹⁶ They were also consistent with his brinksmanship to pass S 1177, ESSA.

Alexander's mission to pass a reauthorization of the failed No Child Left Behind Act (NCLB) began the day after his mid-term election in 2014,¹⁷ and ended approximately 13 months later. On November 18, 2015 after a 1 ½-hour conference committee meeting, Alexander announced that the full text of the conference report on S1177 would not be available until November 30, 2015 and the House would be voting on the report only two days later at the latest.¹⁸ He knew when newly sworn in Speaker of the House Paul Ryan would schedule the bill – he'd arranged that, too. Alexander told Politico, "They'd bring it to the House floor for a vote soon, when Ryan was still new to the speakership and the bill could arguably pass off as part of Boehner's legacy,"¹⁹ all the while maintaining regular order.²⁰ This was old-fashioned legislating at its finest – take credit if all goes well; blame the guy who isn't around to defend himself if it

¹⁴ http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=114&session=2&vote=00036

¹⁵ <http://www.latimes.com/nation/la-na-john-king-20160320-story.html>

¹⁶ <http://chronicle.com/article/Lamar-Alexander-Wants-to/149807/>

¹⁷ <http://www.politico.com/story/2015/12/paul-ryan-congress-no-child-left-behind-216696>

¹⁸ <http://www.nafme.org/esea-heads-towards-conference/>

¹⁹ <http://www.politico.com/story/2015/12/paul-ryan-congress-no-child-left-behind-216696>

²⁰ http://www.rollcall.com/news/regular_order_is_a_political_rorschach_wolfensberger-224587-1.html

flops. Alexander later admitted, "ESSA isn't worth the paper it's printed on unless it's implemented right, . . . The federal government will take these powers right back."²¹

Alexander's under-the-radar maneuvers did not go unobserved, however. The shenanigans first became apparent to Senator Mike Lee (R-UT) when Alexander was orchestrating the House-Senate conference committee that would iron out differences between the two chambers' versions of the bills. In his remarks on the floor, Senator Lee charged that the uncharacteristic timing of the conference committee appointment hearing was designed to exclude legislator input. Typically, if an issue related to the bill was important to a senator not on the conference committee, he could ask the Senate to vote on a set of instructions sent to the conference to inform committee deliberations and influence the substance of the conference report. But, as observed by Senator Lee,

[that] is *not* how the conference process has been conducted with respect to this bill, . . .

[T]his vote was *scheduled on extremely short notice*, so that it would be difficult – if not impossible – for the rest of us to influence the substance of the conference report through motions to instruct.²²[emphasis added]

He argued against the rushed timing “because it is the last opportunity for senators and representatives who are not conferees – such as myself – to influence the outcome of the conference process.” Lee also described how legislators were excluded from providing input to the bill throughout its development. He said,

²¹ http://blogs.edweek.org/edweek/state_edwatch/2016/02/lamar_alexander.html

²² <http://www.help.senate.gov/ranking/newsroom/press/joint-statement-on-efforts-to-reauthorize-the-elementary-and-secondary-education-act>

. . . beneath the surface we know that all of this has already been pre-arranged, pre-cooked, pre-determined . . . by a select few members of Congress, working behind closed doors, free from scrutiny. . . Now, why does this matter? . . . *because the process influences the policy.*²³ [emphasis added].

Consistent with protecting control by the inner circle, no public hearings were held before the passage of the bill.²⁴ Alexander's brinkmanship of the ESSA and of acting Secretary King's confirmation as secretary, are quintessential examples of Washington insiders wielding control of policy to impose the force of government on the governed without their consent; thus, making a mockery of a democratic legislative process. President Harrison warned in his 1841 inaugural address, "The tendency of power to increase itself, particularly when exercised by a single individual . . . would terminate in virtual monarchy. . . ."²⁵

The growing sense that Congress is controlled by a few powerful individuals who fancy themselves monarchs has caused Americans to disdain Congress and the federal government, as observed by Congress's single-digit approval ratings.²⁶ A 2014 Rasmussen poll found that 76% of *Likely* U.S. voters believed the wealthiest individuals²⁷ and companies have too much influence over government decisions.²⁸ And why not? Former employees of Bill Gates, the wealthiest individual on the planet²⁹ who bankrolled the development of the Common Core

²³ <http://www.lee.senate.gov/public/index.cfm/speeches?ID=5351BB18-A58B-4DE8-B95F-013C50EA5D7C>

²⁴ <http://www.regulations.gov/#!documentDetail;D=ED-2015-OESE-0130-0001>

²⁵ <http://www.wnd.com/2016/03/this-is-biggest-concern-of-past-u-s-presidents/>

²⁶ http://www.rasmussenreports.com/public_content/archive/mood_of_america_archive/congressional_performance/congress_still_ranks_low_in_the_public_s_eyes

²⁷ <https://news.yahoo.com/forbes-2016-world-s-billionaires--meet-the-richest-people-on-the-planet-152937843.html>

²⁸ http://www.rasmussenreports.com/public_content/politics/general_politics/may_2014/bigger_problem_in_politics_48_say_media_bias_44_campaign_cash

²⁹ <https://news.yahoo.com/forbes-2016-world-s-billionaires--meet-the-richest-people-on-the-planet-152937843.html>

national standards³⁰ were hired into senior-level and strategic positions in the U.S. Department of Education.³¹ With respect to companies, 180 unique organizations registered to lobby on ESSA; those filing the most number of lobbying reports included Exxon/Mobil, Microsoft, Texas Instruments, and Intel Corp.³² Though not among the most frequent report filers, PEARSON, a foreign publishing company that spent large sums of money lobbying for the American Recovery and Reinvestment Act³³ (the act that funded the assessment consortia through the Race to the Top grants that contracted with PEARSON for assessment development and administration³⁴), also lobbied on ESSA for “*provisions related to timing and process for conference agreement and passage.*”³⁵ [emphasis added]

No working family can match the lobbying money paid by corporations to drown out the voters’ voice. There’s a reason Americans feel marginalized from their government and the election process, particularly at the federal level.³⁶ Since that 2014 Rasmussen poll, not much has changed in Washington or in the opinions of the American voter. A 2016 poll indicates that sixty-one percent (61%) of all voters think most members of Congress are willing to sell their vote for either cash or a campaign contribution, and the same percentage (61%) thinks it’s *Likely* their own representative has already done so. That includes 30% who think it’s *Very Likely* their representative has sold his or her vote.³⁷

³⁰ http://www.bloomberg.com/bw/magazine/content/10_30/b4188058281758.htm#p4

³¹ http://www.nbcnews.com/id/38282806/ns/business-us_business/t/bill-gates-latest-mission-fixing-american-schools/

³² <http://www.opensecrets.org/lobby/billsum.php?id=s1177-114>

³³ <http://www.opensecrets.org/lobby/clientbills.php?id=D000036571&year=2009>

³⁴ <https://www.edsurge.com/news/2014-05-03-pearson-wins-parcc-contract>

³⁵ <http://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=DD06874F-CB90-4790-838C-C722C00D45B7&filingTypeID=78>

³⁶ http://www.huffingtonpost.com/entry/aei-world-forum-donald-trump_us_56ddbd38e4b0ffe6f8ea125d

³⁷ http://www.rasmussenreports.com/public_content/politics/mood_of_america/congressional_performance

As information surfaces about the timing and process of the ESSA, it may be that the American voter is not as stupid as Jonathon Gruber and those like him presumed.³⁸ Given the correspondence between Alexander's leadership of the Republican-led Congress in the handling of ESSA's timing and process and the PEARSON lobbying report, it is obvious why someone who has never held a government office is leading in the 2016 Republican presidential primaries.³⁹ Americans sense that ESSA represents the culmination of the patience, private conversations, power, politics, and financial investments of a close network of Washington insiders whom the American voter mistrusts.

Patience. The behind-closed-door ESSA meetings began in February of 2015. Senator Alexander, who had stepped down from Senate leadership in 2011, had been appointed chair of the Senate Health, Education, Labor and Pensions (HELP) committee of the new GOP-led Senate as had been anticipated when the Republicans took control of the senate in November 2014. Determined to rewrite NCLB, he approached Senator Murray (who, incidentally, is a senator from the state that is home to Bill Gates) about his bill. His determination appeared to be motivated by a desire to heal a dysfunctional Congress plagued by paralysis and legislative logjams. His career history, however, suggests that Alexander may have been motivated by his long range national strategy developed as U.S. Secretary of Education under President George H. W. Bush and described in his introduction to the 1991 release of *America 2000: An Education Strategy Sourcebook*.⁴⁰

³⁸ <http://www.forbes.com/sites/theapothecary/2014/11/10/aca-architect-the-stupidity-of-the-american-voter-led-us-to-hide-obamacares-tax-hikes-and-subsidies-from-the-public/#6529bb04779b>

³⁹ <http://www.wsj.com/video/is-trump-momentum-unstoppable-after-super-tuesday-wins/25D05458-A53C-4769-8245-E55609AA00B5.html>

⁴⁰ <http://eric.ed.gov/?id=ED327985>

In April 18, 1991 remarks at the presentation of this national education strategy, President Bush described a transformation of traditional schools managed under local school boards to what he called a “New Generation of American Schools.” The transformation would be brought about through a new partnership of federal and state resources,

Working closely with the governors [not state boards of education], *we will define* new World Class Standards *for* schools [ignoring state constitutions and statutes about education], teachers and students in the five core subjects: math and science, English, history, and geography.

We will develop voluntary -- let me repeat it -- we will develop voluntary *national tests* for 4th, 8th and 12 graders in the five core subjects. These American Achievement Tests will tell parents and educators, politicians and employers, just how well our schools are doing. I’m determined to have the first of these tests for 4th graders in place by the time that school starts in September of 1993. And for high school seniors, let's add another incentive -- a distinction sure to attract attention of colleges and companies in every community across the country -- a Presidential Citation to students who excel on the 12th grade test. [emphasis added]

Lamar Alexander did not unilaterally develop that transformational vision for President Bush’s remarks. A 1991 New York Times article described Dr. Chester Finn as Alexander’s unofficial advisor who had helped write the America 2000 plan and was a central player in the preparations for the 1989 Charlottesville Education Summit, a gathering of President Bush and the nation's governors.⁴¹ Alexander and Finn had known each other in Washington during the

⁴¹ <http://www.nytimes.com/1991/08/02/us/washington-at-work-education-pundit-heard-as-voice-of-revolution.html>

Nixon administration, then became increasingly collaborative when Alexander became governor of Tennessee and Finn was at Vanderbilt University in Tennessee's state capitol, Nashville. Finn, a Moynihan Democrat, changed his party affiliation to Republican, and worked in Republican administrations to promote his agenda of revolutionizing education, including public money for parochial schools, competition among schools, merit-based awards for teachers, uniform standards, and national testing.

Twenty-five years later, a reunion of old friends prepares to implement the final phase of a long range strategy toward Finn's 1980's vision for education begun during President George H. W. Bush's administration. Alexander is chair of the Senate HELP Committee; Finn is president emeritus of the Thomas B. Fordham Institute with protégé and former George W. Bush education official, Michael Petrilli, as his successor; and Governor Jeb Bush, scion of George H. W. who has faithfully worked to implement the Alexander-Finn America 2000 agenda of his father's presidency in the state of Florida,⁴² announced his candidacy for the 2016 Republican nomination for president of the United States. Patience, they say, is a virtue.

Privacy. Alexander, S 1177's sole sponsor (though it's never been made public who authored the bill), released a draft version in February 2015, but, Murray, could not agree to the Republican's draft or to an open process for negotiating the bill's content. Describing the Alexander-Murray private discussions, the Washington Post stated, "They had a final standoff in early March inside Murray's hideaway, a private office in the U.S. Capitol with a view of the

⁴² In 2016, implementation of the "Brand New American School" Lamar Alexander described at a 1989 Governors Conference in Wichita, KS <https://www.youtube.com/watch?v=SVWDNvJ03FY>, is being enacted into law in Florida <http://www.orlandosentinel.com/news/education/os-teacher-bonuses-computer-coding-school-choice-senate-20160226-story.html>

Supreme Court.”⁴³ As Senator Lee indicated, neither elected legislators outside of the Alexander-Murray inner circle, nor the general electorate, was welcome in the bill negotiations process. Drafts of the conference report were available only to Washington insiders until the final draft was released on November 30, 2015⁴⁴ -- the day after Thanksgiving recess and two days before a vote was taken in the House.⁴⁵ Privacy, rather than transparency, was the hallmark of the entire ESSA passage into law.

Politico’s Maggie Severns suggested that negotiating in closed door meetings was a strategy for overcoming bipartisan deadlock: “The under-the-radar progress is one small sign of hope for bipartisanship in the new Senate . . .”⁴⁶ U. S. Secretary of Education Arne Duncan, however, had a different explanation of how the bill’s cloak of secrecy served to promote its passage through Congress while maintaining the White House agenda. In an interview with Politico Pro as reported by Emmett McGroarty, Duncan said,

We had many, many conversations *behind the scenes*. . . . And I said for us to support it, they’d have to shed their far, far right . . . But they both said they would and they did.

We were intentionally quiet on the bill — they asked us specifically not to praise it — and to let it get through . . . And so *we went into radio silence and then talked about it after the fact*. Our goal was to get this bill passed — *intentionally silent* on the many,

⁴³ https://www.washingtonpost.com/local/education/senators-conjure-lost-art-to-get-support-for-education-bill-compromise/2015/07/28/c1bb953a-3177-11e5-97ae-30a30cca95d7_story.html

⁴⁴ <http://www.help.senate.gov/ranking/newsroom/press/house-senate-education-committees-release-final-proposal-to-replace-nclb>

⁴⁵ <http://www.breitbart.com/big-government/2015/12/01/lamar-alexanders-no-child-left-behind-rewrite-1059-pages-released-two-days-prior-vote/>

⁴⁶ <http://www.politico.com/story/2015/04/nclb-bill-alexander-murray-and-shake-shack-117094>

many good aspects of the bill. We were *strategically quiet on the good stuff*.⁴⁷ [emphasis added]

Confirmation that input from the grassroots American public is not valued in the federal legislative or regulatory process appears in a Fordham Institute webcast that aired within a week after S 1177 was signed into law.⁴⁸ Michael Petrilli moderated a discussion with other representatives of Washington, DC-based, non-governmental organizations that participated in the development of the bill including the National Alliance for Public Charter Schools, Jeb Bush's Foundation for Excellence in Education, and the American Association of School Administrators. All four organizations are recipients of substantial Bill & Melinda Gates Foundation grants.⁴⁹ (The Gates Foundation is the largest private funder of the Common Core standards.⁵⁰)

Part of the discussion centered on who would be chosen to serve on the ESSA rulemaking committee. One representative referred to "two-fers" -- participants selected to serve on the committee who are both education-related insiders and parents, thus giving nominal recognition and representation to parents outside of Washington's inner circle. The ultimate makeup of the ESSA rulemaking committee confirms that parents will be heard as long as they're the type of parents active in the national education establishment. A March 4, 2015 U. S. Department of Education press release identified the list of newly appointed committee members

⁴⁷ <http://thepulse2016.com/emmett-mcgroarty/2015/12/21/duncan-describes-how-republican-leaders-betrayed-their-constituents/>

⁴⁸ <http://edexcellence.net/events/implementing-essa-what-to-expect-in-2016>

⁴⁹ <http://www.gatesfoundation.org/How-We-Work/Quick-Links/Grants-Database>

⁵⁰ https://www.washingtonpost.com/politics/how-bill-gates-pulled-off-the-swift-common-core-revolution/2014/06/07/a830e32e-ec34-11e3-9f5c-9075d5508f0a_story.html

including two representatives of parents and students.⁵¹ One of these is Lisa Mack, who happens to be employed as Vice President of Leadership of the Ohio PTA,⁵² which advertises its support of Common Core standards on its website.⁵³ Mack hails from a state in which the governor, a 2016 Republican presidential candidate, is a vocal proponent of Common Core.^{54, 55} The other parent representative is Rita Pin Ahrens, Director of Education Policy at Southeast Asia Action Resource Center.⁵⁶ She has been registered as a lobbyist⁵⁷ and a senior policy analyst for Campaign for High School Equity.⁵⁸

Parent and student advocacy groups recognize the underrepresentation of ordinary parents and disproportionate representation of education practitioners. EdWeek reported one advocate as saying,

It seems very odd that the group is overwhelmingly urban and also that all the civil rights groups are represented by registered lobbyists whereas the education groups are all represented by practitioners, . . . This will create an enormous imbalance given that we are debating policy provisions and we have folks on one side who eat, breathe and live policy (some of whom are lawyers) and on the other hand we have a variety of school personnel who interact with the law on a much more practice-based level.⁵⁹

⁵¹ <http://www.ed.gov/news/press-releases/us-department-education-names-committee-members-draft-proposed-regulations-every-student-succeeds-act>

⁵² <http://www.zoominfo.com/p/Lisa-Mack/1310830247>

⁵³ <http://www.ohiopta.org/>

⁵⁴ <http://www.dispatch.com/content/stories/local/2014/09/09/governor-no-common-core-repeal-bill-expected.html>

⁵⁵ http://www.huffingtonpost.com/2015/01/25/john-kasich-common-core_n_6542584.html

⁵⁶ <http://www.searac.org/staff/rita-pin-ahrens>

⁵⁷ https://www.legistorm.com/person/bio/142545/Rita_Pin_Ahrens.html

⁵⁸ <http://www.zoominfo.com/p/Rita-Ahrens/1422074375>

⁵⁹ http://blogs.edweek.org/edweek/campaign-k-12/2016/03/advocates_unhappy_essa_list.html?cmp=eml-enl-eu-news2-RM

While ordinary parents are excluded from the committee, education professionals who are known Common Core proponents are well represented. Included are Wisconsin State Superintendent Tony Evers⁶⁰ (Wisconsin is Speaker Ryan's home state); Georgia Gwinnett County Public School Superintendent Alvin Wilbanks⁶¹; and Exxon Mobil, the corporation that sent a letter of implied threat to Pennsylvania Governor Tom Corbett, House and Senate leaders, and members of the House and Senate Education Committees,⁶² is represented by Kerri Briggs. Briggs was an assistant secretary of education in the George W. Bush administration and the George W. Bush Institute's first program director.⁶³ Significantly, Exxon's corporate lobby report showed the highest number of filings for S 1177.⁶⁴

Privacy is needed to maintain control of the national education agenda of elitists and corporations who have much to gain from ESSA and ensures citizen compliance with the will of the elite using government as force; but it violates the transparency demanded in the making of *public* policy. Nominal representation of the average American taxpaying parent is antithetical to the democratic process of citizen participation in governance. Exclusion of the public's participation in deliberation of matters that affect their children violates parental rights and authority over children's education.⁶⁵

Power. As reflected in the 2014 Rasmussen poll, Americans sense that Congress goes through the motions of democratic decision-making and pays lip service to the concerns of the

⁶⁰ http://host.madison.com/ws/j/news/local/education/local_schools/superintendent-tony-evers-pushes-back-against-common-core-skeptics-voucher/article_622a881d-8673-52c2-826c-2fa9935ef72e.html

⁶¹ http://www.gwinnettdaily.com/archive/j-alvin-wilbanks-tells-gwinnett-legislators-to-embrace-common-core/article_bea80668-f874-5a64-81b4-9e596b0f8107.html

⁶² <http://truthinamericaneducation.com/wp-content/uploads/2013/12/corbettexxon.jpg-793x960-pixels.pdf>

⁶³ <https://www.academicjobs.net/newlyHired-472-Kerri-Briggs-named-George-W.-Bush-Institutes-first-program-director.html>

⁶⁴ <http://www.opensecrets.org/lobby/billsum.php?id=s1177-114>

⁶⁵ <http://www.parentalrights.org/index.asp?SEC=%7B3051ABFF-B614-46E4-A2FB-0561A425335A%7D>

general electorate, while catering to the power and money of elitists' foundations and private corporations. Surely, closed doors meetings enhanced the power of the Washington, DC elitists working to pass Alexander's bill. Senator Lee understood the clandestine nature of the conference committee selection process. He did not, however, explain *why* the representatives of average American citizens whose taxes pay for the programs required in the bill, were deliberately excluded from shaping the content of the bill. The rationale can be explained as public-private partnership.

The federal government's bias toward the wealthiest individuals and corporations had been formally announced in an October 2009 edition of *The Education Innovator*, from the Office of Innovation and Improvement in the U.S. Department of Education. Excerpts make clear the Department's agenda:

The Department has truly embraced the foundation community by creating a position within the Office of the Secretary for the Director of Philanthropic Engagement. This dedicated role within the Secretary's Office signals to the philanthropic world that the Department is "open for business."

The Department hopes to foster similar long-term, highly leveraged opportunities for scaling what works by working in close collaboration with foundations.

If the Department of Education can catalyze a portfolio of investor collaboration tools to allow philanthropy and government to operate from shared platforms to make decisions and investments around shared goals, it will create a much more efficient and effective

education sector, which will lead to greater opportunities for children, and easier access to funding for schools and districts.⁶⁶

Michael Petrilli described Bill Gates's influence over federal education policy (essentially nullifying the 10th Amendment power of states and the people) when he said, "It's not unfair to say that the Gates foundation agenda has become the country's agenda in education."⁶⁷

Corporate influence over federal legislation can be observed in the lobbying history of the foreign entity PEARSON, an educational assessment and materials publisher and service provider. In its March 26, 2015 annual report to the United States Securities and Exchange Commission, PEARSON PLC reported,

The results and growth of our US educational solutions and assessment businesses are dependent on the level of federal and state educational funding, which in turn is dependent on the robustness of state finances and the level of funding allocated to educational programs.⁶⁸

Because of its dependence on the level of federal and state educational funding, PEARSON invests in lobbying Congress to pass legislation beneficial to its bottom line. Although PEARSON had been lobbying in Washington for several years, it substantially increased its lobbying expenditures for the American Reinvestment and Recovery Act (ARRA) in preparation for the Race to the Top (RTTT) contracts from assessment consortia funded by ARRA. This dramatic increase in lobbying expenditures began in 2008, the year of Obama's election to a first term as President. That year, PEARSON's lobbying expenses were

⁶⁶ <http://www2.ed.gov/news/newsletters/innovator/2009/1029.pdf>

⁶⁷ <http://www.bizjournals.com/seattle/stories/2009/05/18/story2.html>

⁶⁸ <https://www.pearson.com/content/dam/corporate/global/pearson-dot-com/files/press-releases/2015/2015-FINAL-20F.pdf>

approximately \$700,000. PEARSON was the only bidder for the PARCC consortium contract which was awarded in 2010.⁶⁹ Lobbying expenses peaked in 2011 at approximately \$1 million dollars, then, dramatically fell off after the expiration of the RTTT grants in 2014.⁷⁰

According to its 2015 annual report to the SEC, PEARSON also holds large volumes of personally identifiable student data, presumably without parent knowledge or consent that is accessible by PEARSON employees.⁷¹ These data, however, are linked to PEARSON assessments that have not met approval by the research community. In February of 2016, over 100 researchers of the California Alliance of Researchers for Equity in Education recommended “. . . a moratorium on high-stakes testing broadly, and in particular, on the use of scientifically discredited assessment instruments (*like the current SBAC, PARCC, and Pearson instruments . . .* (p. 6).⁷² [emphasis added] Ironically, Secretary Duncan threatened parents in New York and elsewhere who opted their children out of the PEARSON-administered assessments by imposing penalties on states that did not meet the 95% participation target contained in NCLB.⁷³ Despite Secretary Duncan’s threats, 20% of New York students opted out of standardized testing in 2015⁷⁴ and the opt-out movement is alive and well in 2016.⁷⁵

Since the passage of ESSA, Bill Gates’s Common Core agenda is threatened by the potential election of an anti-Common Core President in 2016; Duncan’s power to threaten states has evaporated since he left his position; and PEARSON’s power to influence American

⁶⁹ https://marketbrief.edweek.org/marketplace-k-12/pearson_wins_major_contract_from_common-core_testing_consortium/

⁷⁰ <http://www.nasdaq.com/symbol/pso/stock-chart>

⁷¹ <https://www.pearson.com/content/dam/corporate/global/pearson-dot-com/files/press-releases/2015/2015-FINAL-20F.pdf>

⁷² http://media.wix.com/ugd/1e0c79_2718a7f68da642a09e9244d50c727e40.pdf

⁷³ http://ny.chalkbeat.org/2015/04/21/as-opt-out-numbers-grow-arne-duncan-says-feds-may-have-to-step-in/#.VtTdv6_2aUn

⁷⁴ http://www.nytimes.com/2015/08/13/nyregion/new-york-state-students-standardized-tests.html?_r=0

⁷⁵ <http://www.nystoptesting.com/>

legislation is diminishing from within (see Pensions). Stacking the deck for the success of the agenda includes confirmation of a Secretary of Education whose spouse is employed by an organization developed to support it and selection of rule-making committee members who can be counted on for agenda-friendly policies. As the adage goes, “Power corrupts, and absolute power corrupts absolutely,” but *temporal* power is fleeting.⁷⁶

Politics. Senator Murray insisted in her April 14, 2015 opening remarks at the HELP Committee executive session that “this isn’t about politics,”⁷⁷ however, Alexander’s comments to EdWeek, made within a week after S 1177 was signed into law, suggested otherwise. Alexander said,

We've got a law that will govern the federal role in K-12 education for 10 or 20 years, . . .⁷⁸ Common core created a backlash. It was an issue in almost every Republican primary and the general elections too . . . Now the law prohibits any president, any secretary from telling [states] what its academic standards should be. *So that's over as an issue in a federal race.*⁷⁹ [emphasis added]

So, the timing of conference report passage just before January 2016 relieved Republican presidential candidates from having to explain their position on the Common Core standards. This was (at least theoretically) particularly helpful to Jeb Bush, with whom Alexander has close ties, and whose campaign had suffered from his vigorous advocacy of Common Core.^{80, 81} After

⁷⁶ <http://www.usnewslink.com/fleetingglory.htm>

⁷⁷ <https://www.murray.senate.gov/public/index.cfm/newsroom?ID=86172C68-8385-49CD-A7D8-8123762E1C3C>

⁷⁸ ESSA was "authorized" for four years, as opposed to the typical five. That is, appropriations are authorized through fiscal year 2020, ostensibly to give lawmakers a chance to revisit the policy under the next president <https://www.tasb.org/legislative/documents/2015-Every-Student-Succeeds-Act-Overview.pdf>. Alexander, however, indicates the intent of the bill sponsor is that the law will be in effect through several presidencies.

⁷⁹ http://blogs.edweek.org/edweek/campaign-k-12/2015/12/alexander_senate_will_hold_thr.html

⁸⁰ <http://www.businessinsider.com/common-core-jeb-bush-campaign-2015-8>

⁸¹ <http://www.newsmax.com/politics/common-core-president-republicans/2014/12/16/id/613439/>

the conference report passed out of the House, Bush admitted during a Fox News interview that he had worked on ESSA,⁸² apparently as a misguided ploy to help his campaign's lagging poll numbers by projecting him as a champion of state powers over education and local control of schools. The White House, determined to protect the legacy of Obama's federal-state education agenda,^{83,84} published a conflicting message.

In a press release after the passage of ESSA, the White House announced that ESSA affirms the path taken by 48 states and the District of Columbia to adopt challenging academic content standards (i.e., Common Core) and builds on the federal-state partnerships in place in over 40 states.⁸⁵ On the same day as the White House announced ESSA's embrace of the Obama administration's principles of reform, Michael Petrilli of the Gates-funded Fordham Institute confirmed the White House's and Alexander's statements when he wrote, "This is akin to a state dropping the 'Common Core' label but keeping nearly all of the standards. It is essentially a rebranding exercise taken for political reasons."⁸⁶

Alexander, Bush, and perhaps PEARSON's efforts to shape American politics by shaping American education legislation have proven fruitless so far. Jeb Bush suspended his presidential campaign after disappointing primary results in Iowa, New Hampshire, and Bush-family-friendly South Carolina. The Bush dynasty in America may have ended,⁸⁷ but the Bush dynasty courtier Lamar Alexander is still in power as chair of the Senate HELP committee. Now, however, having learned just how unpopular the Common Core standards are outside of the beltway, and in an apparent attempt to thwart the popularity of an ostensibly anti-Common Core presidential

⁸² <https://www.youtube.com/watch?v=eMdxEnH55o>

⁸³ <http://www.achieve.org/files/BenchmarkingforSuccess.pdf>

⁸⁴ <https://www.gpo.gov/fdsys/pkg/FR-2009-07-29/pdf/E9-17909.pdf>

⁸⁵ <https://www.whitehouse.gov/the-press-office/2015/12/03/fact-sheet-congress-acts-fix-no-child-left-behind>

⁸⁶ <http://educationnext.org/common-core-not-dead-yet/>

⁸⁷ <http://townhall.com/columnists/phyllisschlaflly/2016/02/23/how-common-core-ended-the-bush-dynasty-n2123234>

election front-runner, Alexander is telling governors *not* to listen to reports from the White House that states are expected to retain Common Core but rather to assert states' powers and preserve federalism. "Just say no if you don't like it," he said. And if the federal government tries to stand its ground, he said, sue."⁸⁸ Alexander is using all of his political clout to rein in a runaway presidential campaign which includes confirming an unpopular, pro-Common Core Commissioner of Education from New York as U.S. Secretary of Education to bring him under the Senate's authority. Proverbs says, "Pride goeth before destruction."⁸⁹ Perhaps Senator Alexander doesn't let religion influence his politics.

Pensions. The foreign entity, PEARSON EDUCATION (FKA Pearson, Inc.), filed its 2015 lobbying report with the Clerk of the U.S. House of Representatives and Secretary of the Senate on January 20, 2016, well after Senator Mike Lee protested the unusual process and timing of the ESSA conference committee appointments. PEARSON EDUCATION listed \$160,000 in lobbying expenses for lobbying education policies, including HR 5, the early version of the Senate bill, and the final conference report, S 1177, for "*provisions related to timing and process for conference agreement and passage*."⁹⁰ [emphasis added] PEARSON's motive(s) for influencing U.S. education policy may be several. The most obvious motive is the promise of profits to its investors, which include a sizable portion owned by pension funds.

PEARSON is best known in the U. S. for its standardized tests.⁹¹ PEARSON, makes up 39% of the U.S. assessment market.⁹² Roughly 90% of spending on K-12 education in the United

⁸⁸ http://blogs.edweek.org/edweek/state_edwatch/2016/02/lamar_alexander.html

⁸⁹ <http://biblehub.com/kjv/proverbs/16.htm>

⁹⁰ <http://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=DD06874F-CB90-4790-838C-C722C00D45B7&filingTypeID=78>

⁹¹ http://www.politico.com/story/2015/02/pearson-education-115026_Page2.html

⁹² http://www.brookings.edu/~media/research/files/reports/2012/11/29-cost-of-assessment-chingos/11_assessment_chingos_final_new.pdf

States flows from either the state or local, rather than the federal, level. Hence, a federal mandate requiring states to assess early and often directly benefits the corporation.⁹³ Moody's Investors Service reported that "... the company's 2017-2018 growth plan relies on ... U.S. state assessment business stabilizing in 2018) ..."⁹⁴ It's plausible that in a multi-pronged strategy to position itself for major restructuring and focus on education markets,⁹⁵ PEARSON lobbied for the process and timing of American federal education legislation to stabilize its U.S. assessment market and improve its investment rating for the next several years.

It's also plausible that PEARSON may have been hedging its bets that if the Alexander-Bush strategy to time the passage of the bill before the 2016 presidential debates worked, it would diffuse the anti-Common Core sentiment against a Bush presidency. Then, as a long-time supporter of Bush foundations,^{96,97} PEARSON could benefit from future federal policies and legislation favorable to its assessment industry. In their book released the day after Jeb Bush suspended his presidential campaign, Stone and Hunt (2016) wrote, "... big donors and special interests supporting his campaign [or his Foundation for Excellence in Education] stand to make billions in perpetuity should Common Core ever be passed through Congress." (p. 58)⁹⁸

PEARSON prospered under the gubernatorial and presidential terms of Jeb Bush's brother, George W. Bush. Like his father, G. W. Bush campaigned as the Education President. He promoted his education policies as having created the "Texas Miracle." Four years later, 60

⁹³ https://marketbrief.edweek.org/marketplace-k-12/pearson_warns_of_tough_market_conditions_in_education/

⁹⁴ https://www.moody.com/research/Moodys-downgrades-Pearsons-ratings-to-Baa2-stable-outlook--PR_343242?WT.mc_id=AM%7eWWFob29fRmluYW5jZV9TQl9SYXRpbmcgTmV3c19BbGxfRW5n%7e20160204_PR_343242

⁹⁵ <https://www.pearson.com/news/announcements/2015/july/pearson-to-sell-ft-group-to-nikkei-inc-.html>

⁹⁶ <http://excelined.org/about-us/meet-our-donors/>

⁹⁷ <http://www.whiteboardadvisors.com/news/launch-digital-learning-council>

⁹⁸ Stone, R. & Hunt, Saint John (2016). Jeb! And the Bush Crime Family The Inside Story of an American Dynasty. New York: Skyhorse Publishing.

Minutes reported the “Texas Miracle” was a mirage.⁹⁹ Researchers discovered that the Texas tests designed by PEARSON primarily measured test-taking ability. Texas lost ground to the rest of the country, but by then it was too late. Bush’s “Texas Miracle” policies were scaled up to a national education law codified as NCLB thanks in part to the efforts of Sandy Kress, Bush’s former education advisor who later became a PEARSON lobbyist.¹⁰⁰

PEARSON had business with Jeb Bush’s state of Florida, as well. Similar to his brother, Jeb Bush made education reform a signature achievement as Florida’s governor from 1999-2007. He claimed his state’s education system improved because of policies that included standardized testing.¹⁰¹ Florida’s Comprehensive Assessment Test (FCAT) Reading and Mathematics Norm-Referenced Test (NRT) was first administered in 2000, and throughout Bush’s terms as governor, Harcourt Assessment, Inc. (now Pearson Education, Inc.) had been Florida’s NRT contractor. From 2005-2008, the norm-referenced test portion of the FCAT “was a custom form of the Stanford 10©, published by The Psychological Corporation™ (a division of PEARSON).”¹⁰²

Regardless of PEARSON’s motive(s), pension fund investors are not impressed with PEARSON’s over-reliance on the education testing program in the US. A February 2016 resolution proposed by a trans-Atlantic alliance of pension funds representing over 40,000 voting shares calls for PEARSON rethink its business strategy which they say has been negatively affected by ESSA. The resolution states,

⁹⁹ <http://www.cbsnews.com/news/the-texas-miracle/>

¹⁰⁰ <http://www.msnbc.com/msnbc/bushs-texas-miracle-debunked-lone-star-st>

¹⁰¹ <http://www.iop.harvard.edu/jeb-bush>

¹⁰² <http://fcats.fldoe.org/nrinfopg.asp>

We believe that Pearson PLC ("Pearson" or the "Company") is suffering a crisis of confidence precipitated by a confused business strategy. The evidence is presented by our reaction to the share price, which at the last Annual General Membership Meeting (AGM) held on 24 April 2015, was trading at approximately \$20.68. On 15 December 2015, Pearson stock sold for roughly \$10.70.

This represents a drop in price of over 40% in only seven months. This significant drop in share price calls into question the board's efforts to address the lack of confidence in the Company.¹⁰³

There's no predicting how long PEARSON EDUCATION can sustain shareholder confidence if it does not address the call from pension fund investors to wean from its dependence on the American assessment market. One thing that can be predicted, is that pension funds will respond to *their* shareholders, that is, pensioners, to optimize their investments whether PEARSON responds to them or not.

Summary. A distorted process of federal education legislation development and passage designed for the ideological, political, and financial welfare of powerful, wealthy elite and international corporations produced a distorted law that is a rebrand of the Obama administration's onerous education policies. As information surfaces about the players, the process, and the timing of ESSA, it affirms Americans' perceptions of government as reflected in the 2014-2016 Rasmussen polls. The process and timing of ESSA responded to the wealthiest individuals and corporations while excluding input from elected legislators of American citizens and taxpayers who are not Washington, DC insiders and who cannot afford lobbyists to represent

¹⁰³ <http://bit.ly/1S0cIuY>

their interests – that is, their children’s education. Voters *thought* they elected their senators and congressional representatives to do just that, but their experience with ESSA timing and process as described by Senator Lee proved otherwise. If Senator Lee is correct that process influences policy, then Americans can expect that the ESSA will enjoy a similar demise as NCLB, given the similarities of their back-door development.

Conclusion. American voters are not as stupid as Jonathon Gruber presumed; nor are they as gullible as Lamar Alexander and the Bush dynasty courtiers such as the Fordham Institute and others presume. The advisors and accomplices who assisted in the implementation of that America 2000 agenda and its successive iterations through the passage of S 1177 should take heed of America’s growing discontent aimed at the inner circle that meets behind closed doors inside the Washington beltway and remember that *temporal* power, by definition, is fleeting.