



**AMERICANS FOR
PROSPERITY**

TEXAS

**Senate Education Committee
Hearing on CSCOPE
Testimony by Peggy Venable, Americans for Prosperity
January 31, 2013**

Thank you, Chairman Patrick, and the Committee Members for holding this hearing and for inviting me to testify.

I usually testify on issues which we have more data and information. We at Americans for Prosperity are concerned about the lack of public information and review regarding CSCOPE and are still attempting to gather information on CSCOPE. I will leave the discussion regarding the CSCOPE content to others, but I am concerned about what I have heard from teachers and former teachers who have used CSCOPE.

We at Americans for Prosperity oppose the Common Core Standards and believe the CSCOPE lesson plans embrace Common Core.

I want to commend citizens across the state for serving as the Paul Revere's for Texas school children. Individuals including Jeanine McGregor (Ms. Mac), Dr. Stan Hartzler, Ginger Russell, Janice Van Cleave, Donna Garner, Jason Moore, Laura Bartlett and Colleen Vera are among the many citizen leaders who have called public attention to CSCOPE.

Some school districts are spending millions of dollars on CSCOPE and are also part of the lawsuit against the state alleging that education funding is inadequate. Yet the CSCOPE material, as we understand it, is not purchased by an ISD like textbooks are. It is never owned by the ISD - but the ISD is charged per student, per year, to use CSCOPE.

Today I would like to focus on the structure of CSCOPE and the myriad of questions we have regarding its creation, and I do have some public information requests out which I am not confident will more information.

My first general observation is that either CSCOPE is the work product of a state agency and the public has the right to see it, or it's competitively bid instructional material -- in which case the public also has a right to see it. C-SCOPE is trying to classify itself as both when as suits its purposes. *(We qualify for the commercial product exception to open records, but it's the product of a government agency, so we don't have to submit the project to TEA.)*

Either the nonprofit Texas Education Service Center Curriculum Collaborative (TESCCC) created by and run by the region service centers is a government entity or why are the region service center staff also working for the nonprofit they created? I asked to attend a TESCCC meeting and received an email from Wade Labay (attached) using his Education Service Center 13 email address, stating the foundation meetings are closed to the public.

We will continue to follow the money and work to determine how a government entity can set up a nonprofit and then sell a product to our schools which parents have not seen and which has circumvented a review process like what we use for textbooks where parents and educators review material and make recommendations to the State Board of Education for approval.

Aside from the financial and organizational questions, we also have concern that CSCOPE is the uniform curriculum known as Common Core Standards, an education curriculum which Texas has rejected and Americans for Prosperity opposes. I am attaching a copy of AFP's opposition to Common Core Standards. (Attachment)

Questions that we have include:

- Are ESC employees collecting royalties for work done on government time?
- Given that assisting ISDs is part of the role of service centers, why spin off a corporation (TESCCC)? And why are its material and its operations shrouded in secrecy?
- What relationship does C-SCOPE have to the state testing bureaucracy? (C-SCOPE claims that using it will improve test scores. Where is the data? If CSCOPE has been in schools since 2007, shouldn't we have empirical data?)
- The TEA has vast powers to examine and regulate ESCs. Has TEA audited TESCCC?

CSCOPE circumvents the public review process. We are aware that online material has been exempt from SBOE review. (We will be supporting Rep. Toth's HB 760 which gives instructional material oversight back to the SBOE and provides for SBOE oversight of the Regional Education Service Centers -ESC).

In May of 2011, Senate Bill 6, 82(1), repealed the technology allotment used by Texas schools and created an Instructional Materials Allotment (IMA) for the purchase of instructional materials, technological equipment, and technology-related services (function code 410.)

We Texans take pride in being prudent in our state spending. Yet the Permanent School Fund, created with \$2 million in 1853 and now valued at \$25.5 billion represents an enormous pot of money with which we purchase instructional materials. Is CSCOPE, a curriculum outside the SBOE oversight, funded by the PSF? Was it funded by the PSF before the 2011 legislation?

CSCOPE never received approval from elected members of the Texas State Board of Education. But with passage of SB 6, they did not need it. However, CSCOPE appears to sidestep the law which requires parental access to their children's curriculum.

The Attorney General's office has determined, because of Section 552.104 (Gov. Code) which makes an exception that protects a governmental body (such as TESCCC) from following the PIA if doing so would give competitors a demonstrable advantage by allowing them to develop similar products and harm the marketplace advantages of CSCOPE, the Texas Attorney General has ruled that CSCOPE (TESCCC) does not have to follow all the public information act (PIA) requirements.

"The Texas Attorney General's office ruled on 4.4.12 (Opinion #449557-
<https://www.oag.state.tx.us/opinions/openrecords/50abbott/orl/2012/pdf/or201204869.pdf> — that TESCCC is a governmental body and is subject to the Public Information Act (PIA) and should be required to make public its curriculum, tax returns, check register, and bylaws.

We recently filed open records requests for Public Information pursuant to Government Code, Chapter 552. The TESCCC was held to be a government entity in Attorney General opinion OR2012-04869, for: Copies of all filings with the Internal Revenue Service, all contracts between TESCCC and regional education service centers, copies of all royalty agreements for intellectual property, copies of all bank statements, all correspondence relating to the ability of members of the State Board of Education to see C-Scope content and copies of contracts or contract templates that teachers are asked to sign in order to have access to C-SCOPE content.

Since C-SCOPE is used in public schools, this information is expressly public per Government Code, Section 552.022(a)(3).

We have more questions than we have answers. And frankly, the nation's eyes are on Texas as some of these lesson plans have gotten the attention of the national media.

I hope today's hearing begins a process which will provide us all more information open the door to CSCOPE and reveal what we are teaching our kids, and who is profiting from this endeavor.

Americans for Prosperity (AFP) is a nationwide organization of citizen leaders committed to advancing every individual's right to economic freedom and opportunity. AFP believes reducing the size and scope of government is the best safeguard to ensuring individual productivity and prosperity for all Americans. AFP educates and engages citizens in support of restraining state and federal government growth, and returning government to its constitutional limits. For more information, visit www.americansforprosperity.org

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Peggy Venable

From: Wade Labay <Wade.Labay@esc13.txed.net>
Sent: Tuesday, January 08, 2013 10:46 PM
To: Peggy Venable
Subject: Re: Meeting

Dear Ms. Venable:

Thank you for your interest in attending TESCCC meetings. TESCCC's meetings are held in accordance with its bylaws and are currently closed to the public. Additionally, the meeting notices and agendas are not posted publically but rather notice of meetings are distributed in accordance with the corporation's bylaws and the requirements for nonprofit corporations under the Texas Business Organizations Code.

I would be more than happy to answer any questions you may have about CSCOPE and/or share any additional questions or comments with the TESCCC Governing Board.

I hope that this information is helpful to you, and please let me know if I may be of further assistance.

Regards,

Wade N. Labay, Ed.D.
Director, State CSCOPE
wade.labay@esc13.txed.net

>>> Peggy Venable <PVenable@afphq.org> 1/8/2013 9:23 AM >>>

I would like to attend the next TESCCC meeting. Please send me these site where the agenda is posted and information on the upcoming meeting.

Thank you

Peggy Venable

Sent from my iPad



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Common Core Standards

August 2012

This year, millions of American schoolchildren will be taught a very different lesson plan than previous years as the Common Core State Standards takes effect in 45 states and the District of Columbia. The political actors behind Common Core describe their initiative as a “state-led effort” to implement uniform curricula in K-12 schools across the country. But make no mistake about it, Common Core amounts to a federal mandate, with Washington offering states enticements like No Child Left Behind waivers and Race to the Top grants to adopt the standards. Like most other federal mandates, Common Core looks like it will be just as ineffective by taking control away from local educators and raising school costs.

Common Core repeats the same failed strategy of raising academic standards that Washington has tried for decades. The federal government has a long history of mismanaging education, having required states to raise their academic standards at least five times over the last two decades to little success. Bill Clinton’s Goals 2000, George W. Bush’s No Child Left Behind, and Barack Obama’s Race to the Top all asked states to raise their standards, but with no significant improvements in student achievement. Although Common Core has slight structural differences from these historical flops, it nevertheless adopts the same underlying strategy of raising academic standards without education reform and is sure to receive the same failing grade.

Common Core adds to the already bloated price of education. Common Core is expected to cost the state governments \$15.8 billion to implement in the first seven years alone, at a time when the average price of educating a student is already an incredible \$10,000 per year. Schools will have to purchase piles of new textbooks and teachers will have to be taught new pedagogical methods that are compliant with the national standards. Worst of all, many of the costs are completely unnecessary. For example, the standards require students to take assessment tests on computers rather than more cost-effective paper examinations, forcing schools to purchase and maintain expensive new technology.

Common Core takes control away from state educators in favor of federal bureaucrats. The overall aim of the standards is to close the achievement gap between states. But, this goal ignores the fact that achievement gaps are wider *within* states than *between* them. Such schools in need of improvement are better served by adopting curricula personalized to the needs of their students—flexibility not found in Common Core. But, under Common Core, states and local school districts’ hands will be tied in implementing standards tailored to their local needs.