



Written by [Beverly K. Eakman](#) on August 8, 2011

## Tax Dollars Fuel Unlawful Nationalized Curriculum, Parent-Bypass

Since its inception in 1976, the DoE has worked to control all aspects of schooling and circumvent local prerogatives, hiding its agenda in plain sight under the terms "[Best Practices](#)," "reform," and "innovation." Its greatest helpmates have been state Governors, via the National Governors Association (NGA), the [host center](#) for "Best Practices"; the National Education Association (NEA); and UNESCO, to which the NEA, in particular, has [contributed heavily since 1948](#). In short, the NGA, the NEA, and the DoE have colluded with the United Nations to bypass U.S. laws.



In response to concerns that the Cabinet-level education agency created by President Jimmy Carter — as a sop to the teachers union — would eventually crush local decision-making and impose programs conflicting with community norms, a Democrat majority in the 96th Congress passed Public Law 96-88, [Section 103b](#), in 1979, designed to appear to prohibit the federal government from involvement in curriculum. Note the portions emphasized in italics below:

No provision of a program administered by the Secretary or by any other officer of the Department shall be construed to authorize the Secretary or any such officer to exercise *any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, over any accrediting agency or association, or over the selection or content of library resources, textbooks, or other instructional materials* by any educational institution or school system, except to the extent authorized by law.

But the same Democrat-controlled Congress provided a loophole further on, in Section 209, which created the Office of Educational Research and Improvement (OERI) — with 10 component bureaus and offices to engage in federal "research, development, demonstration, dissemination, evaluation and assessment activities" destined for schools nationwide.

To cover themselves, DoE spokespersons employed [familiar doublespeak](#) exemplifying how federal agencies dodge laws intended to impose restraints. The DoE claimed it was simply funding *development* of curricular *frameworks* and instructional *materials*, not directing, supervising, or controlling curriculum.

Such obfuscation sails right past most journalists. Journalists' articles drop what editors may interpret as "wordiness." As a result, people misunderstand how tax dollars are spent.

The routes to federalizing schools are data collection, assessment, and curriculum, the first two of which are covered at length in [earlier columns](#). Control of *curriculum*, on the other hand, is unique in its complexity — but, then, if it weren't, the DoE could never have pulled it off. Here's how it works:



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First, be aware that with every new administration, component bureaus and offices that make up most agencies of federal government, including the DoE, get a new name under a so-called “reorganization.” The pretense of housecleaning entails reshuffling employees and tasks, but rarely eliminates any function. The point is to confuse the press, taxpayers, and watchdog organizations so that by the time they catch on, there is yet another election and “restructuring” — complete with a “transition team” to implement the pseudo-changes — until even professionals can’t grasp it.

That’s what happened with the DoE’s Office of Educational Research and Improvement (OERI) and its pivotal centerpiece, a computerized repository of “*validated*” (government-approved) curricular programs — the [National Diffusion Network](#). The NDN cost taxpayers between \$8 million and \$14 million a year over a 20-year period.

The NDN was actually created in 1965 under the Elementary and Secondary Education Act ([ESEA](#)) — a piece of legislation devised during the Johnson Administration and established under the old Office of Education when it was part of [Department of Health, Education, and Welfare](#) — i.e., prior to the creation of the cabinet-level DoE. Once online, educators were expected to select from the smorgasbord of programs vetted by an *appointed* (not elected) Joint Dissemination Review Panel for “*official recognition*.” Having been “*validated*” as successful, these curricular programs were deemed in accordance with “What Works” and NGA’s “Best Practices.” This constituted a green-light for government to produce “curricular *frameworks*.”

What followed was even bolder. The federal government helped implement the programs in the states and even individual school districts, via a system of Developer Demonstration Projects (DDs), and “technical assistance.” This meant absorbing a percentage of the cost for state facilitators (SFs) and curriculum coordinators (CCs). OERI bureau heads hoped the public at large would remain unaware of the federal salaries just long enough to bring a network of 10 regional Labs and Centers up to speed so that they could take over the job.

The labs and centers were a product of the landmark ESEA of 1965, Title III — ostensibly aimed at culling “innovative ideas” under the umbrellas of “What Works” and “Best Practices,” hangover terms from the 1970s-era Effective Schools Movement. What would actually be promulgated, of course, was curriculum, which was contrary to Section 103b of Public Law 96-88. Diane Ravitch, former Assistant Secretary of OERI in the early 1990s, [writes](#) that most of the federal dollars went disproportionately for administration and *dissemination* rather than into fresh research.

To fully appreciate the level of subterfuge, keep in mind that until President Carter, the United States had *Commissioners* of Education, not Education *Secretaries*. In the years immediately leading up to the changeover from Office of Education to DoE, several of the old Commissioners were also past presidents of the Carnegie Foundation for the Advancement of Teaching (CFAT). Sister organization, Carnegie Corporation, contributed significant funding to create the NEA in the 1948, but it was primarily the Carnegie Foundation presidents-turned-Commissioners of Education who crafted the landmark ESEA law in 1965 (note the tag words under “[Descriptors](#)”). Into the ESEA, they incorporated Title II, for development and dissemination of “innovative” curricula under the NDN, and the Title III’s [regional labs and centers](#) — a masterful stroke of double coverage, assuring eventual federal takeover of curriculum.

By 1995, the cat was out of the proverbial bag, and the NDN was shuttered — officially, at least — under then-Speaker of the House Newt Gingrich’s “[Contract With America](#).” But by that time dissemination of “validated” (federally approved) curricular programs was virtually assured, *because*



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the DoE's network of regional labs and centers were now ready to provide an alternative route to dispersal nationwide — and were virtually impervious to shutdown.

In typical fashion, OERI was “reorganized” in 2002 under the [Education Sciences Reform Act](#) as the Institute of Education Sciences ([IES](#)). IES under Barack Obama was subdivided into four major research and statistics centers, but it remains, essentially, an expanded version of OERI.

As for the role of the [National Governors Association](#), suffice it to say that the biggest teachers union is not alone in its determination to control education and teacher-training. State Governors are the go-to persons for federal agency heads anxious to implement specific legislation nationwide, and many presidential contenders understandably are former Governors whose first allegiance is to the NGA.

So, when former Florida Governor Jeb Bush [penned his piece](#) in *Politico* last week (August 4), calling for the reauthorization of ESEA and praising decades of school reform movements as being responsible for improved “student achievement across the nation,” even [in the face of data](#) stating that that American educational progress is stagnant on [international measures](#), remember that Jeb Bush remains a future potential presidential contender — and obligated to the NGA. If he expects support from his Party, he'll ingratiate himself with party hacks beholden to the Education Establishment.

*[Note to readers: This is the fourth segment in a series on education policy. The fifth installment will focus on the likely impact of education's “institutionalized progressivism” on Election 2012.]*

Article Series:

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*Beverly K. Eakman began her career as a teacher in 1968. She left to become a science writer for a NASA contractor, then editor-in-chief of NASA's newspaper in Houston. She later served as a speechwriter and research-writer for the director of Voice of America and two other federal agencies, including the U.S. Dept. of Justice. She has since penned six books, scores of feature articles and op-eds covering education policy, mental-health, data-trafficking, science, privacy and political strategy. Her e-mail, a detailed bio, speaking appearances and links to her books all can be found on her website: [BeverlyEakman.com/](#).*



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