

## Growing State Power Squeezes the Joy Out of Teaching

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***“Liberty is a truly natural condition; for life itself is possible to a human being only by virtue of his capacity for independent action. If any living creature is subjected to absolute restraint, it dies. Human life is of an order transcending the deterministic necessity of physics; man exists by rational volition, free will. Hence the rational and natural terms of human association are those of voluntary agreement, not command.” Isabel Paterson***

When you survey teachers who are quitting the profession in large waves of dissatisfaction they usually point to low pay, poor benefits, dwindling control of how they run their classrooms, growing student discipline problems, not enough planning time, entitled and demanding parents, excessive use of standardized test scores to rate and label a teacher as good or bad, inadequate teacher training, and unsupportive school administration among others causes for their malaise. I don't doubt the sincerity of those answers, but too often these same teachers haven't a clue on where all of this negativity actually originates from.

Teachers have historically used the teacher's unions to elicit more pay and better working conditions from legislators and school boards without understanding how they are actually “robbing Peter to pay Paul”. When their collective actions successfully squeeze more concessions from their public school district bosses, their employer now has fewer resources to allocate to students and programs. Something else must be cut or squeezed to support the added resources going to the teacher. The teachers are not any more satisfied, and the frustrations mount because their protests and actions did not get to the source of the problem; a growing number of federal and state laws, and their oppressive administrative rules, that allow these big government agencies to gain more control of what individual teachers can or cannot say, do and teach in their classrooms.

As individual teacher freedom has been restrained, their joy from teaching dies, along with the respect teachers used to receive from the public. There is a direct correlation, and I believe, causation. Let's go over some of these power grabs by federal and state authorities, both tiny and humongous and how it impacts teachers. I will use two categories for describing these federal and state interferences, one that I call “fruit fly policies”; laws, administrative rules and regulations that are a barely tolerable nuisance to teachers, interrupting their teaching rhythm and confidence, and “elephant policies”; huge, heavy, and burdensome laws that eventually crush many of our best teachers.

In Texas, Governor Abbot signed House Bill 3979 in 2021 that not only limits what a public teacher can teach about race and gender, but how they must teach it. This legislation, passed by a majority Republican led House of Representatives, was a reaction to a growing concern some citizens had that “critical race theory” and various “gender confusing lessons” were being taught in the public schools surreptitiously. In the bill it states “a teacher .... may not require or make

part of a course inculcation in the concept that one race or sex is inherently superior to another race or sex..... “. It also bans lessons from the “1619 Project” curriculum, and other private funded curriculums not approved by the State Board of Education. The bill also states “a teacher may not be compelled to discuss a widely debated and currently controversial issue of public policy or social affairs”. But it goes on to state that if a teacher does engage in that kind of discussion, the educator is required to “explore such issues from diverse and contending perspectives without giving deference to any one perspective”. Of course you know what happened; confusion and fear sets in, teachers become tentative, parents become hypersensitive, and the schools bring in lawyers and mandate training requirements to try to explain to the social studies teachers what classroom discussions are legal or not.

You may agree with the restrictions in this bill, but laws like this become newly planted land mines that good teachers must now walk around. One predictable outcome is that classroom discussions on race and sex get shut down or sanitized out of fear that the teacher will have to spend more time explaining themselves to parents and the politically correct police. This type of fruit fly law may help re-elect the politicians that wrote and voted for the bill, but it is a complete and unnecessary nuisance for teachers to deal with. Just as bad, if the State is going to be this direct it what content is or is not appropriate for how to teach the history of slavery, what will stop the next political party in power from reversing the law and requiring all public schools to teach the “1619 Project” curriculum that was previously banned?

Two of the most comprehensive elephant polices negatively impacting so many of our best and brightest teachers (and future would be great teachers), are the federal governments No Child Left Behind (“NCLB”) Act of 2001 and the Individuals with Disabilities Education Act (“IDEA”) of 2004, that had its origin in 1975 with the initial Education for All Handicapped Children Act. These were forced on all state and local public schools across the U.S.A., totally ignoring the advice of our Founding Fathers who wrote our U.S. Constitution, and warned us about centralized power and its destructive force on individual liberty.

The main feature of the NCLB is that it demanded states to conduct annual student assessments linked to federal and state academic achievement standards, to rate school performance based on those standards, and to identify those schools whose students are not making “adequate yearly progress”. The No Child Left Behind (NCLB) Act of 2001 is arguably the most far reaching education policy initiative in the United States over the last four decades. A fundamental motivation for this reform is the notion that publicizing detailed information on school-specific test performance, and linking that performance to the possibility of meaningful sanctions, will hold educators and public schools accountable, forcing them to improve. Studies on the positive impact NCLB has had on student achievement since its inception are disappointing. But for some minor statistically verified improvement in math scores in the elementary grades (most notably in fourth grade) there is not much to get excited about, accept for the negative impact this law has had on teachers. This new micro-management of teachers by the Feds had predictable results and some unintended consequences.

This new test-based accountability system created a strong incentive for educators to become laser focused on tested content and test taking skill development. Of course this was indeed what the NCLB reformers wanted, but at the same time a narrower focus on test mastery dramatically changed the teachers weekly lesson plans, the school year syllabus and how they taught. Instructional time had to be allocated much differently and teachers were now under yearly, weekly and daily monitoring by their administrators who would be held accountable for the schools new academic rating based on these standardized test scores. NCLB attenuated teacher autonomy as schools forced teachers to align their curriculum to these new federal and state standards. Now more than ever teachers were directed by their administrators on what must be taught almost to the exact day of the school year.

Imagine you're an experienced English teacher with a great reputation for having engaging, fun lessons, and an exceptionally high percentage of your students over the years have gone on to have success in college and/or careers. Your reputation is such that all the families in the school boundary hope and pray their children get you as a teacher. You've been an independent teacher with the freedom to pretty much do what you want, when you want, and how you want. What has obviously been working must now dramatically change, forcing you to prepare much differently for your next week in the classroom, while questioning your past methods. Of course we lost some of our best teachers over this new law by the Feds, and many potentially great teachers who place more value on maintaining their own independence and creativity than the NCLB heavy handed approach to preparing students for work, college and careers.

IDEA was enacted to improve educational services for students with disabilities. Prior to this law many thousands of children with disabilities were excluded entirely from the public school system, or were poorly educated. Many of these families had to find services outside the public school system, often at great distance from their residence and at their own expense. While there is no doubt IDEA has been beneficial to the families and students with disabilities, the negative impact on so many teachers have not been properly studied or accounted for. There are numerous components to this law that dramatically impacted all teachers, including regular on-level classroom teachers, and advanced and gifted student teachers. Teachers in all schools today must practice inclusion for students with disabilities, but in doing so it increased the responsibility of all teachers by requiring they attend IDEA training, participate in numerous IDEA "IEP" meetings, collect information on all students, and implement accommodations and modifications for these students. While all of this brought new challenges for teachers in the classroom, significantly adding to preparation time, it does not account for what they lost; their rights as individuals to have equal protections and due process, at least to same degree as the parents of a special needs child.

In my private conversations with experienced teachers what I hear over and over again, is how little power they have in the IDEA law compared to the parents. Parents know, or soon learn from the IDEA compliance officers, lawyers, and consultants how to use the system to force educators to do what they the parents want, even when the educators are convinced it is not in

the best interest of the child, the school, or the public. Yes, we have schools that are not in compliance with this law, and forever the IDEA police will use the growing IDEA regulations to force more compliance. When will American voters and teachers realize that a better approach to serve students with disabilities, improve teacher satisfaction and morale, and draw more talent into teaching is a free market education strategy, not the heavy handed top down approach of elephant policies such as NCLB and IDEA? To attract and retain our most talented people to teach our young, a free market educational system is a much better way to go.