



## **Memorandum**

**To:** Education Task Force Members  
**From:** David J. Myslinski, Director, Education Task Force  
**Re:** Updated 35-Day Mailing—Education Task Force Meeting  
**Date:** March 31, 2011

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The American Legislative Exchange Council (ALEC) will host its 2011 Spring Task Force Summit on April 28–29, 2011, at the Hilton Cincinnati Netherland Plaza in Cincinnati, Ohio. The full Education Task Force will meet 2:00 p.m. – 5:00 p.m., Friday, April 29. The Education Task Force is excited to announce the appointment of our new Task Force Chairs. Please welcome our new Public Sector Chair Rep. David Casas, Georgia, and our returning Private Sector Chair Mickey Revenaugh, Connections Academy. Both have been appointed by ALEC’s National Chairmen to serve a two-year term. In addition to the Task Force Meeting, there will be several education events that day, as listed below. All subcommittees are open to all Task Force members, and everyone is highly encouraged to participate in the subcommittees.

### **Higher Education Subcommittee**

Friday, April 29, 2011  
9:30 a.m. – 10:15 a.m.

### **K–12 Education Reform Subcommittee**

Friday, April 29, 2011  
10:30 a.m. – 11:00 a.m.

### **Education Task Force Luncheon**

**Sponsored by K<sup>12</sup>**  
Friday, April 29, 2011  
12:30 p.m. – 1:30 p.m.

### **Education Task Force Meeting**

Friday, April 29, 2011  
2:00 p.m. – 5:00 p.m.

### **About the 35-Day Mailing**

The 35-Day Mailing comprises the information you will need for ALEC’s 2011 Spring Task Force Summit. Please review all agendas, proposed legislation, and Task Force operating procedures to be an active discussant in legislation review and policy presentations.

In addition to receiving the 35-Day Mailing via e-mail, you may also access it on the Education Task Force's webpage at [www.alec.org](http://www.alec.org) (click on the "Task Force Member Area" tab). Keep in mind that you will need your ALEC username and password to access the 35-Day Mailing material online. If you don't have an ALEC login, or if you would like to change your username and password, contact Briana Mulder at (202) 742-8507 or at [bmulder@alec.org](mailto:bmulder@alec.org).

### **Registration**

The deadline to register and get housing for ALEC's Spring Task Force Summit in Cincinnati on April 28-29 has been extended. You have until April 6th to get a room at the conference rate and receive a \$50 discount on registration.

You can register for the Spring Task Force Summit by visiting ALEC's website at [www.alec.org](http://www.alec.org). You may also register by faxing in the enclosed registration form to (202) 331-1344, or by calling (202) 742-8538.

### **Enclosed Materials**

You will find these materials in the following pages:

- Registration and Housing Forms
- Agenda-At-A-Glance
- Education Task Force Overview
- Agenda for the Higher Education Subcommittee
- Agenda for the K-12 Education Reform Subcommittee
- Agenda for Education Task Force Luncheon
- Agenda for the Education Task Force Meeting
- Draft Meeting Minutes from ALEC's 2010 States & Nation Policy Summit
- Proposed Model Legislation:
  - *Higher Education Transparency Act*  
Sponsored by Michael Poliakoff, ACTA
  - *Education Savings Account Act*  
Sponsored by Scott Jensen, Alliance for School Choice
  - *Performance Audit Act*  
Sponsored by Harry Stille, Evergreen Freedom Foundation
- Education Task Force Roster
- ALEC's Mission Statement, Scholarship Policy by Meeting, and Task Force Operating Procedures

### **Questions?**

I look forward to seeing you next month in Cincinnati! If you have any questions or concerns regarding the meeting, feel free to contact me at [dmyslinski@alec.org](mailto:dmyslinski@alec.org) or (202) 742-8531.

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1101 Vermont Ave., NW, 11th Floor • Washington, D.C. 20005 • (202) 466-3800 • Fax: (202) 466-3801 [www.alec.org](http://www.alec.org)

# ATTENDEE REGISTRATION / HOUSING FORM

Hilton Cincinnati Netherland Plaza -  
Cincinnati, OH



Early Registration deadline is March 23, 2011  
Housing cut-off date is March 23, 2011

April 28-29, 2011

**Online** [www.alec.org](http://www.alec.org)    **Fax (credit cards only)** 202.331.1344    **Phone / Questions** • Mon-Fri, 9am-5:30 pm Eastern  
Registration: 202.742.8538 / Housing: (800) 221-3531    **Mail** • ALEC Registration & Housing  
P.O. Box 96754 • Washington, DC 20090-6754

## ATTENDEE INFORMATION

Prefix (required)     Sen     Rep     Del     Mr     Mrs     Ms     Other \_\_\_\_\_  
Last Name \_\_\_\_\_ First Name \_\_\_\_\_ Middle Initial \_\_\_\_\_ Badge Nickname \_\_\_\_\_  
Title \_\_\_\_\_  
Organization (required) \_\_\_\_\_  
Address \_\_\_\_\_ Suite # \_\_\_\_\_  
City \_\_\_\_\_ State/Province \_\_\_\_\_ Country \_\_\_\_\_ ZIP/Postal code \_\_\_\_\_  
Daytime phone \_\_\_\_\_ Fax \_\_\_\_\_ Alternate phone \_\_\_\_\_  
Email (confirmation will be sent by email) \_\_\_\_\_

**Spouse / Guest: If registering a spouse or guest, please complete the spouse/guest registration form.**

## REGISTRATION

**\*\*Save \$50 on registration by booking your hotel room in ALEC's headquarter hotel\*\***

**DISCOUNTED REGISTRATION FEES** are extended only to registrants booking ALEC's headquarter hotel. ALEC will reimburse \$50 when your accommodations are confirmed.

**Note: Member fees are subject to verification**

	Early Until 03/23	On-Site Begin 03/24	Amount
<input type="checkbox"/> I have already registered # _____	\$ 150	\$ 150	\$ _____
<input type="checkbox"/> ALEC Legislative Task Force Member	\$ 250	\$ 250	\$ _____
<input type="checkbox"/> ALEC Private Sector Task Force Voting Member	\$ 400	\$ 500	\$ _____
<input type="checkbox"/> ALEC Legislative Member/ Non-Task Force Member	\$ 550	\$ 700	\$ _____
<input type="checkbox"/> Private Sector Member/ Non-Task Force Member	\$ 525	\$ 625	\$ _____
<input type="checkbox"/> Legislative/ Non-Member	\$ 875	\$ 1,025	\$ _____
<input type="checkbox"/> Private Sector/ Non-Member	\$ 475	\$ 575	\$ _____
<input type="checkbox"/> ALEC Non-Profit Member (501(c)(3) status required)	\$ 625	\$ 725	\$ _____
<input type="checkbox"/> Non-Profit Non-Member (501(c)(3) status required)	\$ 400	\$ 500	\$ _____
<input type="checkbox"/> Legislative Staff / Government	\$ 0	\$ 0	\$ _____
<input type="checkbox"/> ALEC Legacy Member			

Promo Code \_\_\_\_\_ **TOTAL REGISTRATION FEES: \$ \_\_\_\_\_**

**Note:** Registration forms with enclosed payments must be postmarked by **March 23, 2011**, to be eligible for early registration rates. Forms and/or payments received after **March 23, 2011**, will be subject to the on-site registration rate. If registering after **March 23, 2011**, please bring completed form and payment to register on-site.

### REGISTRATION CONFIRMATION INFORMATION

Online registrants will receive immediate email confirmation. If registering by form, confirmation will be emailed, faxed, or mailed within 72 hours of receipt of payment.

### REGISTRATION CANCELLATION / REFUND INFORMATION

Registrations cancelled prior to 5pm *Eastern* **March 23, 2011** are subject to a \$100 cancellation fee. Registrations are non-refundable after 5pm *Eastern* **March 23, 2011**.

## HOUSING

## RESERVATION CUTOFF FOR ALEC DISCOUNTED RATE IS March 23, 2011

**\*\*Save \$50 on registration by booking your hotel room in ALEC's headquarter hotel\*\***

I do not require a reservation at this time.

Arrival Date \_\_\_\_\_ Departure Date \_\_\_\_\_

Sharing room with \_\_\_\_\_

### Room type

<input type="checkbox"/> Single	(1 person - 1 bed)	\$ 169
<input type="checkbox"/> Double	(2 persons - 1 bed)	\$ 199
<input type="checkbox"/> Db/Db	(2 persons - 2 beds)	\$ 199
<input type="checkbox"/> Triple	(3 persons - 2 beds)	\$ 229
<input type="checkbox"/> Quad	(4 persons - 2 beds)	\$ 259

Government rate Not Available

\* All rates DO NOT include 17% STATE tax/ CITY OCCUPANCY tax. (subject to change)

**Suites and upgraded accommodations** are available upon request. Please call (800) 221-3531 for additional information.

### Special requests

ADA room required:  
\_\_\_\_\_ Audio \_\_\_\_\_ Visual \_\_\_\_\_ Mobile  
 Rollaway / crib: \_\_\_\_\_  
 Other: \_\_\_\_\_

### METHOD OF HOUSING RESERVATION

Please use the same method of payment as above.

**Credit Card:** Credit cards will be used to guarantee the reservation.

Amer Express     Visa     MasterCard     Discover

Card # \_\_\_\_\_

Cardholder (please print) \_\_\_\_\_

Exp Date (mm/yy) \_\_\_\_\_ Security Code \_\_\_\_\_

Signature \_\_\_\_\_

**Checks:** Payment must be in U.S. currency drawn on a U.S. bank. Please make check payable to ALEC and send to above address.

**Note:** Cutoff for reservations at the ALEC rate is **March 23, 2011**. After **March 23, 2011**, every effort will be made to accommodate new reservations, based on availability and rate.

### HOUSING CONFIRMATION INFORMATION

Online reservations will receive immediate email confirmation. Reservations received by form will be confirmed via email, fax, or mail within 72 hours of receipt.

### HOUSING CANCELLATION / REFUND INFORMATION

Credit cards will be charged one night room and tax in the event of a no show or if cancellation occurs within 72 hours prior to arrival. Departures prior to the departure date confirmed by the hotel at check-in will result in a charge of early departure fee \$100. Please obtain a cancellation number when your reservation is cancelled.

# 2011 ALEC Spring Task Force Summit

Tentative Agenda as of March 2011

## Thursday, April 28

Registration 1:00 p.m. - 5:30 p.m.

## Friday, April 29

Registration 8:00 a.m. - 4:00 p.m.

ALEC Joint Board of Directors Meeting 8:00 a.m. - 12:15 p.m.

Task Force Subcommittee Meetings 8:00 a.m. - 11:00 a.m.

Workshop: Budget Transparency 11:00 a.m. - 12:15 p.m.

**Task Force Meetings 12:30 p.m. - 5:00 p.m.**

- Civil Justice
- Commerce, Insurance  
and Economic Development
- Education
- Energy, Environment and Agriculture
- Health and Human Services
- Public Safety and Elections
- Tax and Fiscal Policy
- Telecommunications  
and Information Technology

**Spring Task Force Summit Reception 5:00 p.m. - 6:30 p.m.**

Board of Directors Dinner 7:00 p.m. - 9:00 p.m.

*(by invitation only)*

## **Education Task Force**

### **2011 Overview**

[www.alec.org/Education](http://www.alec.org/Education)

#### **Task Force Mission Statement:**

To promote excellence in the nation's educational system by advocating education reform policies that promote parental choice and school accountability, consistent with Jeffersonian principles of free markets and federalism.

#### **Executive Committee Members**

**Public Sector Chair:** Rep. David Casas, *Georgia*

**Private Sector Chair:** Ms. Mickey Revenaugh, *Connections Academy*

#### **Public Sector Members:**

- Rep. Cindy Noe, *Indiana*, Higher Education Subcommittee
- Sen. Rich Crandall, *Arizona*, K-12 Education Reform Subcommittee
- Rep. Jabar Shumate, *Oklahoma*, Digital Learning Subcommittee
- Sen. Nancy Spence, *Colorado*, Immediate Past Chair

#### **Private Sector Members:**

- Kevin Corcoran, *Lumina Foundation for Education*, Higher Education Subcommittee
- Tim Keller, *Institute for Justice*, K-12 Education Reform Subcommittee
- Don Lee, *K<sup>12</sup>*, Digital Learning Subcommittee
- Robert Enlow, *The Foundation for Educational Choice*, Immediate Past Chair

#### **Task Force Subcommittees:**

- 1) Higher Education
- 2) K-12 Education Reform
- 3) Digital Learning

#### **Issue Areas:**

- 1) Digital and distance learning
- 2) Higher education
- 3) Parental choice in education
- 4) Private sector involvement in education
- 5) School funding
- 6) Teacher certification
- 7) Teacher salary and performance pay
- 8) School transparency and accountability

## **Recent Model Legislation:**

*A-Plus Literacy Act* – This bill is a comprehensive set of K–12 reforms written as an omnibus education reform act. This omnibus bill completely incorporates three existing ALEC model bills: the Alternative Teacher Certification Act, the Great Schools Tax Credit Program Act, and the Special Needs Scholarship Program Act in addition to five new ones: A-Plus Accountability and Transparency Program Act, School Recognition Program, Opportunity Scholarships, the Reading is Fundamental Literacy Program, and the AP Success Bonus Plan.

*Credit Articulation Agreements Act* – This bill would require statewide degree transfer agreements to transfer associate of arts degrees and associate of science degrees from one state institution of higher education to another.

*Founding Principles Act* – This bill would require during the high school years the teaching of a semester-long course on the philosophical understandings and the founders’ principles, which are the foundation of our form of government for a free people, as incorporated in the Declaration of Independence, the United States Constitution, and the Federalist Papers.

*Great Teachers and Leaders Act* – This bill reforms the practice of tenure, known as nonprobationary status in some states.

*Higher Education Accountability Act* – This bill would promote transparency in taxpayer-funded public institutions of higher education by requiring them to provide annual information on student and faculty engagement, student achievement, institutional efficiency, and other meaningful gauges of success.

*Parent Trigger Act* – This bill would place democratic control into the hands of parents at school level. Parents can, with a simple majority, opt to usher in one of three choice-based options of reform: (1) transforming their school into a charter school, (2) supplying students from that school with a 75 percent per pupil cost voucher, or (3) closing the school.

*Student-Centered Funding Act* – The bill would create a student-centered finance model based on a weighted student formula in which money “follows” a child to his or her school.

*Virtual Public Schools Act* – This bill would allow the use of computer- and Internet-based instruction for students in a virtual or remote setting.

## **Future Direction for Task Force:**

The Education Task Force will continue to promote school choice across the country, using its flagship publication, *Report Card on American Education*, as a framework for

states. The Task Force will also promote reforms in higher education that lead to more quality college graduates with meaningful degrees.

**Task Force Meeting Dates:**

Spring Task Force Summit, Cincinnati, OH  
Friday, April 29, 2011

ALEC's 38<sup>th</sup> Annual Meeting, New Orleans, LA  
Friday, August 5, 2011

States & Nation Policy Summit, Scottsdale, AZ  
Thursday, December 1, 2011

**Task Force Publications:**

[Report Card on American Education: Ranking State K-12 Education Performance, Progress, and Reform, 16th Edition](#)

[Inside ALEC](#), Focus on Education (September/October, 2010)

[10 Questions State Legislators Should Ask About Higher Education](#)

[School Choice and State Constitutions: A Guide to Designing School Choice Programs](#)

**Staff Contact Info:**

Monica Mastracco  
Legislative Assistant  
(202) 742-8525  
[mmastracco@alec.org](mailto:mmastracco@alec.org)

David J. Myslinski  
Director  
(202) 742-8531  
[dmyslinski@alec.org](mailto:dmyslinski@alec.org)





**Higher Education Subcommittee Meeting**

ALEC's 2011 Spring Task Force Summit | Friday, April 29, 2011

9:30 a.m. – 10:15 a.m.

**Agenda**

- 9:30 a.m.**      **Welcome and Introductions**
  
- 9:40 a.m.**      **Discussion: *Higher Education Transparency Act***  
Sponsored by Michael Poliakoff, American Council of Trustees and Alumni
  
- 10:00 a.m.**      **Discussion: *Performance Audit Act***  
Sponsored by Harry Stille, Evergreen Freedom Foundation
  
- 10:15 a.m.**      **Good of the Order/Adjournment**

AMERICAN LEGISLATIVE EXCHANGE COUNCIL  
**ALEC**

**K-12 Education Reform Subcommittee Meeting**  
ALEC's 2011 Spring Task Force Summit | Friday, April 29, 2011  
10:30 a.m. – 11:00 a.m.

**Agenda**

- 10:30 a.m.**    **Welcome and Introductions**
- 10:35 a.m.**    **Discussion: *Education Savings Account Act***  
Sponsored by Scott Jensen, American Federation for Children
- 11:00 a.m.**    **Good of the Order/Adjournment**

**Education Task Force Luncheon**

**Sponsored by K<sup>12</sup>**

ALEC's 2011 Spring Task Force Summit

Hilton Cincinnati Netherland Plaza | Friday, April 29, 2011

12:30 p.m. – 1:30 p.m.

**Agenda**

- 12:30 p.m. Buffet Luncheon**  
Please serve yourself
- 12:45 p.m. Plenary Speaker**  
Bryan Flood, Senior Vice President, Public Affairs, K<sup>12</sup>
- 1:30 p.m. Networking Break**
- 2:00 p.m. Task Force Meeting Convenes**

**Education Task Force Meeting**

ALEC's 2011 Spring Task Force Summit | Friday, April 29, 2011  
2:00 p.m. – 5:00 p.m.

**Agenda**

- 2:00 p.m. Welcome and Introductions**  
Sen. Nancy Spence, Colorado, Acting Public Sector Task Force Chair  
Ms. Mickey Revenaugh, Connections Academy, Private Sector Task Force Chair
- 2:10 p.m. Subcommittee and Executive Committee Introduction**  
Ms. Mickey Revenaugh, Connections Academy, Private Sector Task Force Chair
- 2:25 p.m. Presentation: Current State of Higher Education**  
Michael Poliakoff, American Council of Trustees and Alumni
- 2:40 p.m. Discussion and Voting: *Higher Education Transparency Act***  
Sponsored by Michael Poliakoff, American Council of Trustees and Alumni  
Moderated by Ms. Mickey Revenaugh, Connections Academy, Private Sector Task Force Chair
- 3:00 p.m. Presentation: Competency-Based Learning**  
Susan Patrick, International Association of K–12 Online Learning (iNACOL)
- 3:15 p.m. Presentation: 25 Ways to Reduce Costs**  
Dr. Richard Vedder, The Center for College Affordability and Productivity
- 3:30 p.m. Discussion and Voting: *Performance Audit Act***  
Sponsored by Harry Stille, Evergreen Freedom Foundation  
Moderated by Ms. Mickey Revenaugh, Connections Academy, Private Sector Task Force Chair
- 3:50 p.m. Presentation: Private School Choice Across the States**  
Scott Jensen, American Federation for Children
- 4:05 p.m. Discussion and Voting: *Education Savings Account Act***  
Sponsored by Scott Jensen, American Federation for Children  
Moderated by Ms. Mickey Revenaugh, Connections Academy, Private Sector Task Force Chair
- 4:25 p.m. Presentation: Disruptive Innovation**  
Michael Horn, Innosight Institute – *Invited*
- 4:45 p.m. Presentation: State Authorization**  
Melissa Garrett, Bridgepoint
- 5:00 p.m. Good of the Order/Adjournment**



### **Education Task Force Meeting Minutes**

ALEC's 2010 States & Nation Policy Summit | Friday, December 3, 2010

2:30 p.m. – 5:30 p.m.

#### **Legislative Members in Attendance (18)**

Rep. Eric Burlison, Missouri Legislature  
Rep. Harry Brooks, Tennessee General Assembly  
Rep. Kevin Brooks, Tennessee General Assembly  
Sen. Barbara Cegavske, Nevada Legislature  
Rep. Ann Coody, Oklahoma Legislature  
Rep. John Eklund, Wyoming Legislature  
Rep. Greg Forristall, Iowa Legislature  
Sen. Don Gustavson, Nevada Legislature  
Rep. Joe Harrison, Louisiana Legislature  
Rep. Tim Jones, Missouri Legislature  
Rep. Wes Keller, Alaska Legislature  
Rep. Sally Kern, Oklahoma Legislature  
Rep. Merlynn Newbold, Utah Legislature  
Rep. Cindy Noe, Indiana Legislature  
Rep. John Ragan, Tennessee General Assembly  
Sen. Nancy Spence, Colorado Legislature  
Rep. Matthew Teeters, Wyoming Legislature  
Sen. Don Vaughan, North Carolina General Assembly

#### **Private Sector Members in Attendance (21)**

John Carreon, Kaplan Higher Education  
Paul DeGiusti, Corinthian Colleges, Inc  
Ben DeGrow, Independence Institute  
Liv Finne, Washington Policy Center  
Melissa Garrett, Bridgepoint Education  
Seth Gerson, National Board for Professional Teaching Standards  
David Hansen, National Association of Charter School Authorizers  
Leslie Hiner, Foundation for Educational Choice  
Collin Hitt, Illinois Policy Institute  
Matt Ladner, Goldwater Institute  
Ken Meyer, Scantron  
Vicki Murray, Pacific Research Institute  
Clark Neily, Institute for Justice  
Brian Newman, Association of Private Sector Colleges & Universities  
Matt Oestreich, Heartland Institute  
Michael Poliakoff, American Council of Trustees and Alumni  
Mickey Revenaugh, Connections Academy  
Harry Stille, Higher Education Research/Policy Center  
Terry Stoops, John Locke Foundation  
Michael Van Beek, Mackinac Center for Public Policy

Brian Weller, Kaplan Higher Education  
Bob Williams, Evergreen Freedom Foundation

**Others in Attendance (23)**

Rep. Alonzo Baldonado, New Mexico Legislature  
Sen. Mike Bell, Tennessee General Assembly  
Sen. Spencer Berry, North Dakota Legislature  
Rep. Hugh Blackwell, North Carolina General Assembly  
Rep. Jerry Dockham, North Carolina General Assembly  
Peter R. Greer, D.C.  
Rep. Terri Lois Gregory, Kansas Legislature  
Rep. John Hansen, South Dakota Legislature  
Rep. Craig Horn, North Carolina General Assembly  
Rep. Laura Hubbel, South Dakota Legislature  
Lisa Graham Keegan, Education Breakthrough Network  
Mike Mann, North Carolina Bail Agents Association  
David McCloud, The Advocacy Group  
Rep. Cole McNary, Missouri Legislature  
Rep. Justin Olson, Arizona Legislature  
Janice Palmer, Arizona School Boards Association  
Sen. Bill Payne, New Mexico Legislature  
Rep. Terri Proud, Arizona Legislature  
Sen. David Rouzer, North Carolina General Assembly  
Beverly Sheldon, Traditional Values Coalition  
Sen. Steve Smith, Arizona Legislature  
Rep. Hal Wick, South Dakota Legislature

**Staff in Attendance (2)**

Dave Myslinski, ALEC Education Task Force Director  
Monica Mastracco, ALEC Education Legislative Assistant

Meeting began at 2:30 p.m.

The meeting began with an introduction by Task Force Chairs Sen. Nancy Spence and Mickey Revenaugh, followed by the of recognition of new ALEC private sector members, Heartland Institute, Kaplan, Scantron, and National Board for Professional Teaching Standards.

The Education Task Force saw several presentations on various topics, including “10 Questions State Legislators Should Ask About Higher Education” from Vicki E. Murray of the Pacific Research Institute, “Performance Audits” from Harry Stille of the Higher Education Policy Council, “Education Reform After the Election” from Michael Petrilli of the Thomas B. Fordham Institute, and “Collective Bargaining Transparency” from Ben DeGrow of the Independence Institute. The final presentation came from North Carolina Sen. Don Vaughan and Peter Greer who presented on ALEC’s *Founding Principles Act*.

Education Task Force members considered the *A-Plus Literacy Act*, sponsored by Dr. Matthew Ladner of the Goldwater Institute. After discussion, the legislation passed both the public sector and the private sector unanimously. The *A-Plus Literacy Act* was approved.

Education Task Force members considered amendments to ALEC's *Open Enrollment Act*, sponsored by Ben DeGrow of the Independence Institute. After discussion, the amendments passed both the public sector and the private sector unanimously. The amendments to ALEC's *Open Enrollment Act* were approved.

Education Task Force members considered the *Resolution in Support of Private Sector Colleges and Universities*, sponsored by Melissa Garrett of Bridgepoint Education. After discussion, the resolution passed both the public sector and the private sector unanimously. The *Resolution in Support of Private Sector Colleges and Universities* was approved.

Finally, Education Task Force members considered the *Parent Trigger Act*, sponsored by Marc Oestreich of the Heartland Institute. After discussion, the legislation passed both the public sector and the private sector unanimously. The *Parent Trigger Act* was approved.

The meeting adjourned at 5:30 p.m.

# Higher Education Transparency Act

## *Summary*

This act details information required of institutions of higher education to publish on their public website.

## *Model Legislation*

AN ACT relating to requiring a public institution of higher education to establish uniform standards to make certain information available on the Internet.

Be it enacted by the legislature of [STATE]:

### **Section 1. {Internet Access to Course Information.}**

(A) Each institution of higher education, other than a medical and dental unit, as defined by [STATE], shall make available to the public on the institution's Internet website the following information for each undergraduate classroom course offered for credit by the institution:

- (1) A syllabus that:
  - (a) Satisfies all relevant academic standards adopted by the institution;
  - (b) Provides a brief description of each major course requirement, including each major assignment and examination;
  - (c) Lists all required or recommended reading;
  - (d) Provides a general description of the subject matter of each lecture or discussion; and
  - (e) Lists all guest lecturers, special presentations, and any assigned out-of-class activities.
- (2) A curriculum vitae of each regular instructor that lists the instructor's:
  - (a) Postsecondary education;
  - (b) Teaching experience; and
  - (c) Significant professional publications;



(3) If available, a departmental budget report for the department under which the course is offered, from the most recent semester or other academic term during which the institution offered the course, showing operational expenses.

(4) The distribution of final grades in the course for the most recent semester in which it was offered; and

(5) A curriculum vitae made available on the institution's Internet website under Section (1) may not include any personal information, including the instructor's home address or home telephone number.

(6) The information required by must be:

(a) accessible from the institution's Internet website home page by use of not more than three links;

(b) searchable by keywords and phrases; and

(c) accessible to the public without requiring registration or use of a user name, a password, or another user identification.

(7) The institution shall make the information required by Subsection (a) available not later than the seventh day after the first day of classes for the semester or other academic term during which the course is offered. The institution shall continue to make the information available on the institution's Internet website until at least the second anniversary of the date on which the institution initially posted the information.

(8) The institution shall update the information required by Section 1 as soon as practicable after the information changes.

(9) The governing body of the institution shall designate an administrator to be responsible for ensuring implementation of this section. The administrator may assign duties under this section to one or more administrative employees.

(10) Not later than January 1 of each odd-numbered year, each institution of higher education shall submit a written report regarding the institution's compliance with this section to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each legislative standing committee with primary jurisdiction over higher education.

(11) [As applicable, the [state] Coordinating Board may adopt rules necessary to administer this section].

**Section 2.** [Insert appropriate reference]Education Code, as added by this Act, applies beginning with the [year] fall semester.

**Section 3. {Severability clause.}**

**Section 4. {Repealer clause.}**

**Section 5. {Effective Date.}** This Act takes effect immediately.

N.B. A bill containing these provisions and more, H.B. No. 2504, was passed by the Texas House on May 8, 2009, by the following vote: Yeas 138, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2504 on May 29, 2009, by the following vote: Yeas 143, Nays 0, 1 present, not voting. H.B. No. 2504 was passed by the Senate, with amendments, on May 27, 2009, by the following vote: Yeas 31, Nays 0.

# Education Savings Account Act

## *Summary*

The Education Savings Account Act allows parents to use the funds that would have been allocated to their child at their resident school district for an education program of the parents' choosing.

## *Model Legislation*

### **Section 1. {Title.} The Education Savings Account Act**

### **Section 2. {Definitions.}**

(A) "Program" means The Education Savings Account program created in this subchapter.

(B) "Eligible student" means any elementary or secondary student who was eligible to attend a public school in [state] in the preceding semester or is starting school in [state] for the first time<sup>1</sup> and is a member of a household whose total annual income does not exceed an amount equal to 2.5 times the income standard used to qualify for a free or reduced-price lunch under the national free or reduced-price lunch program established under 42 USC Section 1751 et seq.

(C) "Parent" means a resident of this state who is a parent, guardian, custodian, or other person with the authority to act on behalf of the child.

(D) "Department" means the state Department of Public Instruction or an organization chosen by the state.<sup>2</sup>

(E) "Resident school district" means the public school district in which the student resides.

(F) "Participating school" means any private school that provides education to elementary and/or secondary students and has notified the Department of its intention to participate in the program and comply with the program's requirements.<sup>3</sup>

(G) "Private tutoring" means tutoring services provided by tutors accredited by a regional or national accrediting organization.

(H) "Eligible postsecondary institution" means a community college, an accredited university or an accredited private postsecondary institution.

### **Section 3. {Basic Elements of The Education Savings Account Act.}**

(A) Any parent of an eligible student shall qualify for the state to make a grant to their child's education savings account if the parents sign an agreement promising:

- (1) To provide an education for the eligible student in at least the subjects of reading, grammar, mathematics, social studies, and science;
- (2) Not to enroll their eligible student in a district or charter school.

(B) The state shall deposit into an Education Savings Account some or all of the state aid that would otherwise have been provided to the resident school district for the eligible student had they enrolled in the resident school district;

(C) Parents participating in the Education Savings Account program shall agree to use the funds deposited in their eligible student's accounts for the following qualifying expenses to educate the eligible student:

- (1) Tuition and fees at a participating school.
- (2) Textbooks required by a participating school.
- (3) Payment to a licensed or accredited tutor.
- (4) Payment for purchase of curriculum.
- (5) Tuition or fees for a non-public online learning program.
- (6) Fees for national norm-referenced examinations, Advanced Placement examinations or similar courses, and any examinations related to college or university admission.
- (7) Contribution to the eligible student's qualified tuition program established pursuant to 11 USC Section 529.
- (8) Educational services for pupils with disabilities from a licensed or accredited practitioner or provider.
- (9) Tuition and fees at an eligible postsecondary institution.
- (10) Textbooks required for college or university courses.
- (11) Fees for account management by private financial management firms approved by the Department.

(D) Grant amounts to Education Savings Accounts shall be calculated according to the following schedule:<sup>4</sup>

(1) For students from households qualifying for the federal free or reduced-price lunch program, the amount granted to the student's Education Savings Account shall be equal to the dollar amount the resident school district would have received to serve and educate the eligible student from state sources had the student enrolled there.

(2) For students from households with an annual income greater than the amount required to qualify for the free or reduced-price lunch program but less than 1.5 times that amount, the amount granted to the student's Education Savings Account shall be equal to seventy-five percent of the dollar amount the resident school district would have received to serve and educate the eligible student from state sources had the student enrolled there.

(3) For students from households with an annual income of greater than 1.5 times the amount required to qualify for the free or reduced-price lunch program but less than 2.0 times that amount, the amount granted to the student's Education Savings Account shall be equal to fifty percent of the dollar amount the resident school district would have received to serve and educate the eligible student from state sources had the student enrolled there.

(4) For students from households with an annual income of greater than 2.0 times the amount required to qualify for the free or reduced-price lunch program but less than 2.5 times that amount, the amount granted to the student's Education Savings Account shall be equal to twenty-five percent of the dollar amount the resident school district would have received to serve and educate the eligible student from state sources had the student enrolled there.

(E) A participating school, private tutor, eligible postsecondary institution or other educational provider may not refund, rebate, or share a student's grant with a parent or the student in any manner. The funds in an Education Saving Account may only be used for educational purposes.

(F) Parents will be allowed to make payments for the costs of educational programs and services not covered by the funds in their accounts.

(G) A participating student shall be counted in the enrollment figures for his or her resident school district for the purposes of calculating state aid to the resident school district. The funds needed for a grant to an Education Savings Account shall be subtracted from the state school aid payable to the student's resident school district.

#### **Section 4. {Administration of the Education Savings Account Act.}**

(A) The Department<sup>5</sup> will qualify private financial management firms to manage Education Savings Accounts.

(B) The Department will have the authority to conduct or contract for the auditing of accounts, and will at a minimum conduct random audits of accounts on an annual basis. The Department will have the authority to make any parent of an eligible student ineligible for the Education Savings Account program in the event of substantial misuse of the funds in the account.

(C) The Department will have the authority to refer cases of substantial misuse of funds to law enforcement agencies for investigation if evidence of fraudulent use of an account is obtained.

(D) The Department shall provide parents of participating students with a written explanation of the allowable uses of education savings accounts, the responsibilities of parents and the duties of the Department.

(E) The Department may deduct an amount from the grants to education savings accounts to cover the costs of overseeing the accounts and administering the program up to a limit of 3 percent.

(F) The Department shall establish reasonable fees for private financial management firms participating in the program based upon market rates.

(G) The Department shall make payments to eligible students' Education Savings Accounts on a quarterly basis.

### **Section 5. {Accountability Standards for Participating Schools.}**

(A) Administrative Accountability Standards. To ensure that students are treated fairly and kept safe, all participating, private schools shall:

(1) Comply with all health and safety laws or codes that apply to private schools;

(2) Hold a valid occupancy permit if required by their municipality;

(3) Certify that they comply with the nondiscrimination policies set forth in 42 USC 1981;<sup>6</sup> and

(4) Conduct criminal background checks on employees. The participating school then shall:

(a) Exclude from employment any people not permitted by state law to work in a private school; and

(b) Exclude from employment any people that might reasonably pose a threat to the safety of students.<sup>7</sup>

(B) Financial Accountability Standards. To ensure that funds are spent appropriately, all participating schools shall:

- (1) Provide parents with a receipt for all qualifying expenses at the school.
- (2) Demonstrate their financial viability by showing they can repay any funds that might be provided from Education Savings Accounts, if they are to receive \$50,000 or more during the school year, by:
  - (a) Filing with the Department prior to the start of the school year a surety bond payable to the state in an amount equal to the aggregate amount of the funds from Education Savings Accounts expected to be paid during the school year from students admitted at the participating school; or
  - (b) Filing with the Department prior to the start of the school year financial information that demonstrates the school has the ability to pay an aggregate amount equal to the amount of the funds from Education Savings Accounts expected to be paid during the school year to students admitted to the participating school.<sup>8</sup>

(C) Academic Accountability Standards. In order to allow parents and taxpayers to measure the achievements of the program:

- (1) Parents shall ensure that:<sup>9</sup>
  - (a) Each year their eligible student takes either the state achievement tests or nationally recognized norm-referenced tests that measure learning gains in math and language arts;
  - (b) The results of these tests are provided to the state or an organization chosen by the state on an annual basis,<sup>10</sup> beginning with the first year of testing;
  - (c) The student information is reported in a way that would allow the state to aggregate data by grade level, gender, family income level, and race; and
  - (d) The state or an organization chosen by the state will be informed of the eligible student's graduation from high school.
- (2) The state or an organization chosen by the state shall:
  - (a) Ensure compliance with all student privacy laws;
  - (b) Collect all test results; and

(c) Provide the test results, associated learning gains and graduation rates to the public via a state Web site after the third year of test and graduation-related data collection.<sup>11</sup> The findings shall be aggregated by the students' grade level, gender, family income level, number of years of participation in the scholarship program, and race.<sup>12</sup>

(D) Participating School Autonomy. A participating private school is autonomous and not an agent of the state or federal government and therefore:

(1) The Department or any other state agency may not in any way regulate the educational program of a participating private school or education provider that accepts funds from an education savings account;

(2) The creation of The Education Savings Account Program does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulation of private schools or education providers beyond those necessary to enforce the requirements of the program; and

(3) Participating private schools and education providers shall be given the maximum freedom to provide for the educational needs of their students without governmental control.

## **Section 6. {Responsibilities of the Department of Public Instruction.}**

(A) The Department shall ensure that eligible students and their parents are informed annually of which schools will be participating in the Education Savings Account Program. Special attention shall be paid to ensuring that lower-income families are made aware of the program and their options.

(B) The Department shall create a standard form that parents of eligible students can submit to establish their student's eligibility for the Education Savings Account Program. The Department shall ensure that the application is readily available to interested families through various sources, including the Internet.

(C) The Department may bar a participating school or education provider from the Education Savings Account Program if the Department establishes that the participating school or education provider has:

(1) Routinely failed to comply with the accountability standards established in Section 5;<sup>13</sup> or

(2) Failed to provide the eligible student with the educational services funded by the Education Savings Account.



(D) If the Department decides to bar a participating school or education provider from the program, it shall notify eligible students and their parents of this decision as quickly as possible.

(E) The Department shall adopt rules and procedures as necessary for the administration of the Education Savings Account Program.

### **Section 7. {Responsibilities of Resident School Districts.}**

(A) The resident school district shall provide a participating school or education provider that has admitted an eligible student under this program with a complete copy of the student's school records, while complying with the Family Educational Rights and Privacy Act of 1974 (20 USC Section 1232 g).

(B) The resident school district shall provide transportation for an eligible student to and from the participating school or education provider under the same conditions as the resident school district is required to provide transportation for other resident students to private schools as per current law. The resident school district will qualify for state transportation aid for each student so transported.

**Section 8. {Effective Date.}** The Education Savings Account Program will be in effect beginning with the fall semester of the next school year.

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### **Endnotes**

These notes are intended

<sup>1</sup> The definition for an eligible student in this model legislation includes all children of school age. The authors believe that all children should receive public support for their education regardless of whether they attend a public or private school, whether they are just starting school, or have already dropped out. Please note that this inclusive definition will significantly increase the number of students in your state receiving public support for their education and thereby either increase the costs to taxpayers or reduce the level of assistance available to support each student. Legislators wishing to draft a bill that saves money will want to limit eligibility largely to students who attended a public school in the semester prior to first receiving a grant to their Education Savings Account. Because many of the grants to Education Savings Accounts will be less than what the state would have spent on the student's behalf at their public school of residence, the state will achieve a savings that would make it possible to extend these accounts to additional students including children who are attending school in the state for the first time (such as kindergartners and new residents) or existing private school students in the "school entry grades" of kindergarten and ninth grade.

<sup>2</sup> This bill designates the Department of Public Instruction as the agency regulating the Education Savings Account Act. The intent was to name the existing agency in the state that is responsible for public school finances and private school regulation. Alternatively, legislators may choose to consider other capable departments, create a new small agency, or contract with a private nonprofit organization to oversee the program if they are concerned about the hostility the program would face from the existing state education department.

<sup>3</sup> This model legislation allows students to use the funds in their Education Savings Account to attend a private school. The authors support giving parents the widest possible array of choices so that they can choose the education that best meets their child's needs. In states without open enrollment programs

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(public school choice), legislators may also want to include public schools outside of the student's resident school district in the definition of participating school. This would give students the ability to use the funds in their Education Savings Account to pay for nonresident tuition at a public school outside their district of residence.

<sup>4</sup> This particular set of proportions represent a framework for one approach to means-testing the scholarship amount. Legislators should develop a formula that makes sense for their state.

<sup>5</sup> Like in Endnote 2, if legislators are concerned about the hostility the program would face from the existing Department of Public Instruction, they may choose to consider other capable departments, create a new small agency or contract with a private nonprofit organization to administer the program.

<sup>6</sup> Under 42 USC 1981, private schools are already prohibited from discriminating with respect to race, color and national origin. In addition, if private schools are recipients of federal funds, they are subject to nondiscrimination requirements under 42 USC 2000d (race, color, national origin) and 29 USC 794 (disability). If you choose to include language banning discrimination in hiring on the basis of race, color, national origin, or disability, take care not to interfere with the ability of religious institutions to hire individuals who share their religious beliefs.

<sup>7</sup> The model legislation provides schools with the tools they need to ensure that students will be safe. The schools are required to conduct criminal background checks on existing and potential employees, and then they are given the flexibility to determine from this information whether the employee might pose a risk to students. This language is valuable in two cases: 1) a small number of states prohibit discriminating against felons in hiring even for sensitive positions in schools, and this language would give schools clear authority to dismiss or not hire individual who pose a risk to student safety; and 2) some religious schools see rehabilitation as part of their mission. In this case, the schools could hire someone with a criminal background who they believe is no longer a threat to students, such as someone who committed nonviolent crimes or has decades-old violations followed by a clean record. This language would give schools the responsibility to do background checks and the power to exclude potential risks from the school.

<sup>8</sup> The model legislation provides two methods for schools to demonstrate financial viability to ensure that funds from Education Savings Accounts are secure. The first method employs a market-based means of demonstrating viability. Private companies that issue surety bonds have a financial interest in making sure that the schools can repay any funds that might be owed the parents. They will therefore conduct the checks necessary to protect their financial interest as well as the interests of the parents and the taxpayers. Surety bonds can be expensive (one to three percent of the amount covered) or invasive for some institutions, so the legislation allows schools to demonstrate by some other means that they have the financial wherewithal to pay back any amount they might owe the parents. This might include things like personal guarantees, reserve accounts, or escrow accounts.

<sup>9</sup> The authors believe that empowered parents are the best way to achieve academic accountability. Clear and consistent information about the academic performance of participating students will help empower parents and will also provide the public and policymakers with the information they need to evaluate the effectiveness of the program. Therefore, all participating students should be required to annually take either the state achievement tests or nationally recognized norm-referenced tests that demonstrate learning gains in math and language arts. Most private schools already administer such norm-referenced tests so this provision should not be seen as burdensome.

<sup>10</sup> Like in Endnote 2, if legislators are concerned about the hostility the program would face from the existing Department of Public Instruction, they may choose to create a new small agency or contract with a private nonprofit organization to oversee the academic accountability responsibilities of the state.

<sup>11</sup> The purpose of administering the tests is to create transparency in participating students' academic progress and to demonstrate learning gains. These learning gains can only be demonstrated when the public has access to more than one school year. When this information is made public in the first year, the media and opponents often attack school choice programs, noting that participating students are not performing as well as their public school counterparts. This effect is natural because often the students who participate in choice programs are not doing well in their existing public schools and are academically far behind their participating school counterparts, and it will take them a few years to catch up to grade level.

<sup>12</sup> Legislators sincerely wishing to demonstrate the program's academic success to taxpayers could require a scientific evaluation of the program using the testing data established in Section 5(C). It is crucial that the legislature give the oversight responsibility for this study to a trusted objective nonpartisan source like a

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legislative service agency or a trusted research university department. We have provided model language for such an independent evaluation of the program in Section X below. The outlined research would evaluate whether students who participate in the program are better off than a similar cohort in the public schools for at least five years of their education. Unfortunately, a longitudinal study is likely to be quite expensive. Accordingly, the legislation allows the legislature (or a legislative service agency) to accept private grants to completely fund such a study. In some states, the legislature is not allowed to accept such grants, and another trusted agency would have to be selected. It will be tempting for legislators to further define the details of the study, but they should take care not to dictate the methodology or the results in order to maintain the credibility of the research.

<sup>13</sup> The legislation allows schools to occasionally fail to meet an accountability standard so that an antagonistic regulator cannot shut down the program by banning schools with a modest occasional violation such as turning in a report late.

### **Section X: {Evaluation of the Parental Choice Scholarship Program}**

(A) The Legislative Service Agency may contract with one or more qualified researchers who have previous experience evaluating school choice programs to conduct a study of the program with funds other than state funds.

(B) The study shall assess:

- (1) the level of participating students' satisfaction with the program;
- (2) the level of parental satisfaction with the program;
- (3) the fiscal impact to the state and resident school districts of the program;
- (4) the impact of the program on public and private school capacity, availability and quality; and
- (5) participating students' academic performance and graduation rates in comparison to students who applied for a scholarship under this program but did not receive one because of random selection.

(C) The researchers who conduct the study shall:

- (1) apply appropriate analytical and behavioral science methodologies to ensure public confidence in the study;
- (2) protect the identity of participating schools and students by, among other things, keeping anonymous all disaggregated data other than that for the categories of grade level, gender and race and ethnicity; and
- (3) provide the legislature with a final copy of the evaluation of the program.

(D) The relevant public schools and the parents of participating students shall cooperate with the research effort by providing student assessment results and any other data

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necessary to complete this study.

(E) The Legislative Service Agency may accept grants to assist in funding this study.

(F) The study shall cover a period of at least five years. The legislature may require periodic reports from the researchers. After publishing their results, the researchers shall make their data and methodology available for public review, while complying with the requirements of the Family Educational Rights and Privacy Act (20 USC Section 1232 g).

**Additional Note:**

It is fairly common for legislators to consider including severability clauses in new legislation. Legislators should make sure that if such clauses are included and exercised, the remaining legislation produces a program that is workable and achieves the original intent of the bill.

## **Higher Education Performance Audit Act**

### ***Summary***

Public higher education institutions function totally from the state appropriations (taxpayer), student tuition and fees, gifts from donors, awards for research and auxiliary funds or gifts through those operations. It is imperative that these public funds expended are accounted for in open transparency form to allow the general public and students to see both the income and expenditures for which they are paying. This Act would define the scope for outcome-based higher education audits in part by seeking answers to questions relating to institutions' missions, structures, costs, and overall academic results. This would create an open accounting for these public funds and their efficient use in performance of the services of these public institutions for the public benefit.

### ***Model Legislation***

*Language forthcoming.*

Education  
As of 3/31/2011

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**Kathy Afzali**  
**Legislative Member**  
Maryland Delegate  
Maryland Legislature  
Lowe House Office Building  
6 Bladen Street  
Annapolis, MD 21401  
Work Phone: (410) 841-3288  
Email: kathy.afzali@house.state.md.us

**James Anderson**  
**Legislative Member**  
Wyoming Senator  
Wyoming Legislature  
92 Running Dutchman  
Glenrock, WY 82637  
Work Phone: (307) 777-7711  
Fax: (307) 777-5466  
Email: Jamesda1@msn.com

**Tom Apodaca**  
**Legislative Member**  
North Carolina Senator  
North Carolina General Assembly  
1504 Fifth Avenue West  
Hendersonville, NC 28739  
Work Phone: (919) 733-5745  
Fax: (919) 755-2770  
Email: Tom.Apodaca@ncleg.net

**Alonzo Baldonado**  
**Legislative Member**  
New Mexico Representative  
New Mexico Legislature  
1001 Pinzon  
P.O. Box 370  
Los Lunas, NM 87031  
Work Phone: (505) 363-6214  
Email: zobaldonado@gmail.com

**Scott C. Bedke**  
**Legislative Member**  
Idaho Representative  
Idaho Legislature  
PO Box 89  
Oakley, ID 83346  
Work Phone: (208) 334-2475  
Fax: (208) 334-5397  
Email: sbedke@house.idaho.gov

**Noal Akins**  
**Alternate**  
Mississippi Representative  
Mississippi Legislature  
270 Highway 30  
Oxford, MS 38655  
Work Phone: (601) 359-3360  
Fax: (601) 359-3728  
Email: nakins@house.ms.gov

**Marlene Anielski**  
**Legislative Member**  
Representative  
Ohio Legislature  
State Capitol  
Columbus, OH 43215  
Work Phone: (614) 644-6041  
Email: marlene@marlene-anielski.com

**Tyler C August**  
**Legislative Member**  
Wisconsin Representative  
Wisconsin Legislature  
State Capitol  
PO Box 8952  
Madison, WI 53708-8952  
AMERICA  
Email: tyleraugust@charter.net

**Randi Becker**  
**Legislative Member**  
Washington Senator  
Washington Legislature  
Irving R. Newhouse Building  
215 Sid Snyder Avenue, SW  
Olympia, WA 98504  
Work Phone: (360) 786-7573  
Fax: (360) 786-1999  
Email: Becker.Randi@leg.wa.gov;  
rbecker873@hotmail.com

**Mark W. Blasdel**  
**Legislative Member**  
Montana Representative  
Montana Legislature  
PO Box 291  
Somers, MT 59932-0291  
Work Phone: (406) 444-4800  
Fax: (406) 444-1865  
Email: mblasdel@bresnan.net

Education  
As of 3/31/2011

---

**Mark L. Boitano**

**Legislative Member**

New Mexico Senator  
New Mexico Legislature  
3615 Horacio Court  
Albuquerque, NM 87111  
Work Phone: (505) 986-4366  
Fax: (505) 986-4280  
Email: boitanom@aol.com

**Scott Bounds**

**Legislative Member**

Mississippi Representative  
Mississippi Legislature  
45 Carla Dr.  
Philadelphia, MS 39350  
Work Phone: (601) 359-3770  
Fax: (601) 359-3728  
Email: sbounds@house.ms.gov

**Stephen L. Bowen**

**Private Sector Member (M1)**

Director of the Center for Education Excellence  
State Policy Network  
P.O. Box 7829  
Portland, ME 04112  
Work Phone: (703) 740-0310  
Fax: (207) 773-4385  
Email: sbowen@mainepolicy.org

**Daniel H. Branch**

**Legislative Member**

Texas Representative  
Texas Legislature  
Capitol Extension  
1100 Congress Avenue  
Austin, TX 78701  
Work Phone: (512) 463-0367  
Fax: (512) 322-9935  
Email: dbranch@winstead.com

**Harry R. Brooks, Jr.**

**Legislative Member**

Tennessee Representative  
Tennessee Legislature  
War Memorial Building  
7th Avenue North  
Nashville, TN 37243-0119  
Work Phone: (615) 741-6879  
Fax: (615) 253-0212  
Email: rep.harry.brooks@capitol.tn.gov

**Kevin D. Brooks**

**Alternate**

Tennessee Representative  
Tennessee Legislature  
War Memorial Building  
7th Avenue North  
Nashville, TN 37243-0124  
Work Phone: (615) 741-1350  
Fax: (615) 253-0346  
Email: rep.kevin.brooks@capitol.tn.gov

**Dale Buwalda**

**Private Sector Member (Info)**

State Program and Government Relations Director  
The Foundation for Educational Choice  
One America Square  
Suite 2420  
Indianapolis, IN 46282  
Work Phone: (317) 681-0745  
Fax: (317) 681-0945  
Email: dale@edchoice.org

**Terry Calloway**

**Legislative Member**

Kansas Representative  
Kansas Legislature  
Kansas State Capitol  
300 SW 10th Avenue  
Topeka, KS 66612-1504  
Work Phone: (620) 875-2061 (c)  
Email: terry@terrycalloway.com

**John A. Carey, Jr.**

**Alternate**

Ohio Representative  
Ohio Legislature  
Vern Riffe Center  
77 South High Street  
Columbus, OH 43215-6111  
Work Phone: (614) 466-8156  
Fax: (614) 752-7188  
Email: district87@ohr.state.oh.us

**Fredie Videt Carmichael**

**Legislative Member**

Mississippi Senator  
Mississippi Legislature  
5396 Springhill Loop  
Meridian, MS 39301  
Work Phone: (601) 359-3244  
Fax: (601) 359-9210  
Email: vcarmichael@senate.ms.gov

Education  
As of 3/31/2011

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**John Carreon**

**Private Sector Member (M1)**

Vice President, State Regulatory Affairs and Associate  
General Counsel  
Kaplan Higher Education  
225 W Wacker Drive  
8th Floor  
Chicago, IL 60606  
Work Phone: (312) 385-3187  
Email: jcarreon@kaplan.edu

**David S. Casas**

**Task Force Chair**

Georgia Representative  
Georgia General Assembly  
PO Box 283  
Lilburn, GA 30048-0283  
Work Phone: (404) 656-0254  
Fax: (404) 651-8086  
Email: david@votecasas.com

**Barbara K. Cegavske**

**Legislative Member**

Nevada Senator  
Nevada Legislature  
6465 Laredo Street  
Las Vegas, NV 89146-5272  
Work Phone: (775) 684-1445  
Fax: (775) 684-6500  
Email: bcegavske@sen.state.nv.us

**Chaz J. Cirame**

**Staff**

Senior Director, Membership and Development  
ALEC  
1101 Vermont Ave.  
11th Floor  
Washington, DC 20005  
Work Phone: (202) 466-3800  
Fax: (202) 466-3801  
Email: CIRAME@GMAIL.COM; ccirame@alec.org

**Henry H. Coe**

**Alternate**

Wyoming Senator  
Wyoming Legislature  
State Capitol  
200 West 24th Street  
Cheyenne, WY 82002  
Work Phone: (307) 777-7711  
Fax: (307) 777-5466  
Email: hcoe@wyoming.com

**Mark L. Cole**

**Legislative Member**

Virginia Delegate  
Virginia General Assembly  
PO Box 6046  
Fredericksburg, VA 22403  
Work Phone: (804) 698-1088  
Fax: (804) 698-6788  
Email: DelMCOle@house.virginia.gov

**Ann Coody**

**Legislative Member**

Oklahoma Representative  
Oklahoma Legislature  
104 South State Highway 65  
Lawton, OK 73501  
Work Phone: (405) 557-7398  
Fax: (405) 962-7612  
Email: anncoody@okhouse.gov

**Kevin Corcoran**

**Private Sector Member (M1)**

Program Director  
Lumina Foundation for Education  
30 S Meridian St.  
Suite 700  
Indianapolis, IN 46204  
Work Phone: (317) 951-5493  
Fax: (317) 951-5468  
Email: kcorcoran@luminafoundation.org

**Steve Court**

**Legislative Member**

Arizona Representative  
Arizona Legislature  
1550 N. Spring Dr  
Mesa, AZ 85203  
Work Phone: (602) 926-4467  
Fax: (602) 417-5018  
Email: scourt@azleg.gov

**Marvin Kirkland Cox**

**Legislative Member**

Virginia Delegate  
Virginia General Assembly  
131 Old Brickhouse Lane  
Colonial Heights, VA 23834  
Work Phone: (804) 698-1066  
Fax: (804) 698-6766  
Email: DelKCOx@house.virginia.gov



Education  
As of 3/31/2011

---

**Rich Crandall**

**Legislative Member**

Arizona Senator  
Arizona Legislature  
Capitol Complex - Senate  
1700 West Washington Street  
Phoenix, AZ 85007-2890  
Work Phone: (602) 926-3020  
Fax: (602) 417-3119  
Email: rcrandall@azleg.gov

**Chester Crandell**

**Alternate**

Arizona Representative  
Arizona Legislature  
Capitol Complex- House  
1700 West Washington Street  
Phoenix, AZ 85007-2890  
Work Phone: (928) 535-4107  
Email: c.crandell@hotmail.com

**Jane D. Cunningham**

**Legislative Member**

Missouri Senator  
Missouri Legislature  
201 West Capitol Avenue  
Room 225 State Capitol  
Jefferson City, MO 65101  
Work Phone: (573) 751-1186  
Fax: (573) 526-9852  
Email: jane.cunningham7@gmail.com

**Anna Davis**

**Private Sector Member (M2)**

Executive Director for Government Relations  
National Board for Professional Teaching Standards  
1525 Wilson Blvd. Suite 500  
Arlington, VA 22209  
Work Phone: (703) 465-2176  
Email: adavis@nbpts.org

**Doug E. Davis**

**Alternate**

Mississippi Senator  
Mississippi Legislature  
PO Box 235  
Hernando, MS 38632  
Work Phone: (601) 359-2220  
Fax: (601) 359-2889  
Email: ddavis@senate.ms.gov

**Margaret Dayton**

**Legislative Member**

Utah Senator  
Utah Legislature  
97 West Westview Drive  
Orem, UT 84058  
Work Phone: (801) 538-1035  
Fax: (801) 538-1414  
Email: mdayton@utahsenate.org

**Paul A. De Giusti**

**Private Sector Member (M2)**

Vice President, Legislative Affairs  
Corinthian Colleges, Inc.  
1350 I Street, NW  
Suite 1270  
Washington, DC 20005  
Work Phone: (202) 682-9494 x551  
Fax: (202) 682-9170  
Email: pdegiusti@cci.edu

**Ben DeGrow**

**Private Sector Member (M1)**

Policy Analyst  
Independence Institute  
13952 Denver West Parkway  
Suite 400  
Golden, CO 80401  
Work Phone: (303) 279-6536  
Fax: (303) 279-4176  
Email: ben@i2i.org

**Lee R. Denney**

**Legislative Member**

Oklahoma Representative  
Oklahoma Legislature  
State Capitol Building  
2300 North Lincoln Boulevard  
Oklahoma City, OK 73105  
Work Phone: (405) 557-7304  
Fax: (405) 962-7419  
Email: leedenney@okhouse.gov

**Scott D. Dieckhaus**

**Legislative Member**

Missouri Representative  
Missouri Legislature  
State Capitol  
201 West Capitol Avenue  
Jefferson City, MO 65101  
Work Phone: (573) 751-0538  
Email: Scott.Dieckhaus@house.mo.gov

Education  
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**Mike Dudgeon**

**Alternate**

Georgia Representative  
Georgia General Assembly  
Coverdell Legislative Office Building  
18 Capitol Square  
Atlanta, GA 30334  
Work Phone: (770) 490-7983  
Email: mike.dudgeon@house.ga.gov

**Brandon Dutcher**

**Private Sector Member (M1)**

Vice President for Policy  
Oklahoma Council of Public Affairs  
1401 N. Lincoln Blvd.  
Oklahoma City, OK 73104  
Work Phone: (405) 602-1667  
Fax: (405) 843-9436  
Email: BRANDONDUTCHER@YAHOO.COM

**Roger L. Eddy**

**Legislative Member**

Illinois Representative  
Illinois Legislature  
108 South Main  
Hutsonville, IL 62433  
Work Phone: (217) 558-1040  
Fax: (217) 558-3481  
Email: reddyunit1@aol.com

**Rob Eissler**

**Legislative Member**

Texas Representative  
Texas Legislature  
Capitol Extension  
1100 Congress Avenue  
Austin, TX 78701  
Work Phone: (512) 463-0797  
Fax: (512) 463-0898  
Email: rob.eissler@house.state.tx.us

**John Eklund, Jr.**

**Legislative Member**

Wyoming Representative  
Wyoming Legislature  
2918 Torrington Highway  
Cheyenne, WY 82009  
Work Phone: (307) 246-3251  
Fax: (307) 777-5466  
Email: jeklund@wyoming.com

**Robert Enlow**

**Private Sector Member (Info)**

President & CEO  
The Foundation for Educational Choice  
One America Square  
Suite 2420  
Indianapolis, IN 46282  
Work Phone: (317) 681-0745  
Fax: (317) 681-0945  
Email: rcenlow@edchoice.org

**Sondra L. Erickson**

**Legislative Member**

Minnesota Representative  
Minnesota Legislature  
State Office Building  
100 Dr. Martin Luther King Jr. Boulevard  
St. Paul, MN 55155  
Work Phone: (651) 296-5649  
Fax: (651) 296-6511  
Email: sen.sharon.erickson.ropes@senate.mn

**Harvey A. Fillingane**

**Alternate**

Mississippi Representative  
Mississippi Legislature  
State Capitol  
PO Box 1018  
Jackson, MS 39215-1018  
Work Phone: (601) 359-3360  
Fax: (601) 359-3728  
Email: hfillingane@house.ms.gov

**John Fillmore**

**Alternate**

Arizona Representative  
Arizona Legislature  
Capitol Complex- House  
1700 West Washington Street  
Phoenix, AZ 85007-2890  
Work Phone: (602) 9265681  
Email: jfillmore@azleg.gov

**Liv Finne**

**Private Sector Member (M1)**

Director, Center for Education Reform  
Washington Policy Center  
P.O. Box 3643  
Seattle, WA 98124  
Work Phone: (206) 937-9691  
Fax: (206) 624-8038  
Email: lfinne@washingtonpolicy.org

Education  
As of 3/31/2011

---

**Bryan Flood**

**Private Sector Member (M1)**

Senior Vice President, Public Affairs  
K12  
2300 Corporate Park Drive  
Herndon, VA 20171  
Work Phone: (703) 483-7135  
Fax: (703) 483-7330  
Email: bflood@k12.com

**Anitere Flores**

**Legislative Member**

Florida Senator  
Florida Legislature  
Work Phone: (850) 488-2831  
Fax: (850) 414-5045  
Email: flores.anitere.web@flsenate.gov

**John W. Ford**

**Legislative Member**

Oklahoma Senator  
Oklahoma Legislature  
State Capitol Building  
2300 North Lincoln Boulevard  
Oklahoma City, OK 73105  
Work Phone: (405) 521-5634  
Fax: (405) 521-5606  
Email: fordj@oksenate.gov

**Greg Forristall**

**Legislative Member**

Iowa Representative  
Iowa Legislature  
State Capitol  
1007 East Grand Avenue  
Des Moines, IA 50319  
Work Phone: (515) 281-3221  
Fax: (515) 281-6958  
Email: Greg.Forristall@legis.state.ia.us

**Herbert D. Frierson**

**Legislative Member**

Mississippi Representative  
Mississippi Legislature  
12 Trailwood Lane  
Poplarville, MS 39470  
Work Phone: (601) 359-2432  
Fax: (601) 359-3728  
Email: hfrierson@house.ms.gov

**Pat Garofalo**

**Legislative Member**

Minnesota Representative  
Minnesota Legislature  
State Office Building  
100 Dr. Martin Luther King Jr. Boulevard  
St. Paul, MN 55155  
Work Phone: (651) 296-1069  
Email: rep.pat.garofalo@house.mn

**Melissa Garrett**

**Private Sector Member (M1)**

Director of Government Affairs  
Bridgepoint Education  
13500 Evening Creek Dr. North  
Suite 600  
San Diego, CA 92128  
Work Phone: (866) 475-0317 x3141  
Fax: (866) 853-2085  
Email: mgarrett@bridgepointeducation.com

**Lynn Gibson**

**Private Sector Member (M2)**

Program Director  
American Council of Trustees & Alumni  
1726 M Street, NW  
Suite 802  
Washington, DC 20036  
Work Phone: (202) 467-6787  
Fax: (202) 467-6784  
Email: lgibson@goacta.org

**Lisa Gillis**

**Private Sector Member (M1)**

Director of Government Affairs & School Development  
Insight Schools  
309 SW 6th Ave.  
Suite 820  
Portland, OR 97204  
Work Phone: (707) 837-2904  
Fax: (503) 514-5353  
Email: lisag@insightschools.net

**David P. Givens**

**Alternate**

Kentucky Senator  
Kentucky Legislature  
Capitol Annex  
702 Capitol Avenue  
Frankfort, KY 40601  
Work Phone: (502) 564-8100  
Fax: (502) 564-5508  
Email: david.givens@lrc.ky.gov

Education  
As of 3/31/2011

---

**Greg Goggans**

**Alternate**

Georgia Senator  
Georgia General Assembly  
State Capitol Building  
206 Washington Street  
Atlanta, GA 30334  
Work Phone: (404) 463-5263  
Fax: (404) 656-6484  
Email: greg.goggans@senate.ga.gov

**Doris Goodale**

**Legislative Member**

Arizona Representative  
Arizona Legislature  
Capitol Complex- House  
1700 West Washington Street  
Phoenix, AZ 85007-2890  
Work Phone: (602) 926-5408  
Fax: (602) 417-3103  
Email: dgoodale@azleg.gov; dbable@azleg.gov

**Dolores R. Gresham**

**Alternate**

Tennessee Senator  
Tennessee Legislature  
War Memorial Building  
7th Avenue North  
Nashville, TN 37243  
Work Phone: (615) 741-2368  
Fax: (901) 465-6330  
Email: sen.dolores.gresham@capitol.tn.gov

**Glenn Grothman**

**Legislative Member**

Wisconsin Senator  
Wisconsin Legislature  
State Capitol  
PO Box 7882  
Madison, WI 53707-7882  
Work Phone: (608) 266-7513  
Fax: (608) 282-3560  
Email: Sen.Grothman@legis.wisconsin.gov

**Keith Grover**

**Legislative Member**

Utah Representative  
Utah Legislature  
1374 West 1940 North  
Provo, UT 84604  
Work Phone: (801) 538-1029  
Fax: (801) 326-1544  
Email: keith@keithgrover.com

**Don G. Gustavson**

**Legislative Member**

Nevada Senator  
Nevada Legislature  
Legislative Building  
401 South Carson Street  
Carson City, NV 89701  
Work Phone: (775) 684-8841  
Fax: (775) 684-8890  
Email: jerrystacy2009@yahoo.com

**Lyndsey Hall**

**Private Sector Member (M2)**

State Affairs Coordinator  
Association of Private Sector Colleges and Universities  
1101 Connecticut Ave. Ste. 900  
Washington, DC 20036  
Work Phone: (202) 336-6709  
Fax: (202) 336-6828  
Email: lyndsey.hall@career.org

**David Hansen**

**Private Sector Member (Info)**

Vice President, External Affairs  
National Association of Charter School Authorizers  
105 W. Adams St., Suite 3500  
Chicago, IL 60603  
Work Phone: (614) 783-0309  
Fax: (312) 376-2400  
Email: davidh@qualitycharters.org

**Mary Ann Hanusa**

**Legislative Member**

Iowa Representative  
Iowa Legislature  
307 Hutington Ave.  
Council Bluffs, IA 51503  
Work Phone: (712) 309-6208  
Email: Mary.Ann.Hanusa@legis.state.ia.us

**Joe Harrison**

**Legislative Member**

Louisiana Representative  
Louisiana Legislature  
PO Drawer 1809  
Gray, LA 70359  
Work Phone: (225) 342-6945  
Fax: (225) 342-8336  
Email: harrisoj@legis.state.la.us

Education  
As of 3/31/2011

---

**Leslie Davis Hiner, Esquire**

**Private Sector Member (M1)**

Vice President of Programs & State Relations  
The Foundation for Educational Choice  
One American Square  
Suite 2420  
Indianapolis, IN 46282  
Work Phone: (317) 681-0745  
Fax: (317) 681-0945  
Email: leslie@edchoice.org

**Collin Hitt**

**Private Sector Member (M1)**

Director of Education Policy  
Illinois Policy Institute  
802 South 2nd Street  
2nd Floor  
Springfield, IL 62704  
Work Phone: (217) 494-6268  
Fax: (217) 528-8808  
Email: collin@illinoispolicyinstitute.org

**Frank Hoffmann**

**Legislative Member**

Louisiana Representative  
Louisiana Legislature  
204 North 3rd Street  
Suite A  
West Monroe, LA 71291  
Work Phone: (318) 362-4130  
Fax: (318) 362-4131  
Email: hoffmanf@legis.state.la.us

**Bryan R. Holloway**

**Alternate**

North Carolina Representative  
North Carolina General Assembly  
1165 Sterling Pointe Drive  
King, NC 27021  
Work Phone: (919) 733-5609  
Fax: (919) 733-3113  
Email: Bryan.Holloway@ncleg.net

**Steve Huebert**

**Legislative Member**

Kansas Representative  
Kansas Legislature  
619 North Birch  
Valley Center, KS 67147  
Work Phone: (785) 296-1754  
Fax: (785) 368-6365  
Email: steve.huebert@house.ks.gov

**Allen M. Jaggi**

**Legislative Member**

Wyoming Representative  
Wyoming Legislature  
PO Box 326  
Lyman, WY 82937  
Work Phone: (307) 777-7852  
Fax: (307) 777-5466  
Email: ajaggi@wyoming.com

**Jean Janes**

**Private Sector Member (M2)**

Director State Regulatory Affairs  
Kaplan Higher Education  
225 W Wacker Drive  
8th Floor  
Chicago, IL 60606  
Work Phone: (312) 385-1238  
Email: jjanes@kaplan.edu

**Jimmy L. Jeffress**

**Legislative Member**

Arkansas Senator  
Arkansas General Assembly  
PO Box 904  
Crossett, AR 71635  
Work Phone: (501) 682-6107  
Fax: (501) 682-2917  
Email: jjeffress@arkleg.state.ar.us

**Scott K. Jenkins**

**Alternate**

Utah Senator  
Utah Legislature  
4385 West 1975 North  
Plain City, UT 84404  
Work Phone: (801) 538-1035  
Fax: (801) 538-1414  
Email: sjenkins@utahsenate.org

**Scott Jensen**

**Private Sector Member (M1)**

National Consultant for State Projects  
Alliance for School Choice  
18130 Lamplighter Lane  
Brookfield, WI 53045  
Work Phone: (414) 588-7050  
Fax: (262) 798-9919  
Email: scottjensen@wi.rr.com

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**Linda P. Johnson**

**Legislative Member**

North Carolina Representative  
North Carolina General Assembly  
Legislative Building  
16 West Jones Street  
Raleigh, NC 27601  
Work Phone: (919) 733-5861  
Fax: (919) 733-3113  
Email: Linda.Johnson2@ncleg.net

**Jan Jones**

**Legislative Member**

Georgia Representative  
Georgia General Assembly  
State Capitol Building  
206 Washington Street  
Atlanta, GA 30334  
Work Phone: (404) 656-5024  
Fax: (404) 463-2249  
Email: jan.jones@house.ga.gov

**Timothy W. Jones**

**Legislative Member**

Missouri Representative  
Missouri Legislature  
State Capitol  
201 West Capitol Avenue  
Jefferson City, MO 65101  
Work Phone: (573) 751-0562  
Fax: (573) 526-3007  
Email: tim.jones@house.mo.gov

**Tim Keller**

**Private Sector Member (M1)**

Executive Director  
Institute for Justice Arizona Chapter  
398 S Mill Ave., Suite 301  
Tempe, AZ 85281  
Work Phone: (480) 557-8300  
Fax: (480) 557-8315  
Email: tkeller@ij.org

**Wes Keller**

**Legislative Member**

Alaska Representative  
Alaska Legislature  
600 East Railroad Avenue  
Suite 1  
Wasilla, AK 99654  
Work Phone: (907) 465-2186  
Fax: (907) 465-3818  
Email: Representative\_Wes\_Keller@legis.state.ak.us

**Mike Kelley**

**Alternate**

Missouri Representative  
Missouri Legislature  
State Capitol  
201 West Capitol Avenue  
Jefferson City, MO 65101  
Work Phone: (573) 751-2165  
Email: Mike.Kelley@house.mo.gov

**Sally R. Kern**

**Alternate**

Oklahoma Representative  
Oklahoma Legislature  
2713 Sterling Avenue  
Oklahoma City, OK 73127  
Work Phone: (405) 557-7348  
Fax: (405) 962-7614  
Email: sallykern@okhouse.gov

**Keith C. King**

**Legislative Member**

Colorado Senator  
Colorado Legislature  
Colorado State Capitol  
200 East Colfax Avenue  
Denver, CO 80203-1784  
Work Phone: (303) 866-4880  
Fax: (303) 866-2646  
Email: keith@keithking.org

**Lisa Knepper**

**Private Sector Member (M2)**

Director of Communications  
Institute for Justice  
901 N. Glebe Rd.  
Suite 900  
Arlington, VA 22203  
Work Phone: (703) 682-9320  
Fax: (703) 682-9321  
Email: lknepper@ij.org

**Dean Knudson**

**Alternate**

Wisconsin Representative  
Wisconsin Legislature  
State Capitol  
PO Box 8952  
Madison, WI 53708-8952  
Work Phone: (608) 266-1526  
Email: rep.knudson@legis.wi.gov

Education  
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---

**Matthew Ladner**

**Private Sector Member (M1)**  
Director of Policy and Research  
Foundation for Excellence in Education  
500 East Coronado Rd.  
Phoenix, AZ 85004  
Work Phone: (602) 462-5000  
Fax: (602) 256-7045  
Email: ladner55@gmail.com

**R. Steven Landes**

**Alternate**  
Virginia Delegate  
Virginia General Assembly  
PO Box 12  
Weyers Cave, VA 24486  
Work Phone: (804) 698-1025  
Fax: (804) 698-6725  
Email: DelSLandes@house.virginia.gov

**Brian D. Langley**

**Legislative Member**  
Maine Senator  
Maine Legislature  
11 South Street  
Ellsworth, ME 04605  
Work Phone: (207) 287-1400  
Fax: (207) 287-1456  
Email: SenBrian.Langley@legislature.maine.gov

**Denise Lasher**

**Advisor**  
Executive Director of Public Relations  
Step Up For Students/ Florida Education Freedom  
Foundation  
339 S Plant Ave.  
Tampa, FL 33606  
Work Phone: (813) 318-0995 x232  
Fax: (813) 228-7587  
Email: dlasher@feff.org

**Gail Lavielle**

**Legislative Member**  
Connecticut Representative  
Connecticut General Assembly  
Legislative Office Building  
300 Capitol Avenue  
Hartford, CT 06106-1591  
Work Phone: (860) 240-8700  
Email: gail.lavielle@housegop.ct.gov

**Don P. Lee**

**Private Sector Member (M2)**  
Senior Director, Governmental Affairs  
K12  
6883 S. Allison Way  
Littleton, CO 80128  
Work Phone: (303) 904-7189  
Fax: (303) 200-8281  
Email: dlee@k12.com

**Walter Leger, III**

**Alternate**  
Louisiana Representative  
Louisiana Legislature  
State Capitol  
900 North Third Street  
Baton Rouge, LA 70804  
Work Phone: (225) 342-6945  
Fax: (504) 556-9972  
Email: legerw@legis.state.la.us

**Timothy LeGeyt**

**Legislative Member**  
Connecticut Representative  
Connecticut General Assembly  
Legislative Office Building  
300 Capitol Avenue  
Hartford, CT 06106-1591  
Work Phone: (860) 693-8718  
Email: Tim.LeGeyt@housegop.ct.gov

**Stephanie J. Linn**

**Staff**  
Policy Coordinator  
ALEC  
1101 Vermont Ave.  
11th Floor  
Washington, DC 20005  
Work Phone: (202) 466-3800  
Fax: (202) 466-3801  
Email: Slinn@alec.org

**David Luechtefeld**

**Legislative Member**  
Illinois Senator  
Illinois Legislature  
Capitol Building  
301 South Second Street  
Springfield, IL 62706  
Work Phone: (217) 782-8137  
Fax: (217) 782-4079  
Email: sendavel@midwest.net

Education  
As of 3/31/2011

---

**Howard Marklein**

**Legislative Member**

State Representative  
Wisconsin Legislature  
State Capitol  
PO Box 8952  
Madison, WI 53708-8952  
Work Phone: (608) 266-7502  
Email: rep.marklein@legis.wi.gov

**Bob Marshall**

**Legislative Member**

Kansas Senator  
Kansas Legislature  
Kansas State Capitol  
300 SW 10th Avenue  
Topeka, KS 66612-1504  
Work Phone: (785) 296-7370  
Fax: (785) 368-6365  
Email: Bob.Marshall@senate.ks.gov

**Monica Mastracco**

**Staff**

Legislative Assistant, Education & Health and Human  
Services Task Forces  
ALEC  
1101 Vermont Ave.  
11th Floor  
Washington, DC 20005  
Work Phone: (202) 466-3800  
Fax: (202) 466-3801  
Email: mmastracco@alec.org

**Howard R. Maxwell**

**Legislative Member**

Georgia Representative  
Georgia General Assembly  
716 Graham Rd.  
Dallas, GA 30132  
Work Phone: (404) 656-5143  
Fax: (404) 463-4131  
Email: howard.maxwell@house.ga.gov

**Carol McFarlane**

**Alternate**

Minnesota Representative  
Minnesota Legislature  
State Office Building  
100 Dr. Martin Luther King Jr. Boulevard  
St. Paul, MN 55155  
Work Phone: (651) 296-5363  
Fax: (651) 296-3949  
Email: rep.carol.mcfarlane@house.mn

**Vernie D. McGaha**

**Alternate**

Kentucky Senator  
Kentucky Legislature  
Capitol Annex  
702 Capitol Avenue  
Frankfort, KY 40601  
Work Phone: (502) 564-8100  
Fax: (502) 564-6543  
Email: vernie.mcgaha@lrc.ky.gov

**Dan McGuire**

**Legislative Member**

Representative  
New Hampshire Legislature  
700 Suncook Valley Hwy  
Epsom, NH 03234  
AMERICA  
Work Phone: (603) 271-3165  
Email: dan@mcguire4house.com

**Lisa M. Meier**

**Legislative Member**

North Dakota Representative  
North Dakota Legislature  
1713 South 3rd Street  
Bismarck, ND 58504-7114  
Work Phone: (701) 202-7126  
Fax: (701) 328-1997  
Email: lmeier@nd.gov

**William H. Mellor**

**Private Sector Member (Info)**

President  
Institute for Justice  
901 N. Glebe Rd.  
Suite 900  
Arlington, VA 22203  
Work Phone: (703) 682-9320  
Fax: (703) 682-9321  
Email: wmellor@ij.org

**Meribeth Mermall**

**Private Sector Member (Info)**

Director State Regulatory Affairs, Counsel  
Kaplan Higher Education  
225 W Wacker Drive  
8th Floor  
Chicago, IL 60606  
Work Phone: (312) 385-1376  
Email: mmermall@kaplan.edu



Education  
As of 3/31/2011

---

**Kenneth Meyer**

**Private Sector Member (M1)**

Vice President, Corporate Development  
Scantron  
7901 Jones Branch Drive  
Suite 110  
McLean, VA 22102  
AMERICA  
Work Phone: (423) 622-7703  
Email: ken\_meyer@scantron.com

**Fran R. Millar**

**Legislative Member**

Georgia Senator  
Georgia General Assembly  
Coverdell Legislative Office Building  
18 Capitol Square  
Atlanta, GA 30334  
Work Phone: (404) 504-8116  
Fax: (404) 231-9585  
Email: fran.millar@wellsfargo.com

**Gerald Lee Mitchell**

**Legislative Member**

Illinois Representative  
Illinois Legislature  
Stratton Office Building  
401 South Spring Street  
Springfield, IL 62706  
Work Phone: (217) 782-0535  
Fax: (217) 782-5257  
Email: repjmitchell@comcast.net

**Michael Molgano**

**Legislative Member**

Connecticut Representative  
Connecticut General Assembly  
Legislative Office Building  
300 Capitol Avenue  
Hartford, CT 06106-1591  
Work Phone: (860) 240-8700  
Email: michael.molgano@housegop.ct.gov

**David C. Monson**

**Alternate**

North Dakota Representative  
North Dakota Legislature  
PO Box 8  
Osnabrock, ND 58269-0008  
Work Phone: (701) 328-2916  
Fax: (701) 328-1997  
Email: dmonson@nd.gov

**Brad Montell**

**Legislative Member**

Kentucky Representative  
Kentucky Legislature  
Capitol Annex  
702 Capitol Avenue  
Frankfort, KY 40601  
Work Phone: (502) 564-8100  
Fax: (502) 564-6543  
Email: bradmontell@bellsouth.net

**Geanie W. Morrison**

**Alternate**

Texas Representative  
Texas Legislature  
Capitol Extension  
1100 Congress Avenue  
Austin, TX 78701  
Work Phone: (512) 463-0456  
Fax: (512) 463-3933  
Email: geanie.morrison@house.state.tx.us

**Briana Mulder**

**Staff**

Board Liaison and Donor Relations Coordinator  
ALEC  
1101 Vermont Ave.  
11th Floor  
Washington, DC 20005  
Work Phone: (202) 466-3800  
Fax: (202) 466-3801  
Email: bmulder@alec.org

**Carole R. Murray**

**Legislative Member**

Colorado Representative  
Colorado Legislature  
Colorado State Capitol  
200 East Colfax Avenue  
Denver, CO 80203-1784  
Work Phone: (303) 866-2948  
Fax: (303) 866-2218  
Email: murrayhouse45@gmail.com

**Vicki E. Murray, Pd.D**

**Private Sector Member (M1)**

Associate Director, Education Studies  
Pacific Research Institute  
5205 N. Monte Vista Drive  
Paradise Valley, AZ 85253  
Work Phone: (916) 448-1926  
Fax: (415) 989-2411  
Email: vmurray@pacificresearch.org

Education  
As of 3/31/2011

---

**David J. Myslinski**

**Staff**

Director, Education Task Force  
ALEC  
1101 Vermont Avenue N.W.  
11th Floor  
Washington, DC 20005  
Work Phone: (202) 466-3800  
Fax: (202) 466-3801  
Email: dmyslinski@alec.org; dave.myslinski@gmail.com

**Ben Wayne Nevers, Sr.**

**Legislative Member**

Louisiana Senator  
Louisiana Legislature  
724 Avenue F  
Bogalusa, LA 70427  
Work Phone: (225) 342-2040  
Fax: (225) 342-0617  
Email: neversb@legis.state.la.us

**Brian Newman**

**Private Sector Member (M1)**

Director of State Affairs  
Association of Private Sector Colleges and Universities  
1101 Connecticut Ave, NW  
Ste 900  
Washington, DC 20036  
Work Phone: (202) 336-6807  
Fax: (202) 336-6828  
Email: BrianN@career.org

**Stephen D. Newman**

**Legislative Member**

Virginia Senator  
Virginia General Assembly  
3550 Mayflower Dr.  
Ste. A  
Lynchburg, VA 24501  
Work Phone: (804) 698-7523  
Fax: (804) 698-7651  
Email: district23@senate.virginia.gov

**Jonathan Nikkila**

**Private Sector Member (M2)**

Government Affairs Director  
Alliance for School Choice  
4 Regency Place  
Kearney, NE 68847  
Work Phone: (308) 224-4309  
Email: jnikkila@federationforchildren.org

**Cindy J. Noe**

**Legislative Member**

Indiana Representative  
Indiana Legislature  
5236 East 72nd St.  
Indianapolis, IN 46250  
Work Phone: (317) 232-9600  
Fax: (317) 232-7644  
Email: cjnoe@msn.com

**Bob P. Nonini**

**Legislative Member**

Idaho Representative  
Idaho Legislature  
5875 West Harbor Drive  
Coeur d'Alene, ID 83814  
Work Phone: (208) 332-1000  
Fax: (208) 334-5397  
Email: bnonini@icehouse.net

**John Nothdurft**

**Private Sector Member (M2)**

Director Government Relations  
Heartland Institute  
19 South LaSalle St.  
Suite 903  
Chicago, IL 60603  
Work Phone: (312) 377-4000  
Fax: (312) 377-5000  
Email: jnothdurft@heartland.org

**Marc Oestreich**

**Private Sector Member (M1)**

Legislative Specialist  
Heartland Institute  
19 South LaSalle Street  
Suite 903  
Chicago, IL 60603  
Work Phone: (312) 377-4000  
Fax: (312) 377-5000  
Email: MOestreich@heartland.org

**Gen Olson**

**Legislative Member**

Minnesota Senator  
Minnesota Legislature  
Capitol  
75 Dr. Martin Luther King Jr. Boulevard  
St. Paul, MN 55155  
Work Phone: (651) 296-1282  
Fax: (651) 296-6511  
Email: sen\_gen.olson@senate.mn

Education  
As of 3/31/2011

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**John Overington**

**Legislative Member**

West Virginia Delegate  
West Virginia Legislature  
491 Hoffman Road  
Martinsburg, WV 25401  
Work Phone: (304) 340-3148  
Fax: (304) 340-3389  
Email: john@overington.com

**Phillip D. Owens**

**Legislative Member**

South Carolina Representative  
South Carolina Legislature  
Blatt Building  
1105 Pendleton Street  
Columbia, SC 29201  
Work Phone: (864) 306-2909  
Fax: (864) 306-2909  
Email: djuanawilson@schouse.gov;  
PhilOwens@schouse.gov

**Nicholas Paradiso**

**Private Sector Member (M1)**

Director, Government Relations  
National Heritage Academies  
3850 Broadmoor Avenue  
Suite 201  
Grand Rapids, MI 49512  
Work Phone: (616) 222-1700  
Fax: (616) 675-6801  
Email: nparadiso@heritageacademies.com

**Kevin Parker**

**Legislative Member**

Washington Representative  
Washington Legislature  
P.O. Box 1093  
Spokane, WA 99210  
Work Phone: (509) 455-7225  
Fax: (360) 786-7317  
Email: Kevin.Parker@leg.wa.gov

**Diane Patrick**

**Alternate**

Texas Representative  
Texas Legislature  
Capitol Extension  
1100 Congress Avenue  
Austin, TX 78701  
Work Phone: (512) 463-0624  
Fax: (512) 463-5896  
Email: diane.patrick@house.state.tx.us

**Susan Patrick**

**Advisor**

President and CEO  
International Association for K-12 Online Learning  
1934 Old Gallows Road  
Suite 350  
Vienna, VA 22182  
Work Phone: (202) 441-5780  
Fax: (703) 752-6201  
Email: spatrick@inacol.org

**Mark L. Pelesh**

**Private Sector Member (M1)**

Executive Vice President, Legislative and Regulatory Affairs  
Corinthian Colleges, Inc.  
1350 I Street  
Suite 1270  
Washington, DC 20005  
Work Phone: (202) 682-9494  
Fax: (202) 682-9170  
Email: mpelesh@cci.edu

**Tad Perry**

**Legislative Member**

South Dakota Representative  
South Dakota Legislature  
State Capitol  
501 East Capitol Avenue  
Pierre, SD 57501-5070  
Work Phone: (605) 494-0192  
Email: tadperry@tadperry.com

**Pete Pirsch**

**Alternate**

Nebraska Senator  
Nebraska Unicameral Legislature  
State Capitol  
1445 K Street  
Lincoln, NE 68509  
Work Phone: (402) 471-2621  
Fax: (402) 479-0904  
Email: ppirsch@leg.ne.gov

**Michael Poliakoff**

**Private Sector Member (M1)**

Policy Director  
American Council of Trustees & Alumni  
1726 M Street NW  
Suite 802  
Washington, DC 20036  
Work Phone: (202) 467-6779  
Email: mpoliakoff@goacta.org

Education  
As of 3/31/2011

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**John D. Ragan**

**Alternate**

Tennessee Representative  
Tennessee Legislature  
Legislative Plaza  
6th Avenue North  
Nashville, TN 37243  
Work Phone: (615) 741-4400  
Email: rep.john.ragan@capitol.tn.gov

**Kathy L. Rapp**

**Legislative Member**

Pennsylvania Representative  
Pennsylvania Legislature  
East Wing Building  
Harrisburg, PA 17120  
Work Phone: (717) 787-1367  
Fax: (717) 787-5854  
Email: klrapp@pahousegop.com

**Jeffrey W. Reed**

**Private Sector Member (M2)**

State Program and Government Relations Director  
The Foundation for Educational Choice  
One America Square  
Suite 2420  
Indianapolis, IN 46282  
Work Phone: (317) 681-0745  
Fax: (317) 229-2123  
Email: jeff@edchoice.org

**Amanda A. Reeve**

**Alternate**

Arizona Representative  
Arizona Legislature  
Capitol Complex- House  
1700 West Washington Street  
Phoenix, AZ 85007-2890  
Work Phone: (602) 926-3014  
Email: areeve@azleg.gov

**Mickey Revenaugh**

**Private Sector Chair**

Senior Vice President  
Connections Academy  
302 Westminster Road  
Brooklyn, NY 11218  
Work Phone: (718) 284-4495  
Fax: (425) 740-0867  
Email: mrevenaugh@earthlink.net

**Greg Richmond**

**Private Sector Member (M1)**

President & CEO  
National Association of Charter School Authorizers  
105 W. Adams St., Suite 3500  
Chicago, IL 60603  
Work Phone: (312) 376-2353  
Fax: (312) 376-2400  
Email: gregr@qualitycharters.org

**Kris Edward Roberts**

**Legislative Member**

New Hampshire Representative  
New Hampshire Legislature  
58 Grove Street  
Keene, NH 03431  
Work Phone: (603) 271-3317  
Fax: (603) 271-3309  
Email: kriseroberts@live.com

**Dennis Roch**

**Legislative Member**

New Mexico Representative  
New Mexico Legislature  
P.O. Box 1391  
Tucumcari, NM 88401  
Work Phone: (505) 986-4467  
Fax: (505) 986-4610  
Email: denroch@hotmail.com

**Kristina D. Roegner**

**Legislative Member**

Representative  
Ohio Legislature  
Verne Riffe Center  
11th Floor  
Columbus, OH 43215  
Work Phone: (614) 466-1177  
Email: kristina.roegner@ohr.state.oh.us

**Ronald F. Scheberle**

**Staff**

PEB Chairman Emeritus  
ALEC  
2601 Brookside Drive  
Irving, TX 75063  
Work Phone: (214) 557-6769  
Fax: (972) 869-2258  
Email: ronscheberle@sbeglobal.net

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**Todd J. Schlekeway**  
**Legislative Member**  
South Dakota Senator  
South Dakota Legislature  
4709 S Equity Dr.  
Sioux Falls, SD 57106  
Work Phone: (605) 310-8600  
Fax: (605) 773-6806  
Email: toddschlekeway@hotmail.com

**Florence D. Shapiro**  
**Legislative Member**  
Texas Senator  
Texas Legislature  
Capitol Extension  
1100 Congress Avenue  
Austin, TX 78701  
Work Phone: (512) 463-0108  
Fax: (512) 463-7579  
Email: florence.shapiro@senate.state.tx.us

**Tracie Sharp**  
**Private Sector Member (Info)**  
President and CEO  
State Policy Network  
6255 Arlington Blvd.  
Richmond, CA 94805  
Work Phone: (703) 740-0310  
Fax: (703) 740-0314  
Email: sharp@spn.org

**Jabar Shumate**  
**Alternate**  
Oklahoma Representative  
Oklahoma Legislature  
State Capitol Building  
2300 North Lincoln Boulevard  
Oklahoma City, OK 73105  
Work Phone: (405) 557-7406  
Fax: (405) 962-7667  
Email: jabarshumate@okhouse.gov

**Dan D Skattum**  
**Legislative Member**  
Montana Representative  
Montana Legislature  
State Capitol  
P.O. Box 200400  
Helena, MT 59620  
AMERICA  
Work Phone: (406) 223-0545  
Email: skattumd@wispwest.net

**Jacqueline Sly**  
**Legislative Member**  
South Dakota Representative  
South Dakota Legislature  
State Capitol  
501 East Capitol Avenue  
Pierre, SD 57501-5070  
Work Phone: (605) 381-9116  
Fax: (605) 773-6806  
Email: rep.sly@state.sd.us

**Will Smith**  
**Legislative Member**  
New Hampshire Representative  
New Hampshire Legislature  
PO Box 808  
New Castle, NH 03854  
Work Phone: (603) 271-3364  
Fax: (603) 271-3309  
Email: smi975@yahoo.com

**Nancy Spence**  
**Legislative Member**  
Colorado Senator  
Colorado Legislature  
6330 So. Olathe Street  
Aurora, CO 80016  
Work Phone: (303) 866-4883  
Fax: (303) 866-2012  
Email: nancyjspence@gmail.com

**Gerald L. Stebelton**  
**Legislative Member**  
Ohio Representative  
Ohio Legislature  
Vern Riffe Center  
77 South High Street  
Columbus, OH 43215-6111  
Work Phone: (614) 466-8100  
Fax: (614) 719-0005  
Email: district05@ohr.state.oh.us

**Howard A. Stephenson**  
**Legislative Member**  
Utah Senator  
Utah Legislature  
320 State Capitol  
PO Box 145115  
Salt Lake City, UT 84114  
Work Phone: (801) 538-1035  
Fax: (801) 538-1414  
Email: hstephenson@utahsenate.org

Education  
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**Harry Stille**

**Advisor**

Researcher  
Higher Education Research/Policy Center  
P.O. Box 203  
Due West, SC 29639  
Work Phone: (864) 379-3080  
Fax: (803) 734-2827  
Email: hstille@erskine.edu

**Terry Stoops**

**Private Sector Member (M1)**

Director of Education Studies  
John Locke Foundation  
200 West Morgan St.  
Suite 200  
Raleigh, NC 27601  
Work Phone: (919) 828-3876  
Fax: (919) 821-5117  
Email: tstoops@johnlocke.org

**Robert Tata**

**Legislative Member**

Virginia Delegate  
Virginia General Assembly  
4536 Gleneagle Drive  
Virginia Beach, VA 23462  
Work Phone: (804) 698-1085  
Fax: (804) 698-6785  
Email: DelBTata@house.virginia.gov

**Matt Teeters**

**Legislative Member**

Wyoming Representative  
Wyoming Legislature  
1520 Rd 70  
Wingo, WY 82223  
Work Phone: (307) 777-7852  
Fax: (307) 777-5466  
Email: mteeters@wyoming.com

**Craig Thibaudeau**

**Private Sector Member (M1)**

Executive Director, Mobilization and Outreach  
National Board for Professional Teaching Standards  
1525 Wilson Blvd.  
Arlington, VA 22209  
Work Phone: (800) 228-3224  
Email: cthibaudeau@nbpts.org

**Jeremy Thiesfeldt**

**Alternate**

Wisconsin Representative  
Wisconsin Legislature  
604 Sunset Lane  
Fond du Lac, WI 54935  
AMERICA  
Work Phone: (608) 266-3156  
Email: rep.thiesfeldt@legis.wi.gov

**Jim Tracy**

**Legislative Member**

Tennessee Senator  
Tennessee Legislature  
Legislative Plaza  
6th Avenue North  
Nashville, TN 37243  
Work Phone: (615) 741-1066  
Fax: (615) 741-2255  
Email: sen.jim.tracy@capitol.tn.gov

**Kevin W. Van De Wege**

**Legislative Member**

Washington Representative  
Washington Legislature  
170 W Bell Street  
Suite 100  
Sequim, WA 98382  
Work Phone: (360) 786-7916  
Email: kevin.vandewege@leg.wa.gov

**Donald Ray Vaughan**

**Legislative Member**

North Carolina Senator  
North Carolina General Assembly  
612 West Friendly Avenue  
Greensboro, NC 27401  
Work Phone: (919) 733-5856  
Fax: (919) 715-5815  
Email: Don.Vaughan@ncleg.net

**Richard Vedder, Ph.D.**

**Advisor**

Professor of Economics  
Ohio University  
316 Bentley Annex  
Athens, OH 45701  
Work Phone: (740) 593-2037  
Fax: (740) 593-0097  
Email: vedder@ohio.edu

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As of 3/31/2011

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**Rich P. Wardner**  
**Legislative Member**  
North Dakota Senator  
North Dakota Legislature  
State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58505-0360  
Work Phone: (701) 483-6918  
Fax: (701) 328-1997  
Email: rwardner@nd.gov

**John M. Wightman**  
**Legislative Member**  
Nebraska Senator  
Nebraska Unicameral Legislature  
State Capitol  
1445 K Street  
Lincoln, NE 68509  
Work Phone: (402) 471-2642  
Fax: (402) 479-0936  
Email: jwightman@leg.ne.gov

**Bob Williams**  
**Advisor**  
Founder and Senior Fellow  
Freedom Foundation  
P.O. Box 552  
Olympia, WA 98507  
Work Phone: (360) 956-3482  
Fax: (360) 352-1874  
Email: bwilliams@effwa.org

**Eddie Joe Williams**  
**Legislative Member**  
Arkansas Senator  
Arkansas General Assembly  
320 State Capitol Building  
500 Woodlane Avenue  
Little Rock, AR 72201-1089  
Work Phone: (501) 682-5951  
Email: annnc@arkleg.state.ar.us

**Kenneth W. Winters**  
**Legislative Member**  
Kentucky Senator  
Kentucky Legislature  
1500 Glendale Road  
Murray, KY 42075  
Work Phone: (502) 564-8100  
Fax: (502) 564-6543  
Email: kwcu@yahoo.com

**Sheryl A. Wright**  
**Private Sector Member (M2)**  
Vice President, Government Affairs  
Bridgepoint Education  
13500 Evening Creek Dr. North  
Suite 600  
San Diego, CA 92128  
Work Phone: (858) 668-2586  
Fax: (858) 408-2903  
Email: sheryl.wright@bridgepointeducation.com

**Addia K. Wuchner**  
**Alternate**  
Kentucky Representative  
Kentucky Legislature  
P.O. Box 911  
Burlington, KY 41005  
Work Phone: (502) 564-8100  
Fax: (502) 564-6543  
Email: addia.wuchner@lrc.ky.gov; wuch@insightbb.com

**Evan B. Wynn**  
**Alternate**  
Wisconsin Representative  
Wisconsin Legislature  
State Capitol  
PO Box 8952  
Madison, WI 53708-8952  
Work Phone: (608) 266-9650  
Email: rep.wynn@legis.wi.gov

**David Yarde, II**  
**Legislative Member**  
Indiana Representative  
Indiana Legislature  
1194 State Road 8  
Garrett, IN 46738  
Work Phone: (260) 402-2730  
Fax: (317) 232-9792  
Email: dyarde@verizon.net

**Carlin J. Yoder**  
**Legislative Member**  
Indiana Senator  
Indiana Legislature  
State House  
200 West Washington Street  
Indianapolis, IN 46204-2785  
Work Phone: (574) 642-3940  
Email: carlinyoder2008@hotmail.com

Education  
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**Jill York**

**Legislative Member**

Kentucky Representative  
Kentucky Legislature  
Capitol Annex  
702 Capital Avenue  
Frankfort, KY 40601  
Work Phone: (606) 474-7263  
Fax: (606) 474-7638  
Email: [jill.york@lrc.ky.gov](mailto:jill.york@lrc.ky.gov)

Total Records      181





## **Mission Statement**

The American Legislative Exchange Council's mission is...

To advance the Jeffersonian Principles of free markets, limited government, federalism, and individual liberty through a nonpartisan public-private partnership among America's state legislators, concerned members of the private sector, the federal government, and the general public.

To promote these principles by developing policies that ensure the powers of government are derived from, and assigned to, first the People, then the States, and finally the Federal Government.

To enlist state legislators from all parties and members of the private sector who share ALEC's mission.

To conduct a policy making program that unites members of the public and private sector in a dynamic partnership to support research, policy development, and dissemination activities.

To prepare the next generation of political leadership through educational programs that promote the principles of Jeffersonian democracy, which are necessary for a free society.

## SCHOLARSHIP POLICY BY MEETING

### ***ALEC Spring Task Force Summit:***

1. ***Spring Task Force Summit Reimbursement Form:*** ALEC Task Force Members are reimbursed by ALEC up to \$350.00 for travel expenses. Receipts must be forwarded to the ALEC Policy Coordinator and approved by the Director of Policy.
2. ALEC Task Force Members' room & tax fees for up to a two-night stay at the host hotel are covered by ALEC.
3. Registration fees are not covered; however, Task Force Members may submit registration expenses for payment from their state scholarship account upon approval of the State Chair.
4. *Official Alternate Task Force Members* (chosen by the State Chair and whose names are given to ALEC more than 35 days prior to the meeting to serve in place of a Task Force Member who cannot attend) are reimbursed in the same manner as Task Force Members.
5. ***State Scholarship Reimbursement Form:*** Any fees above the set limit, or expenses other than travel and room expenses can be submitted by Task Force Members for payment from their state scholarship account upon the approval of the State Chair. Receipts must be submitted to the State Chair, who will submit the signed form to the Director of Membership.
6. *Non-Task Force Members* can be reimbursed out of the state scholarship fund upon State Chair approval. Receipts must be submitted to the State Chair, who will submit the appropriate signed form to the Director of Membership.

### ***ALEC Annual Meeting:***

***State Scholarship Reimbursement Form:*** State scholarship funds are available for reimbursement by approval of your ALEC State Chair. Expenses are reimbursed after the conference, and may cover the cost of travel, room & tax, and registration. Receipts are to be submitted to the State Chair, who will then submit the signed form to the Director of Membership.

### ***ALEC States & Nation Policy Summit:***

1. ***States & Nation Policy Summit Reimbursement Form:*** ALEC offers two scholarships per state to cover the cost of travel, room & tax, and registration not to exceed \$1,000.00 per person for a total of \$2,000.00 per state. ALEC scholarship recipients must be named by the ALEC State Chair. Expenses are submitted to the State Chair and reimbursed after the conference. The State Chair submits the signed form to the Director of Membership.
2. ***State Scholarship Reimbursement Form:*** Any other fees or payments must come out of the state scholarship account, with the approval of the State Chair. Receipts must be submitted to the State Chair, who submits the signed form to the Director of Membership.

### ***ALEC Academies:***

***Academy Reimbursement Form:*** Attendees of ALEC Academies are reimbursed by the Task Force Committee hosting the Academy. Attendees will receive a form at the Academy, and will be reimbursed up to \$500.00 for travel, and room & tax fees for a two-night stay by ALEC. Receipts must be forwarded to the appropriate Task Force Director and approved by the Director of Policy.



## **American Legislative Exchange Council TASK FORCE OPERATING PROCEDURES**

### ***I. MISSION OF TASK FORCES***

Assume the primary responsibility for identifying critical issues, developing ALEC policy, and sponsoring educational activities which advance the Jeffersonian principles of free markets, limited government, federalism, and individual liberty. The mission will be accomplished through a non-partisan, public and private partnership between ALEC's legislative and private sector members in the specific subject areas assigned to the Task Force by the Board of Directors.

### ***II. TASK FORCE RESPONSIBILITIES***

- A. Task Forces have the primary responsibility for identifying critical issues and developing ALEC's official policy statements and model legislation appropriate to the specific subject areas of the Task Force.
- B. Task Forces serve as forums for an exchange of ideas and sharing of experiences between ALEC's state legislator and private sector members.
- C. Task Forces are responsible for developing and sponsoring the following educational activities appropriate to the specific subject area of the Task Force:
  - publications that express policy positions, including, but not limited to State Factors and Action Alerts;
  - educational communication and correspondence campaigns;
  - issue specific briefings, press conferences and press campaigns;
  - witness testimony and the activities of policy response teams;
  - workshops at ALEC's conferences; and
  - specific focus events.
- D. ~~The Executive Director is to~~ Task Forces are responsible for developing an annual budgets, which shall include expenses associated with Task Force meetings and educational activities. A funding mechanism to finance all meetings and educational activities proposed by Task Forces must be available before they can be undertaken.

### **III. GENERAL PROCEDURES**

- A.** Requests from ALEC members for policy statements, model legislation and educational activities shall be directed by the Executive Director to the appropriate Task Force, or the Board of Directors if the issue does not fall within the jurisdiction of any Task Force. The appropriate Public and Private Sector Task Force Co-Chairs determine the agenda for each Task Force meeting, and the meetings will be called and conducted in accordance with these Operating Procedures.

The Director of Policy with the consent of the Executive Director assigns a model bill or resolution to the most appropriate Task Force based on Task Force content and prior jurisdictional history 35 days before a Task Force Meeting. All Task Force Co-Chairs will be provided an email or fax summary of all model bills and resolutions 35 days before the Task Force meeting

If both the Co-Chairs of a Task Force are in agreement that they should have jurisdiction on model legislation or a resolution, the legislation or resolution will be considered by the Task Force. If the other Task Force Co-Chairs believe they should have jurisdiction or if the author of the model bill or resolution does not agree on the jurisdictional assignment of the bill, they will have 10 days after the 35-day mailer deadline to submit in writing or by electronic appeal to the Director of Policy their intent to challenge the jurisdiction assignment. The Director of Policy will notify the Executive Director who will in turn notify the National Chair and the Private Enterprise Board Chair. The National Chair and the Private Enterprise Board Chair will in turn refer the matter in question to the Board of Directors Task Force Board Committee. The Director of Policy will establish a conference call for the Task Force Board Committee co- chairs, the author, the affected Task Force Co-Chairs and the Director of Policy at a time convenient for all participants.

The Task Force Board Committee Co-Chairs shall listen to the jurisdictional dispute by phone or in person within 10 days of the request. If both Task Force Board Committee Co-Chairs are in agreement that the Director of Policy made an incorrect jurisdictional referral, only then will the model bill or resolution be reassigned to a committee as they specify once agreed upon by the National Chair and the Private Enterprise Board Chair. The bill or model resolution is still eligible to be heard in whatever Task Force it is deemed to be assigned to as if submitted to the correct Task Force for the 35-day mailer. The National Chair and the Private Enterprise Board Chair decision is final on this model bill or resolution.

Joint referral of model legislation and/or resolutions are allowed if all the affected Task Force Co-Chairs agree. All model legislation and resolutions that have been referred to, more than one Task Force must pass the identical language in both Task Forces within two consecutive Task Force meetings. It is at the Task Force

Co-Chairs discretion how they will handle the hearings of the model legislation or resolution. Both sets of co-chairs have the ability to call a working group, subcommittee, or simply meet consecutively or concurrently if necessary.

If the Task Force co-chairs both agree to waive jurisdiction, they may do so as long as another Task Force still has jurisdiction.

The National Chair and the Private Sector Board Chair will rely upon the Task Force Board Committee Co-Chairs for advice and recommendations on model legislation or resolutions when no jurisdiction in any of the existing Task Forces in operation can be found. The Task Force Board Committee Co-Chairs will work with the Executive Director and the Director of Policy to identify public and private sector Task Force members (not alternates) from the existing Task Forces should their expertise be of assistance to the Task Force Board Committee in reaching a determination and recommendation for approval by the National Chair and the Private Enterprise Board Chair.

- B. The National Chair and the Private Sector Board Chair will rely upon the Task Force Board Committee Co-Chairs for advice and recommendations on model legislation or resolutions when no jurisdiction in any of the existing Task Forces in operation can be found. The Task Force Board Committee Co-Chairs will work with the Executive Director and the Director of Policy to identify public and private sector Task Force members (not alternates) from the existing Task Forces should their expertise be of assistance to the Task Force Board Committee in reaching a determination and recommendation for approval by the National Chair and the Private Enterprise Board Chair.
- C. The Board of Directors shall have ultimate authority over Task Force procedures and actions including the authority to create, to merge or to disband Task Forces and to review Task Force actions in accordance with these Operating Procedures. Nothing in these Operating Procedures prohibits the Board of Directors from developing ALEC policy; however, such a practice should be utilized only in exceptional circumstances. Before the policy is adopted by the Board of Directors, it should be sent to the Public and Private Sector Task Force Co-Chairs under whose jurisdiction the matter falls for review and comment back to the Board of Directors.
- D. The operating cycle of a Task Force is two years. A new operating cycle begins on January 1 of each odd numbered year and ends on December 31 of the following even numbered year. Task Force activities shall be planned and budgeted on an annual basis within each two-year operating cycle.
- E. ~~At the ALEC Annual Meeting, each Task Force will be responsible for determining an operating budget for the succeeding calendar year. The Executive Director will notify the Task Force Co-Chairs, at the ALEC Annual Meeting, what inflation factor will be used by the Task Force to determine the operating~~

~~and programming budgets. Task Force membership and budget information will be reported to the Executive Director by the Public and Private Sector Task Force Co-Chairs. The Executive Director will present this information to the Board of Directors at its regular fall meeting.~~

- F. If a Task Force is unable to develop an operating budget, the Board of Directors will determine whether to continue the operations of the Task Force. This determination will be made according to: (1) the level of membership on the Task Force, and (2) the need for continued services developed by the Task Force for ALEC.
- G. The Board of Directors shall have the authority to allocate limited general support funds to finance the annual operating budget of Task Forces that meet the requirements prescribed in Section III (E). The Executive Director shall determine, and report to the Board of Directors, the amount of general support funds available to underwrite such Task Forces.

#### ***IV. MEMBERSHIP AND MEMBER RESPONSIBILITIES***

- A. The membership of a Task Force consists of legislators who are members in good standing of ALEC and are duly appointed to the Task Force, in accordance with Section VI (A) and private sector organizations that are full members of ALEC, contribute to the assessment for the Task Force operating budget, and are duly appointed to the Task Force, in accordance with Section VI (B). Private sector organizations that were full members of ALEC and contributed the assessment for the Task Force's operating budget in the previous year, can be appointed to the Task Force for the current year, conditional upon renewal of full ALEC membership and receipt of the current year's assessment for the Task Force operating budget prior to March 31<sup>st</sup>, unless an alternative date has been approved by the Executive Director.
- B. Each Task Force shall have least two Co-Chairs; a Public Sector Task Force Co-Chair and a Private Sector Task Force Co-Chair. The Public Sector Task Force Co-Chair must be a member of the Task Force and appointed in accordance with Section VI (A). The Private Sector Co-Chair must represent a private sector member of the Task Force and be appointed in accordance with Section VI(B). The Co-Chairs shall be responsible for:
  - (1) calling the Task Force and the Executive Committee meetings to order, setting the agenda and co-chairing such meetings;
  - (2) appointing and removing legislators and private sector members to and from the Task Force Executive Committee and subcommittees;
  - (3) creating subcommittees, and determining each subcommittee's mission, membership limit, voting rules, deadlines, and term of service; and

- (4) selecting Task Force members to provide support for and against Task Force policies during formal Board reviews.
- C. Each Task Force shall have an Executive Committee appointed by the Public and Private Sector Task Force Co-Chairs that is appropriate in number to carry out the work product and strategic plan of ALEC and the Task Force. The Executive Committee shall consist of the Public Sector Task Force Co-chair, the Private Sector Task Force Co-Chair, the subcommittee co-chairs, and the remainder will be an equal number of legislative and private sector Task Force members. The Executive Committee will be responsible for determining the operating budget and proposing plans, programs and budgets for the succeeding year in accordance with (Section V (B); determining if a proposed educational activity conforms to a previously approved model bill, resolution or policy statement in accordance with (Section IX (F); and determining if an emergency situation exists that justifies waiving or reducing appropriate time limits in accordance with (Section VIII (H)).
- D. Each Task Force may have any number of subcommittees, consisting of Task Force members and advisors to focus on specific areas and issues and make policy recommendations to the Task Force. The Task Force Co-chairs, shall create subcommittees and determine each subcommittee's mission, membership limit, voting rules, deadlines, and term of service. Any model bill, resolution or policy statement approved by a subcommittee must be approved by the Task Force before it can be considered official ALEC policy.
- E. Each Task Force may have advisors, appointed in accordance with Section VI (G). Advisors shall assist the members and staff of the Task Force. They shall be identified as advisors on official Task Force rosters, included in all official Task Force mailings and invited to all Task Force meetings. Advisors may also have their expenses paid at Task Force meetings covered by the Task Force operating budget with the approval of the Task Force Co-Chairs. An advisor cannot be designated as the primary contact of a private sector Task Force member, cannot be designated to represent a private sector Task Force member at a Task Force, Executive Committee, or subcommittee meeting, and cannot offer or vote on any motion at a Task Force, Executive Committee, or subcommittee meeting.

**V. *Task Force Budgets***

- A. Each Task Force shall develop and operate a yearly budget to fund meetings.
- B. The operating budget shall be used primarily to cover expenses for Task Force meetings, unless specific funds within the budget are authorized for other use by the Task Force. The operating budget shall be assessed equally among the private sector members of the Task Force. The Executive Director, in consultation with the Task Force Co-Chairs shall determine which costs associated with each meeting will be reimbursed from the operating budget. Any funds remaining in a

Task Force's operating budget at the end of a year are transferred to ALEC's general membership account.

- C. The operating budget shall not be used to cover Task Force meeting expenses associated with alternate task force members' participation, unless they are appointed by their State Chair to attend the Spring Task Force Summit with the purpose to serve in place of a Task Force Member who is unable to attend. Task Force meeting expenses of alternate task force members shall be covered by their state's scholarship account.
- D. The programming budget shall be used to cover costs associated with educational activities. Contributions to the programming budget are separate, and in addition to operating budget contributions and annual general support/membership contributions to ALEC. The Executive Director shall determine the contribution required for each educational activity.

**VI. *PROCESS FOR SELECTING TASK FORCE MEMBERS, CHAIRS, COMMITTEES AND ADVISORS***

- A. Prior to February 1 of each odd-numbered year, the current and immediate past National chairman will jointly select and appoint in writing three legislative members and three alternates to the Task Force who will serve for the current operating cycle, after receiving nominations from ALEC's Public and Private State Chairs, the Executive Director and the ALEC Public and Private Sector members of the Board. At any time during the year, the National Chairman may appoint in writing new legislator members to each Task Force, except that no more than three legislators from each state may serve as members of any Task Force, no legislator may serve on more than one Task Force and the appointment cannot be made earlier than thirty days after the new member has been nominated. In an effort to ensure the nonpartisan nature of each Task Force, it is recommended that no more than two legislators of any one political party from the same state be appointed to serve as members of any Task Force. A preference will be given to those ALEC legislator members who serve on or chair the respective Committee in their state legislature. A preference will be given to legislators who sponsor ALEC Task Force model legislation in the state legislature.
- B. Prior to January 10 of each odd-numbered year, the current and immediate past National Chairman will jointly select and appoint in writing the Task Force Chair who will serve for the current operating cycle, after receiving nominations from the Task Force. Nominations will be requested by the outgoing Task Force Chair and may be placed in rank order prior to transmittal to the Executive Director no later than December 1 of each even-numbered year. No more than five names may be submitted in nomination by the outgoing Task Force chair. The current and immediate past National Chairmen will jointly make the final selection, but



should give strong weight to the recommendations of the outgoing Task Force Chair. In an effort to empower as many ALEC leaders as possible, State Chairs and members of the Board of Directors will not be selected as Task Force Chairs. Task Force Chairs shall serve for one operating cycle term. Where special circumstances warrant, the current and immediate past National Chairmen may reappoint a Task Force Chair to a second operating cycle term.

- C. Prior to February 1 of each odd numbered year, the Public and Private Sector Task Force Co-Chairs will select and appoint in writing the legislative and private sector members of the Task Force Executive Committee, who will serve for the current operating cycle. The Public and Private Sector Task Force Co-Chairs will select and appoint in writing the legislative and private sector members and advisors to any subcommittee.
- D. Prior to February 1 of each year, the Private Enterprise Board Chair and the immediate past Private Enterprise Board Chair will select and appoint in writing the private sector members to the Task Force who will serve for the current year. The appointment letter shall be mailed to the individual designated as the primary contact for the private sector entity. At any time during the year, the Chair of the Private Enterprise Board may appoint in writing new private sector members to each Task Force, but no earlier than thirty days after the new member has qualified for full membership in ALEC and contributed the assessment for the appropriate Task Force's operating budget.
- E. Prior to January 10 of each odd-numbered year, the Chair of the Private Enterprise Board and the immediate past Private Enterprise Board Chair will select and appoint in writing the Task Force Private Sector Co-Chair who will serve for the current operating cycle, after receiving nominations from the Task Force. Nominations will be requested by the outgoing Task Force Private Sector Chair and may be placed in rank order prior to transmittal to the Chair of the Private Enterprise Board. The Chair and the immediate past Chair of the Private Enterprise Board will make the final selection, but should give strong weight to the recommendations of the outgoing Private Sector Task Force Co-Chair. In an effort to empower as many ALEC private sector members as possible, Private Enterprise State Chairs and members of the Private Enterprise Board will not be selected as Private Sector Task Force Co-Chairs. Private Sector Task Force Co-Chairs shall serve for one operating cycle term. Where special circumstances warrant, the current and immediate past Chair of the Private Enterprise Board may reappoint a Task Force Private Sector Chair to a second operating cycle term.
- F. Prior to February 1 of each odd-numbered year, the Task Force Private Sector Co-Chair will select and appoint in writing the private sector members of the Task Force Executive Committee, who will serve for the current operating cycle. The Task Force Private Sector Co-Chair shall select and appoint in writing the private sector members of any subcommittees.

- G. The Public and Private Sector Task Force Co-Chairs, may jointly appoint subject matter experts to serve as advisors to the Task Force. The National Chair and the Private Enterprise Board Chair may also jointly recommend to the Task Force Co-Chairs subject matter experts to serve as advisors to the Task Force.

## **VII. REMOVAL AND VACANCIES**

- A. The National Chair may remove any Public Sector Task Force Co-Chair from his position and any legislative member from a Task Force with or without cause. Such action will not be taken except upon thirty days written notice to such Chair or member whose removal is proposed. For purposes of this subsection, cause may include failure to attend two consecutive Task Force meetings.
- B. The Public Sector Task Force Co-Chair may remove any legislative member of an Executive Committee or subcommittee from his position with or without cause. Such action shall not be taken except upon thirty days written notice to such member whose removal is proposed. For purposes of this subsection, cause may include failure to attend two consecutive meetings.
- C. The Chairman of the Private Enterprise Board may remove any Private Sector Task Force Co-Chair from his position and any private sector member from a Task Force with cause. Such action shall not be taken except upon thirty days written notice to such Chair or member whose removal is proposed. For purposes of this subsection, cause may include but is not limited to the non-payment of ALEC General Membership dues and the Task Force dues. .
- D. The Private Sector Task Force Co-Chair may remove any private sector member of an Executive Committee or subcommittee from his position with cause. Such action shall not be taken except upon thirty days written notice to such member whose removal is proposed. For purposes of this subsection, cause may include but is not limited to the non-payment of ALEC General Membership dues and the Task Force dues.
- E. The Public and Private Sector Task Force Co-Chairs may remove an advisor from his position with or without cause. Such action shall not be taken except upon thirty days written notice to such advisor whose removal is proposed.
- F. Any member or advisor may resign from his position as Public Sector Task Force Co-Chair, Private Sector Task Force Co-Chair, public or private sector Task Force member, Task Force advisor, Executive Committee member or subcommittee member at any time by writing a letter to that effect to the Public Sector and Private Sector Task Force Co-Chairs. The letter should specify the effective date of the resignation, and if none is specified, the effective date shall be the date on which the letter is received by the Public and Private Task Force Co-Chairs.

- G. All vacancies for Public Sector Task Force Co-Chair, Private Sector Task Force Co-Chair, Executive Committee member and subcommittee member shall be filled in the same manner in which selections are made under Section VI. All vacancies to these positions must be filled within thirty days of the effective date of the vacancy.

### **VIII. MEETINGS**

- A. Task Force meetings shall only be called by the joint action of the Public and Private Sector Task Force Co-Chairs. Task Force meetings cannot be held any earlier than thirty-five days after being called, unless an emergency situation has been declared pursuant to Section VIII(H), in which case Task Force meetings cannot be held any earlier than ten days after being called. It is recommended that, at least once a year, the Task Forces convene in a common location for a joint Task Force Summit. Executive Committee meetings shall only be called by the joint action of the Public and Private Sector Task Force Co-Chairs and cannot be held any earlier than three days after being called, unless the Executive Committee waives this requirement by unanimous consent.
- B. At least forty-five days prior to a task force meeting any model bill, resolution or policy must be submitted to ALEC staff that will be voted on at the meeting. At least thirty-five days prior to a Task Force meeting, ALEC staff shall distribute copies of any model bill, resolution or policy statement that will be voted on at that meeting. This requirement does not prohibit modification or amendment of a model bill, resolution or policy statement at the meeting. This requirement may be waived if an emergency situation has been declared pursuant to Section VIII(H).
- C. All Task Force meetings are open to registered attendees and invited guests of ALEC meetings and conferences. Only regular Task Force Members may introduce any resolution, policy statement or model bill. Only Task Force members will be allowed to participate in the Task Force meeting discussions and be seated at the table during Task Force meetings, unless otherwise permitted by the Public and Private Sector Task Force Co-Chairs.
- D. ALEC private sector member organizations may only be represented at Task Force and Executive Committee meetings by the individual addressed in the appointment letter sent pursuant to Section VI(D) or a designee of the private sector member. If someone other than the individual addressed in the appointment letter is designated to represent the private sector member, the designation must be submitted in writing to the Public and Private Sector Task Force Co-Chairs before the meeting, and the individual cannot represent any other private sector member at the meeting.

- E. All Task Force and Executive Committee meetings shall be conducted under the guidelines of Roberts Rules of Order, except as otherwise provided in these Operating Procedures. A copy of the Task Force Operating Procedures shall be included in the briefing packages sent to the Task Force members prior to each meeting.
- F. A majority vote of legislative members present and voting and a majority vote of the private sector members present and voting, polled separately, are required to approve any motion offered at a Task Force or Executive Committee meeting. A vote on a motion to reconsider would be only with the sector that made the motion. Members have the right, in a voice vote, to abstain and to vote present by roll-call vote. In all votes a member can change their vote up until the time that the result of the vote is announced. Only duly appointed members or their designee as stated in Section VIII (D) that are present at the meeting may vote on each motion. No proxy, absentee or advance voting is allowed.
- G. The Public Sector Task Force Co-Chair and the Private Sector Task Force Co-Chair, with the concurrence of a majority of the Executive Committee, polled in accordance with Section VIII (F), may schedule a Task Force vote by mail or ~~fax~~ any form of electronic communication on any action pertaining to policy statements, model legislation or educational activity. The deadline for the receipt of votes can be no earlier than thirty-five days after notification of the vote is mailed or ~~faxed~~ notified by any form of electronic communication, unless an emergency situation is declared pursuant to Section VIII (H), in which case the deadline can be no earlier than ten days after notification is mailed or ~~faxed~~ notified by any form of electronic communication. Such votes are exempt from all rules in Section VIII, except: (1) the requirement that copies of model legislation and policy statements be mailed or ~~faxed~~ notified by any form of electronic communication with the notification of the vote and (2) the requirement that a majority of legislative members voting and a majority of the private sector members voting, polled separately, is required to approve any action by a Task Force.
- H. For purposes of Sections VIII(A), (B) and (G), an emergency situation can be declared by:
- (1) Unanimous vote of all members of the Task Force Executive Committee present at an Executive Committee meeting prior to the meeting at which the Task Force votes on the model bill, resolution or policy statement; or
  - (2) At least three-fourth majority vote of the legislative and private sector Task Force members (voting in accordance with Section VIII (F)) present at the meeting at which the members vote on the model bill, resolution or policy statement.

- I. Ten Task Force members shall constitute a quorum for a Task Force meeting. One-half of the legislative and one-half of the private sector members of an Executive Committee shall constitute a quorum for an Executive Committee meeting.

**IX. REVIEW AND ADOPTION PROCEDURES**

- A. All Task Force policy statements, model bills or resolutions shall become ALEC policy either: (1) upon adoption by the Task Force and affirmation by the Board of Directors or (2) thirty days after adoption by the Task Force if no member of the Board of Directors requests, within those thirty days, a formal review by the Board of Directors. General information about the adoption of a policy position may be announced upon adoption by the Task Force.
- B. The Executive Director shall notify the Board of Directors of the approval by a Task Force of any policy statement, model bill or resolution within ten days of such approval. Members of the Board of Directors shall have thirty days from the date of Task Force approval to review any new policy statement, model bill or resolution prior to adoption as official ALEC policy. Within those thirty days, any member of the Board of Directors may request that the policy be formally reviewed by the Board of Directors before the policy is adopted as official ALEC policy.
- C. A member of the Board of Directors may request a formal review by the Board of Directors. The request must be in writing and must state the cause for such action and a copy of the letter requesting the review shall be sent by the National Chairman to the appropriate Task Force Chair. The National Chairman shall schedule a formal review by the Board of Directors no later than the next scheduled Board of Directors meeting.
- D. The review process will consist of key members of the Task Force, appointed by the Task Force Chair, providing the support for and opposition to the Task Force position. Position papers may be faxed or otherwise quickly transmitted to the members of the Board of Directors. The following is the review and adoption procedures:
  - Notification of Committee: Staff will notify Task Force Chairs and the entire task force when the Board requests to review one of the Task Forces' model bills or resolutions.
  - Staff Analysis: Will be prepared in a neutral fashion. The analyses will include:
    - History of Task Force action
    - Previous ALEC official action/resolutions
    - Issue before the board
    - Proponents arguments

- Opponents arguments
- Standardized Review Format: To ensure fairness, a set procedure will be used as the format to ensure the model bill/resolution has a fair hearing before the Board.
  - Task Force Chair(s) will be invited to attend the Board Review
  - Task Force Chair(s) will decide who will present in support and in opposition for the model bill/resolution before the Board.
  - Twenty minutes that is equally divided will be given for both sides to present before the Board.
  - It is suggested that the Board not take more than twenty minutes to ask questions of the presenters.
  - Presenters will then be excused and the Board will have a suggested twenty more minutes for discussion and vote.
  - All votes will be recorded for the official record.
- Notification of Committee: The Director of Policy will notify presenters immediately after the vote. If the Board votes to send the model bill/resolution back to the task force, the Board will instruct the Director of Policy or another board member what to communicate.

E. The Board of Directors can:

- (1) Vote to affirm the policy or affirm the policy by taking no action, or
- (2) Vote to disapprove the policy, or
- (3) Vote to return the policy to the Task Force for further consideration providing reasons therefore.

F. Task Forces may only undertake educational activities that are based on a policy statement, model bill or resolution that has been adopted as official ALEC policy, unless the Task Force votes to undertake the educational activity, in which case the educational activity is subjected to the same review process outlined in this Section. It is the responsibility of the Task Force Executive Committee to affirm by three-fourths majority vote conducted in accordance with Section VIII that an educational activity conforms to a policy statement, model bill or resolution.

## **X. EXCEPTIONS TO THE TASK FORCE OPERATING PROCEDURES.**

Exceptions to these Task Force Operating Procedures must be approved by the Board of Directors.