

THE INFLUENCE OF ALEC ON PUBLIC EDUCATION
IN OKLAHOMA

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Abstract: This thesis is preliminary research that has been conducted about the highly influential national organization known as the American Legislative Exchange Council or ALEC, a corporate bill mill. The goal of this preliminary inquiry is to provide more information about the state organization's influence and activity in shaping Oklahoma's education system, raise public awareness about its practices, and advocate for more transparency regarding ALEC's meetings and the legislators who have benefitted from being ALEC members. This preliminary research consists of a review of ALEC's website, relevant documents, and two interviews including one Oklahoma Education Association (OEA) representative and one elected official who is an ALEC member. Although this topic and organization warrants further investigation, these findings provide insight into the organization, laying the groundwork for future explorations, while also allowing me to practice fieldwork with an organization that tends to operate covertly.

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CHAPTER I

THE INFLUENCE OF ALEC ON PUBLIC EDUCATION IN OKLAHOMA

INTRODUCTION

This project involves preliminary research and possibilities of advocacy for transparency of the Oklahoma branch of the American Legislative Exchange Council, or ALEC. Many regard this national non-profit organization as a corporate bill mill largely because of the model legislation the organization promotes at the state level. Model bills are co-signed by corporate lobbyists and state lawmakers in order to pass a particular piece of legislation. Simply put, through a paid membership, ALEC allows for a close relationship between corporations and state lawmakers, through area-specific task forces, in an effort to pass bills that will be beneficial to those corporate interests. The role that ALEC plays in this partnership is to promote federalism, actively pursuing reform that prioritizes state control and privatization.

Although a great deal of the research on ALEC uncovered important details about its organizational practices, this should be viewed as preliminary research work that I have completed in preparation to pursue this topic further in the future. This thesis reflects the Social Foundations of Education in engaging with the history of education and ALEC's

influence on policy since the 1970s. In taking a critical stand on ALEC, I engage with the philosophy of education regarding what constitutes a democracy and democratic practices. Finally, ALEC's involvement in privatizing public education calls into question the structure of schooling which engages with educational sociology. As ALEC continues to move the needle in its attempts to privatize Oklahoma's schooling, changing the landscape of the state's public education, I believe that the power and influence ALEC has amassed in many facets of policymaking, including the weakening of our public schools through charter schools and other school choice actions, is a reflection on society and the state of education. As a researcher, my work reflects the continued pursuit of this investigation into ALEC and advocates for practices that positively reflect our democratic society.

A. GENERAL FOCUS AND SIGNIFICANCE

The American Legislative Exchange Council, or ALEC, is a non-profit organization that advocates for the agendas of conservative principles and corporate interests. According to their own website, "the American Legislative Exchange Council is America's largest nonpartisan, voluntary membership organization of state legislators dedicated to the principles of limited government, free markets and federalism" (ALEC website, n.d., para. 1). Although ALEC may claim to be both transparent and nonpartisan, the vast majority of their work and efforts have been directed toward divisive and controversial aspects of conservative policies. Perhaps most concerning regarding this particular group's role is that their influence among legislatures and on legislation is invisible from the public's collective consciousness (Cohen, 2011). One example of the covert methods of this particular organization is its attitude toward disclosing information

about who is a member of both its corporate and legislative levels of memberships. In Oklahoma, there is a large number of lawmakers who are legislative members of ALEC. However, it may never be fully known exactly how many Oklahoma politicians are members of ALEC because of the level of secrecy with which this organization operates. What is known is that among those names who have been leaked, ALEC's members in Oklahoma are largely Republicans representing a variety of industries that include oil, health care, private prisons, and education based on the list compiled by the Center for Media and Democracy. It is by design that ALEC remains hidden from the public's eye while influencing lawmakers, donors, and corporations. In recent years, ALEC has paid close attention to education and has seen an opportunity to influence the direction of public education in hopes to privatize this sector which has the potential to negatively alter an already fragile institution.

B. PROBLEM STATEMENT

A common perception of ALEC's practices is that they are deceptive, potentially circumventing democratic values. Others believe that ALEC's practices are no different from those of other special interest groups, with lobbying having a long history in the United States. By its very nature, ALEC works behind closed doors (Fischer, 2011), using its power and money to influence policy, including education policy, at the state level. With the rise of school choice in Oklahoma, a policy ALEC advocates for, Oklahoma's public education is potentially weakened as ALEC's influence becomes more established. Laws aimed at public education are increasing, and this study will address how those policies are shaping Oklahoma's schools and closely examine ALEC as a key organization shaping those laws.

C. PURPOSE OF STUDY

The purpose of this study is to examine the practices or experiences of ALEC's education legislation in Oklahoma. At this stage in the research, the ALEC education legislation will be generally defined as "public funding, private management – these four words sum up American-style privatisation" (Barkan, 2018, para. 2). By relying on public funding, and a belief that schools would be more successful if they were managed like a corporate entity, the privatization movement aims to weaken public education (K-12) while profiting off this style of reform.

RESEARCH QUESTIONS

My two main research questions are:

1. What are the practices of ALEC's education legislation in Oklahoma?
2. What is the relationship between ALEC and Oklahoma's democratic processes?

D. TERMS

Charter Schools were "originally designed to be alternative public schools that would allow for greater experimentation and innovation within the public school system" (Gleason, 2019, p. 1053). Charter schools have achieved a greater level of independence when compared to their traditional public school counterparts. This autonomy has been an attractive alternative to public schools to market reformers, as well as advocates of the neoliberal ideology

Widely agreed upon to be open to free market reform, **neoliberalism** is "a set of free market economic policies that dismantle welfare states and privatize public services"

(Brown, 2006, p. 693). This is essential to understanding the current privatization movement, as well as Milton Friedman's influence and how ALEC has capitalized on this notion, largely because of ALEC's desire to limit government overreach while paving the way for the public sector to be handed over to private businesses, as implied by ALEC's federalist values.

Philanthrocapitalism is a term used "to describe a trend sweeping philanthropic institutions: the tendency for a new breed of donors to conflate business aims with charitable endeavors, making philanthropy cost-effective, impact-oriented, and financially profitable" (McGoey, 2012, p. 185). Crucial to understanding who serves to profit from ALEC's agenda is by considering the philanthropists and their corporate interests, and how each serves to financially benefit from the current privatization movement in public education.

The **privatization** movement of public education arguably has its roots in one of Ronald Reagan's economic advisors, Milton Friedman, who sowed "the seeds of market-based reform" (Barkan, 2018, para. 13) in an effort to weaken the federal government's grasp on education reform and to weaken unions. This effort was successful when the administration published *A Nation at Risk* (1983) which labeled public education as a failing institution that was in desperate need of reform.

School Choice is a broader term that identifies the myriad ways that public education has been weakened by neoliberal policies like No Child Left Behind (NCLB) and Race to the Top (RttT). Essentially, school choice comprises charter schools, voucher programs, and tax credits, as well as private schools and home schools. In terms of education

reform, many policymakers have “turned to quantitative performance indicators to hold schools accountable for students’ performance. The No Child Left Behind Act explicitly couples these policies, enabling parents whose children attend ‘failing’ schools to use these indicators to identify the best schools for their children” (Jennings, 2010, p. 227). Many school choice initiatives may be well-intentioned, but as with many of ALEC’s model bills and views, there is an underlying motive that operates on an insidious level, illustrating “private interests’ major and often covert influence” (Malin et al., 2019, p. 119) in education reform.

E. SUMMARY

This introduction chapter outlined the general focus and significance of the research topic as well as the research questions and problem statement. I also highlighted key terminology important to understanding this topic better. The chapters that follow will present the available literature on ALEC and methodology which describes how I collected my data and analyzed it. I conclude with my findings which are a result of available documents and individual interviews. Together, these add significantly to our understanding of ALEC as an influence on education policy in Oklahoma and my exploration of the privatization movement.

CHAPTER II

REVIEW OF LITERATURE

The literature review process primarily consisted of scholarly articles and journalistic research. Most of the scholarly sources that I found on ALEC were highly critical of the organization. Sources that spoke favorably about ALEC were nonexistent except for ALEC's website. This set limitations while writing the literature review, particularly while writing from an objective perspective, simply because the vast amount of literature is a critique of ALEC.

As presented below, I offer insight into the history of the privatization movement that existed before ALEC. I also review how ALEC began, from its early days and into more recent history, and some of its model legislation that has more immediate implications. I also review the process in which ALEC works, particularly its model legislation and the relationships it encourages among lawmakers and corporations. Lastly, I look at ALEC's connection to education reform, looking at its role to privatize education and how key figures have offered ALEC a larger platform in an effort to legitimize its policies and practices.

A. HOW ALEC WORKS

Since a whistleblower leaked documents to the Center for Media and Democracy in 2011, voters, lawmakers, and scholars were able to confirm what was previously

unknown about ALEC: that the organization, in order to fully support the corporate interests of its members, works within a grey area of democracy and makes many of its deals behind closed doors (ALEC Exposed, n.d.). However, the whistleblower who leaked over 800 documents and model bills allowed, for the first time, a glimpse at this practice of model legislation that was previously only available to members, including corporations and lawmakers. As some scholars have pointed out (Anderson & Donchik, 2014), these leaked documents highlight the ideology behind ALEC as well as the corporate sponsors who will benefit financially from their model legislation.

Although ALEC has a nearly fifty-year history dedicated to a federalist ideology and small government (Anderson & Donchik, 2014), it has only been in recent years that researchers and media outlets have realized that ALEC has, for its entire existence, been a major voice in decisions and legislation completely under the radar of the public's eye (Anderson & Donchik, 2014). This kind of thing should not be allowed to happen, as this suggests ALEC has a voice behind the scenes while voters do not. Unfortunately, this organization has stated countless times that they are a non-profit organization, given the same voice as any other NGO, instead of a lobbying group which is often how they operate. Therefore, the prevailing concern is ALEC's influence and backdoor deals that undermine the democratic process, feed corporate interests, and perpetuate the marginalization of certain sectors of society. It is no wonder ALEC sparked controversy for its role in many states' voter identification laws.

As for any non-profit organization, there has to be money coming from somewhere. What is known is that:

ALEC receives the vast majority of its funding directly from corporations that pay ‘membership dues’ that are many times the dues paid by legislative members. Membership for legislative members is a largely symbolic \$50 a year and represents a mere 2% of ALEC’s funding. Corporations can pay up to \$25,000 a year or more in membership dues. (Anderson & Donchik, 2014, p. 327)

ALEC seems to make another important distinction among its donors. Notably, ALEC seems to have many conservative donors who donate money for their own financial interests, but there is a different group of donors whose financial donations are tied to a common ideology with ALEC.

Among the key aspects of ALEC is that they do not operate to influence federal policy and, instead, focus on shaping state-level policy. According to Anderson and Donchik (2014), ALEC works:

Closely with the State Policy Network (SPN), which “is made up of free market think tanks – at least one in every state – fighting to limit government and advance market-friendly public policy at the state and local levels”. SPN... was set up during the Reagan administration to create smaller versions of the Heritage Foundation in each of the states. These state-level think tanks publish reports, actively place Op-Ed pieces in local newspapers, and help coordinate the promotion of neoliberal and neoconservative bills in state legislatures. SPN itself sits on ALEC’s Education Task Force. (p. 339)

The key to their influence and power is the organization's intention that many task forces are interconnected, and the implementation of one model bill can potentially as employed by a task force benefits the plans mapped out in other model bills.

B. HISTORY OF PRIVATIZATION PRIOR TO ALEC

To tell the story of how the American Legislative Exchange Council, or ALEC, became a major player in conservative and neoliberal politics requires an exploration of two pivotal moments in American politics and education reform: *Brown v. Board of Education of Topeka* (1954) and the defining educational agenda of the Reagan administration with the publication of *A Nation at Risk: The Imperative for Educational Reform* (1983), a report that lambasted public education.

Research suggests that the Supreme Court's ruling in *Brown v. Board*, which established the unconstitutionality of racial segregation in the United States, also encouraged policies, like school choice and the rise in private schools. Dissatisfied with the outcome of the ruling, these education policies grew "as consolation for white families" (LaFleur, 2020, p. 4). Although not explicitly stated by any charter or private institution, there is a clear "lineage of policies that empowered white families to practice anti-Blackness through their educational choices" (LaFleur, 2020, p. 4). Recent topics and trends in education, like school choice and the rise in charter and virtual schools, have roots in exclusivity and, to their advantage, shifting funds away from public schools that are, historically, at the center of the desegregation and integration movements. It is no coincidence, then, that the current state of education in America leads to the further segregation of students, denying equal opportunities for all students.

If the private school and school choice policies asked the question “*who* held the power to decide where students went to school and with whom?” (LaFleur, 2020, p. 5), then it is by no accident that the answer to that question rests with the Reagan Administration’s *A Nation at Risk*. Gary Orfield, a scholar at UCLA’s School of Education and Information Studies, points out that, “the Reagan Administration in its first months opposed desegregation orders and eliminated the desegregation assistance program that had made desegregation plans work better” (Orfield, 2018, p. 339).

The publication of *A Nation at Risk* was critical of the United States’ competitive standings internationally and blamed the qualifications of teachers as the basis for that rationale. Out of this came the standards-based movement with “the basic ideas... that the social context of schools could be overlooked – both the problems of racial and economic inequality and the positive possibilities of racial diversity” (Orfield, 2018, p. 339). Ultimately, those who published this and agreed with its findings believed that equality would pretty much work itself out through these standards.

However, this belief consequently led to accelerated levels of inequity within our public schools. Some scholars argue that the adoption of standardized curricula actually “grew out of events a decade earlier, as part of a broader reassertion of corporate power initiated by major corporations” (Ryan, 2016, p. 35). This reassertion would force private schools and, subsequently charter schools, to compete with public schools, reducing the funds allocated for public education and social services.

These austerity measures, in turn, led to a belief that corporations and competitiveness, and a free-market mentality, would be the key entities responsible for

lifting the United States out of these perceived crises. Ultimately, this philosophy would be paramount to ALEC's agenda to further privatize the education sector, by exacerbating inequity that was already prevalent in our schools and weakening the role of unions, teachers, and voters in deciding the fate of public education.

C. THE HISTORY OF ALEC

Looking at the beginning of ALEC, founded in 1973, one must explore its beginnings and understand that organizations like ALEC didn't just pop up out of nowhere. According to Howard Ryan (2016), right-wing lobbying firms and think tanks would evolve out of a memo sent by Lewis Powell, a future Supreme Court Justice, which outlined a bosses' revolt (p. 35) to a colleague at the Chamber of Commerce. He cautioned that "the attack on the 'American free enterprise system' is 'gaining momentum and converts'" (Ryan, 2016, p. 35). This created a revolt by major corporate CEOs who saw their shares and wealth accumulation threatened (Ryan, 2016).

The bosses' revolt was enough momentum to ignite a movement of corporate and conservative lawmakers and special interest groups to create a national trend of:

Deregulation, regressive tax reforms, and steep cuts to social provision. This, combined with new savings on labor costs, whether through union-busting, technological advances, or offshoring of jobs, all helped the richest Americans amass wealth with a speed and rapacity not seen since the Gilded Age. (Ryan, 2016, p. 36)

This would spark a reactionary movement of neoliberal lawmakers and advocates. Under Friedman's influence and belief in private enterprise and control, many theorized that the federal government was overreaching its role and sought paths, albeit very libertarian

paths as opposed to less extreme neoliberal ones, to weaken that control (Ryan, 2016). In fact, Freidman “abetted the push for private schooling that southern states used to evade the reach of *Brown v. Board of Education*, the Supreme Court’s unanimous 1954 ruling that the segregation of public education violated the constitutional right of Black children to equal protection of the laws” (MacLean, 2021, p. 3). This is certainly playing out during the debate on the role of public education as school choice has become a key concern among its opponents and advocates.

In the decades since, the private sector would take control of public education initiatives, beginning a long marriage between ALEC’s interests, the interests of their corporate partners, and the lawmakers who could pass laws in their favor. Yet, ALEC believed that there was a missing link in the legislative process. While Reagan, an ally of ALEC, handled national affairs, there was still a gap in state-level policymaking. While nearly every member of ALEC is a member of the Republican Party, with close to 2,000 legislative members, collectively they have “successfully advocated conservative, pro-corporate interests through model legislation, legislator training, and media campaigns” (Cooper et al., 2016, p. 382). But what does model legislation look like?

Across the country, and in many conservative states, ALEC wrote model legislation for state policymakers to present to the governing body. Lawmakers were allowed to make changes and edit these model bills, but ultimately the bills largely remained the same in language and outcome.

ALEC relies on support from conservative organizations, donors, and members who pay a \$50 fee each year (Cooper et al., 2016). Of course, these are the individuals

who support this organization, but those who write these model bills are a small group of economists and policy experts (Cooper et al., 2016). The issue here is not that ALEC is lobbying for the interests of conservatives and neoliberalism, the real concern is that for most of their existence they have succeeded by avoiding media scrutiny and, until recently, the research community's radar and that of the public (Cooper et al., 2016).

ALEC's most infamous bill that was successfully passed was the "Stand Your Ground" law. Tied to the NRA's interests, this bill "allows people to use deadly force if they feel they are being threatened without first retreating" (Cooper et al., 2016, p. 383). It was this very law that the defense would use in the trial against George Zimmerman for the murder of Trayvon Martin. This law was not specifically an ALEC model bill initially, but the organization saw how successful it was when it passed in Florida in 2005, and therefore, adopted it in order to push this law in other states that are considerably gun-friendly in their state laws (Cooper et al., 2016). Ultimately, due to Zimmerman's invocation of the "stand your ground" law and its tie to ALEC, many corporate entities withdrew their memberships with the group (Cooper et al., 2016).

Among their other controversial model bills is one regarding voter identification. The last decade would see over half the country pass laws that either made changes to voter identification laws that would restrict voters of color and other marginalized communities. Among these laws would be a preventative measure to curb voter fraud, which has been disproven with every election cycle, but nevertheless has gained more attention in recent years. Looking closely at these voter identification model bills, "up to 11% of the eligible electorate lacks the required identification and these ALEC laws disproportionately affect traditionally Democratic voters – people of color, the elderly,

poor Americans, and students” (Cooper et al., 2016, p. 385). It is clear by just looking at the two types of model bills previously mentioned that ALEC sees success in primarily conservative states who align with the views and goals established by ALEC, making it increasingly more difficult for their detractors to have any kind of influence on the outcome; thus, increasing ALEC’s reach and impact.

D. ALEC AND THE PRIVATIZATION MOVEMENT

Although ALEC has been pushing federalism, and a corporate-friendly agenda since the early 1970s, it would not be until the 1980s that the movement to privatize public education would begin. ALEC’s federalist views would end up taking the center stage following the publication of *A Nation at Risk* (1983), its context arguing that the nation’s public schools are failing their students.

Reagan would also use the office of the president to promote ALEC’s agenda, stating “ALEC has forged a unique partnership between state legislators and leaders from the corporate and business community. This partnership offers businessmen the extraordinary opportunity to apply their talents to solve America’s problems and build on our opportunities” (Moyers, 2012, 2:12). Between this strong endorsement of ALEC’s ideology and practices and the report published by the National Commission on Excellence in Education, this would be foundational to the future of public education and the influence and relationship that would take form with these corporate entities and philanthrocapitalist donors, wealthy donors who use their monetary gains to back social initiatives. Often, these philanthrocapitalists use very much the same tactics imposed in the corporate sector leading to distrust and a lack of transparency. The result of running a publicly funded institution like a for-profit company would be the start of the

standardization movement that still exists today. Through this movement, schools would see an increase in standardized tests funded by the same corporations that sponsored *A Nation at Risk*, as well as the growing popularity of charter schools in the 1990s. Of course, school reform is a constantly evolving idea, but this was the moment that allowed ALEC to take advantage.

Eventually, the school reform movement would see two landmark initiatives as allies to overhaul education: the No Child Left Behind Act of 2001 (NCLB) and Race to the Top (RttT). NCLB famously backed a standards-based curriculum with the goal of reaching the nation's more disadvantaged students. However, many scholars point to the fact that this congressional act potentially did more harm to those students in comparison to the positive results.

Arne Duncan, Barack Obama's Secretary of Education, was largely responsible for Race to the Top. Based on a ranking system of innovation, and evaluated on a common curriculum known as Common Core, this too was meant to help underperforming schools. However, much like its predecessor, this would arguably be detrimental to those students and schools it sought to lift up and paved the way for the increase of charter schools in the country.

Ultimately, the goal of this national trend was "to improve education, foster a better economy, and help poor children escape poverty" (Ryan, 2016, p. 31). Private donors and corporate sponsors would be able to use their business techniques to help students become college-and-career ready and to improve the nation's public education through standardization. "For these reformers, high-stakes testing and teacher

‘accountability’ are the defining metrics of success” (Ryan, 2016, p. 31). Of course, the metrics of success used to calculate underperforming schools ignores the need to decrease class sizes and increase the school conditions and resources, and funding (Ryan, 2016). Whether or not these corporate reformers believe that a one-size-fits-all curriculum and standardized testing is beneficial is worth exploring, especially considering the private and charter schools many of the responsible parties send their own children to. According to the Center for Media and Democracy, “ALEC model bills divert taxpayer money from public to private schools through a variety of ‘voucher’ and ‘tuition tax credit’ programs. They promote unaccountable charter schools and shift power away from democratically elected local school boards” (Fischer & Peters, 2016, para. 6). While NCLB and RttT are both federal initiatives, ALEC still stood to benefit from this corporate-backed school reform movement aimed at privatizing education. Fischer and Peters (2016) also noted that in 2015 alone, ALEC pushed a total of 172 model bills aimed at privatization (para. 1).

There is much to be said regarding ALEC’s own education report card that ranks states based on how ALEC-friendly each state is. A peculiar ranking system that lists often poor performing states in public education is much higher because of charter schools, homeschool regulation burdens, private school choice, and digital learning. For example, Oklahoma often ranks towards the bottom of the 50 states for quality secondary education and instead ranks in the top ten because of these factors that ALEC has set.

E. THE U.S. SECRETARY OF EDUCATION

In recent years, ALEC’s influence has grown in no small part due to the appointment of Betsy DeVos as U.S. Secretary of Education. As a wealthy

businesswoman and megadonor for conservative causes and lawmakers, she would set an agenda advocating for the expansion of charter schools and the broader goal of school choice and voucher programs.

DeVos, as a guest speaker for ALEC's convention in Arizona in 2019, praised the state's school choice initiatives. DeVos was successful in furthering school choice by promoting a tax credit scholarship that would allocate public money for school vouchers. Although before her tenure, allocating this kind of money for religious-based organizations was not constitutional in some states, congress would rewrite that tax code to further DeVos' agenda.

Some authors have written about the alliance between DeVos and ALEC. Clearly, both parties view school choice as potentially beneficial agenda goals, both for personal gain and for furthering the other's state-level strategy. According to Julie Underwood, because of DeVos' decision to speak at ALEC events for all of its paid members and sponsors, she "is legitimizing not only the policies that ALEC promotes, but the way it promotes them" (Prothero, 2017, para. 18). By legitimizing ALEC's education reform policies raises further questions about the connections between this organization's intentions and those of the wealthy and powerful.

Although Betsy DeVos is simply viewed as an ALEC ally, rather than a member, her alliance served to benefit financially from the school choice and voucher initiatives. If it is a conflict of interest for an organization to have the advantage of persuasion due to its duplicitous activity and closed-door meetings, then the same applies to public servants who knowingly enact policies that help them to accumulate more wealth. Furthermore, as

Kaplan and Owings (2018) state, “Ms. DeVos’s policy views and sway on how states craft their school choice options remain a cautionary tale of how persistent lobbying, often beneath public awareness, can undermine children’s education at taxpayers’ expense” (p. 76). This, in a sense, is central to ALEC’s aims within education reform.

F. SUMMARY

The American Legislative Exchange Council certainly deserves further investigation. For its back-door deals where corporate executives lead the discussions, and for its continued push to privatize public education. It is also worth exploring exactly who serves to benefit from the rapid growth of charter schools, voucher programs, and tax credit scholarships. Certainly, those to whom these policies potentially cause harm like labor unions, public educators and their students, and districts that lack funds and resources because of their zip codes deserve answers for the current corporate-backed reform movement.

Very few, if any, research articles exist regarding ALEC. This is likely due to the secrecy in which they operate. Much of the current understanding of ALEC stems from the leaked documents by the Center for Media and Democracy, as well as journalistic accounts and a renewed interest in the former Secretary of Education’s controversial opinions regarding public schools.

Throughout the literature review process, as I was exploring ideas others had already expressed, I encountered a dominant message regarding the views and opinions on ALEC. As implied by much of the available literature, the dominant message is that ALEC and the methods it employs are insidious. As Anderson and Donchik made clear,

this organization runs on a campaign to influence state policies for their own benefit and that of the corporations who are their biggest donors, nodding to the neoliberal values it so often endorses. Much of the literature is highly critical of ALEC making it difficult to find scholarly work that might be more forgiving to the nature of this organization, with the dominant source of literature that speaks favorably of ALEC being its own website.

This study proposes to fill a gap in the research by investigating the continued impact that the American Legislative Exchange Council, and its allies, have had on public education, highlighting its operation in Oklahoma.

CHAPTER III

METHODOLOGY

This thesis explores the impact that the American Legislative Exchange Council, or ALEC, has had on public education in Oklahoma. Due to the nature of ALEC's practices, I used their own website as a direct source to obtain model bills that they have written that directly target public schools in various states. By looking at charter school growth according to ALEC allies, and interviews with individuals who have experience with ALEC or who are advocates for public education and have knowledge about ALEC, I am able to depict some of ALEC's influence in Oklahoma as well as its motivation that sidesteps democratic values.

A. QUALITATIVE APPROACH

This investigation of ALEC's practices uses a qualitative approach and a case study methodology. A case study can be summed up as, "an in-depth, multifaceted investigation, using qualitative research methods, of a single social phenomenon" (Orum et al., 1991, p. 2). I designed an instrumental case study that elaborated on the complexity of the issues (Stake, 1995). Researchers define case studies in several ways. Stake (1995)

defined case study as the “study of the particularity and complexity of a single case, coming to understand its activity within important circumstances where the researcher emphasizes episodes of nuance, the sequentiality of happenings in context, and the wholeness of the individual” (p. xi-xii). A case study is a “bounded system” by time and place (Stake, 1995; Creswell, 1998); therefore, this study is bounded by the practices of ALEC in Oklahoma’s education system, the single phenomenon that circumvents the democratic processes that allow elected representatives to ignore the will of the people to benefit corporate entities and special interest groups. This case study relies on interviews, model bills published by ALEC, as well as some material artifacts. These data sources allow for a broader scope of ALEC’s influence and practices. A case study on ALEC should lead to new insights on ALEC’s agenda and investigations regarding school choice initiatives, like charter schools, in Oklahoma.

I take on a critical theoretical perspective, as I am focused on how and where power dynamics are embedded in ALEC’s operation. I come to this study with a constructionist perspective, as I understand that knowledge is created or constructed through humans’ interactions with their realities (Crotty, 1998).

B. DATA COLLECTION

This section describes the data sources and the rationale for each. The data sources for the first research question consist of model bills that seek to expand on charter schools and school choice initiatives, like the Oklahoma Equal Opportunity Education Scholarships. It also consists of uncovered documents provided by the Center for Media and Democracy

For the second research question, I analyzed ALEC's goals and agenda. In addition, I conducted interviews with individuals with a member of the Oklahoma Education Association (OEA) to gain insight into public education advocates' views on ALEC. Similarly, I interviewed a member of ALEC to understand how a member might view this organization's practices.

One-On-One Interviews

Perhaps the most important source of data collection was obtained through interviews. I went through the university's Institutional Review Board (IRB) process in an effort to appropriately secure the interviews. Once the IRB was approved, I began reaching out to individuals based on the list of Oklahoma's ALEC members which was generated by the Center for Media and Democracy. The OEA representative interview was secured through an email exchange (see Appendix D: Recruitment Transcript). However, the process to get an interview with an ALEC member proved far more difficult. This consisted of many emails being sent to lawmakers, some expressing interest but finding it difficult to participate due to their schedules, while others did not respond at all. One representative suggested I reach out to Oklahoma's House and Senate education committee members, but I received no responses. The ALEC member I did interview does not avoid their affiliation but initially could not promise that they would have time. That interview ended up taking place in the early hours of the morning, a stipulation I was prepared for to ensure an ALEC voice was represented. Both interviews lasted over an hour (see Appendix E: Interview Questions) and I was able to take notes as I listened to their responses. I also used Temi, a transcription service, that transcribed the recording and allowed me to highlight key moments throughout each interview.

The participants who agreed to be interviewed have foreknowledge about ALEC's role in Oklahoma politics. Relying on information accessed by the Center for Media and Democracy, many members within the Oklahoma legislative body are also members of ALEC, including task force leaders. The voices of these members are valuable to understanding the agenda behind ALEC. One of the participants I was able to interview is a current ALEC member and state policymaker who is a proponent of school choice.

Additionally, voices from those who might oppose ALEC and school choice are valuable. Members from the largest teacher union in Oklahoma, OEA, as well as individuals whose scholarly field of expertise is policy, offered insights as to how this organization ignores the democratic processes and harms public schools. In this instance, I interviewed an OEA representative who is a public education advocate. This allowed me to gain perspectives from the two schools of thought regarding ALEC's influence and methods.

F. DATA SOURCES

Material Data Sources

Although ALEC may hide in the shadows when it comes to influencing laws, its website offers a surprising amount of material that proved useful. Primarily, I explored the ALEC website to view the model bills that have been published. Model bills like the Charter Schools Act, for the most part, affect the public; this painted a broader picture as to what, exactly, this organization views as education legislation from a federalist perspective.

ALEC's website also contains valuable sources of information about how they view the state of education in Oklahoma. ALEC releases a report card that grades and ranks each state based on how friendly that state is to charter school expansion and other school choice initiatives. It is worthwhile to understand how Oklahoma ranks so high according to this organization, largely due to the state's embrace of school choice initiatives when many other education ranking systems identify Oklahoma as falling behind nationally in academic achievement. Finally, ALEC's website offers a variety of video content from speakers and organization figureheads who discuss topics from an ALEC standpoint. These videos, including speeches by former Secretary of Education Betsy DeVos, are beneficial as artifacts that answer why ALEC might be pushing its members to pass certain pieces of legislation. Due to its secretive meetings, these public accounts are important to understanding ALEC as an organization and how it functions.

In addition to ALEC's website, the Center for Media and Democracy (CMD) was a valuable source. On the CMD website, they offered a verified list of ALEC corporate members as well as a list of Oklahoma legislatures who are also members. CMD is responsible for exposing many of ALEC's practices which made it an excellent resource for much of my research.

Other material data sources were pictures provided to me of the interior of the Oklahoma State Capitol, as well as charts published by the Oklahoma Department of Education on charter schools in the state.

C. DATA ANALYSIS

I analyzed the material artifacts, reviewing them multiple times, using both “open” and “focused” coding (Saldaña, 2016) to see what emerged and also to see what information in the artifacts responded to the research questions. Among the data compiled for my research, I was able to conduct two interviews with a representative for OEA as well as an elected official who is a key member of ALEC’s Oklahoma coalition. Following each interview, I transcribed and coded the data from those interviews and wrote reflections about what was said aloud and also what wasn’t said.

D. REFLEXIVITY

To ensure the integrity of this thesis, I offer clarity on my position as a researcher. In qualitative research, it is important to acknowledge that the researcher is, in fact, the instrument (Dodgson, 2019) from which new knowledge is constructed. Berger (2013) points out that “reflexivity is commonly viewed as the process of a continual internal dialogue and critical self-evaluation of researcher’s positionality as well as active acknowledgment and explicit recognition that this position may affect the research process and outcome” (para. 3).

This critical evaluation of my positionality is displayed in the collected data from interviews since I chose what was important to highlight from the transcripts. I also reflected on my own biases early on in the research since my view of ALEC was already highly critical. The critical position I take was only illuminated by the thread of unfavorable positionality explored throughout the literature review process.

Both interviews were conducted in a similar fashion; however, I found my questioning to be more carefully worded when speaking with the current ALEC member. I recognized my good fortune to speak with an individual whose position might not reflect my own. I did not want my views to seep in and obstruct the interview – that is not my role. Although some questions might have challenged the ALEC member, I wanted to get a full picture from this perspective. On the other hand, while speaking with the OEA representative, my questions flowed in a more comfortable manner. After all, the research was not critical of labor unions in any fashion but was so with regard to ALEC and the perception I already had. While speaking with the ALEC member, when we discussed education policy, which was not their specific field of knowledge, the interview was primarily comfortable. However, there was slight discomfort as our focus narrowed to ALEC, and questions of transparency arose. Naturally, I sensed suspicion from the ALEC participant about the nature of my research as the interview began with the ALEC member questioning me first. In an effort to maintain neutrality, and because I truly was interested in their experiences, I respond with transparency about my interest in ALEC as well as its influence on public education, simply inquiring to reach a better understanding of the organization. With the OEA representative, there was no such suspicion of my intentions, believing that their viewpoints could stand up to scrutiny.

E. SUMMARY

This chapter outlines the methodology for my research which utilizes a case study methodology into a single organization called ALEC. This qualitative approach relies on interviews, material artifacts, and reviews of model bills published both by ALEC and the Center for Media and Democracy. The interviews consisted of a single individual who

represents ALEC and a single individual who represents OEA, who could offer an insight into ALEC's impact from a public education perspective. The material data sources came from the available model bills, ALEC's report card that measures states on charter school expansion, and videos on ALEC's own website. I was able to analyze each data source as they emerged, and as they informed my research questions.

CHAPTER IV

FINDINGS AND ANALYSIS

The central purpose of this study and the results presented is to examine the practices behind the American Legislative Exchange Council, specifically regarding its agenda and aims of influencing education legislation in the state of Oklahoma. Overall, ALEC has been clear that its primary motivation is to privatize public education and broaden the scope of school choice in the state. ALEC's objective is to weaken public education and unions through charter school expansion and the use of public funds for private ventures like many school choice initiatives. Ultimately, ALEC sees a way to profit from the intentional weakening of the public school system. This has led to two research questions that have driven the data below:

1. What are the practices of ALEC's education legislation in Oklahoma?
2. What is the relationship between ALEC and Oklahoma's democratic processes?

In this chapter, I will present the findings from the data that I have collected. The findings presented will follow a thematic structure. I first show how ALEC functions. Secondly, I provide the underlying goals of ALEC's practices. Lastly, I critically analyze those practices in an effort to highlight a desire for increased transparency.

A. ALEC MEMBERS IN OKLAHOMA

Upon entering the Oklahoma State Capitol, one is greeted by what is commonly referred to as the Ring of Honor, signifying the bond between corporate and private monies and Oklahoma politics. It showcases

The names of the dome's major corporate and private sponsors. The names of 13 donors who contributed \$1 million or more to the \$21 million dome project have been inscribed in 6-inch-tall letters in a ring at the base of the 155-foot-tall dome. (News on 6, 2002, para. 1-2)

Although public tax dollars helped fund the construction of the dome, that recognition is encircled by some of the most powerful corporations in the country including ConocoPhillips, Hobby Lobby Stores, Halliburton Company, Southwestern Bell Telephone Company, and General Motors.



Figure 1: Ring of Honor (Cooper, 2022)

Each of these corporate entities has a history of supporting ALEC's agenda in their respective fields, even if they have since abandoned ALEC after poor publicity. For example, Southwestern Bell Telephone Company is a subsidiary of AT&T which ended its membership with ALEC in November of 2018. AT&T, which "long held a seat on ALEC's Private Enterprise Advisory Council, and was a regular high-level sponsor," (Armiak, 2018, para. 5) cut ties due to ALEC's embrace of its convention headlining speaker that year, David Horowitz, and the persistent hate speech throughout his presentation targeting the Muslim community (Armiak, 2018). While ConocoPhillips has not made any public statements regarding its previous ALEC membership, it seems it cut ties with the organization in 2013. This was, in part, due to their own investors challenging the company's involvement with ALEC and the model legislation drafted, which is detrimental to the work being done to combat further environmental disasters, including "legislation that kills carbon pricing and renewable energy targets, turns over public lands, and prevents fracking disclosure laws" (Leber, 2012, para. 4).

In addition to these corporate ties, many Oklahoma policymakers are current or former members of ALEC. A sample of those policymakers and their respective districts include (See Appendix A for a full list):

- Stephanie Bice. (R-05)
- Sherrie Conley (R-20)
- Nathan Dahm (R-33)
- Julie Daniels (R-29)
- Sally Kern (R-84)
- Ajay Pittman (D-99)

Interestingly, there is the common perception that ALEC is the entity largely responsible for influencing policy. According to a current ALEC state representative, this assumption is somewhat obscured, choosing to “look at it the other way around, which is us participating in ALEC” (Personal interview, August 2, 2022). ALEC legislative members and corporate members vote on policy together before it is approved as model legislation. However, when “over 98% of its revenue comes from sources other than legislative dues, primarily from corporations and corporate foundations,” (Source Watch, 2022, para. 1) that claim becomes unclear, especially when “they’ve got their logos all over everything, at least when you go to conference. So, there’s the typical silver, gold, platinum, bronze type levels of sponsorship for different things” (Personal interview, August 2, 2022). This implies that the balance of power throughout ALEC’s voting process values the views of its corporate members and sponsors over those of elected representatives. Additionally, it becomes clear that there is a hierarchy in how those corporate bills are promoted, likely based on corporate membership contributions. The conclusion is that ALEC’s corporate sponsors, which include Koch Industries and K12 Inc. – a for-profit virtual school available in Oklahoma – are, in fact, influencing policy by seeking out legislative members who might push those corporate-sponsored bills.

At the 2021 States and Nation Policy Summit hosted by ALEC, the current Governor of Oklahoma, Kevin Stitt, gave a speech about how “Oklahoma’s efforts to get government out of the way had empowered small businesses to fuel the growth in local communities” (ALEC, 2022, para. 5). Among the bills that have passed into law since Governor Stitt took office is a 2021 bill, known as HB 1775, which outlaws the teaching of Critical Race Theory in K-12 and colleges. This has not only been endorsed by ALEC,

but the organization also claims responsibility for it with the president and CEO of ALEC, Lisa Nelson, on record stating “let’s start calling it ‘teaching racism’ instead of Critical Race Theory” (Armiak, 2021, para. 16). Indeed, Stitt went on record in a video statement similarly arguing “as governor, I firmly believe that not one cent of taxpayer money should be used to define and divide young Oklahomans about their race or sex” (Governor Kevin Stitt, 2021, 0:16). When asked to speak further on the “dismal” state of education in Oklahoma, an OEA representative whom I interviewed responded to Governor Stitt’s bill arguing that it is:

The misrepresentation of truth or misrepresentation of reality... People are willing to turn a blind eye to the fact that someone is truly misappropriating monies, not being truly transparent, not being accountable, but because they could string together the right words that would make someone fear that that’s truly going to come to fruition when in reality it is not happening in the classroom... critical race theory is not taught in K12 and it’s the bastardization of certain words, phrases, terms, twisting what they mean, twisting their origins. What it’s doing is just igniting fear. (Personal interview, July 26, 2022).

As is currently playing out in the public arena, this fearmongering and misrepresentation of the truth, as well as the blind eye turned to internal governmental scandals, has made public education, particularly Tulsa Public Schools, a key target of the governor going as far as requesting a special audit of the district for teaching Critical Race Theory, resulting in an accreditation demotion (Bikales, 2022).

Additionally, Governor Stitt's predecessor, Mary Fallin, was honored with ALEC's Legislator of the Year award in 1993 (ALEC, 2013) when she was a representative and has also spoken approvingly of ALEC's agenda since. Although, in 2018 during the Teacher Walkout, ALEC disapproved of the agreed-upon tax increases that would ensure a teacher pay raise that year, and blamed OEA and Oklahoma teachers for tax increases (Griffith, 2018) on sectors that ALEC often promotes, like oil and tobacco. Although the outcome of the Teacher Walkout of 2018 was in opposition to ALEC's budget reform policy and practice of vilifying unions, the position from one representative of OEA is that Governor Fallin's view of unions and education was in step with ALEC's view on public education. They argued that "had Governor Fallin not come out and said 'come to the Capitol on Monday and thank your legislators for this pay raise and then be back in your classrooms on Tuesday', that was the mistake made there because it was so incredibly dismissive of all the emotion and all the feelings of not being heard, the feelings of lack of significance were absolutely encapsulated in that one statement" (Personal Interview, July 26, 2022).

B. CHARTER SCHOOL EXPANSION

Charter schools have operated in Oklahoma as early as 1999 due to Oklahoma's Charter School Act. The conversation has shifted now toward charter school expansion and how charter schools fit into ALEC's objective to promote school choice. "Here's the crazy thing," an OEA Representative said:

We do have school choice. When we talk about school choice and the vouchers, again, it's creating the smoke screen of what the reality of it really is going to be. It looks great on paper, it's always touted as the marginalized populations are

going to get an opportunity to go to these incredible private schools or these incredible charter schools, and they will be given the same opportunities and it will create equity and equality, and they're going to get the same chances that these other children are getting because they're able to attend that particular school. We don't have the conversation about transportation, and we don't have the conversations about the cost differential of that voucher... There will be a handful that will come through and look like a success and we will ignore everyone else that this did not work for, and we will ignore how we have left the state of public schools in the aftermath" (Personal interview, July 26, 2022).

This notion, that Oklahomans already have school choice, and that charter schools are well-established, illustrates the impact that charter schools and the push to privatize education have had on public education. Surprisingly, the representative for OEA agreed that Oklahomans should have the right to choose, but where that opinion differs from many of the lawmakers who would otherwise agree is that public money should not be funding that choice.

Throughout the research, charter school expansion has consistently been illustrative of ALEC's education legislation agenda, providing its members opportunities to expand their reach from the private sector into the public sector. Figure 2 below highlights just how much growth Oklahoma's charter schools have seen in the past decade.

Charter School Enrollment 2011-20

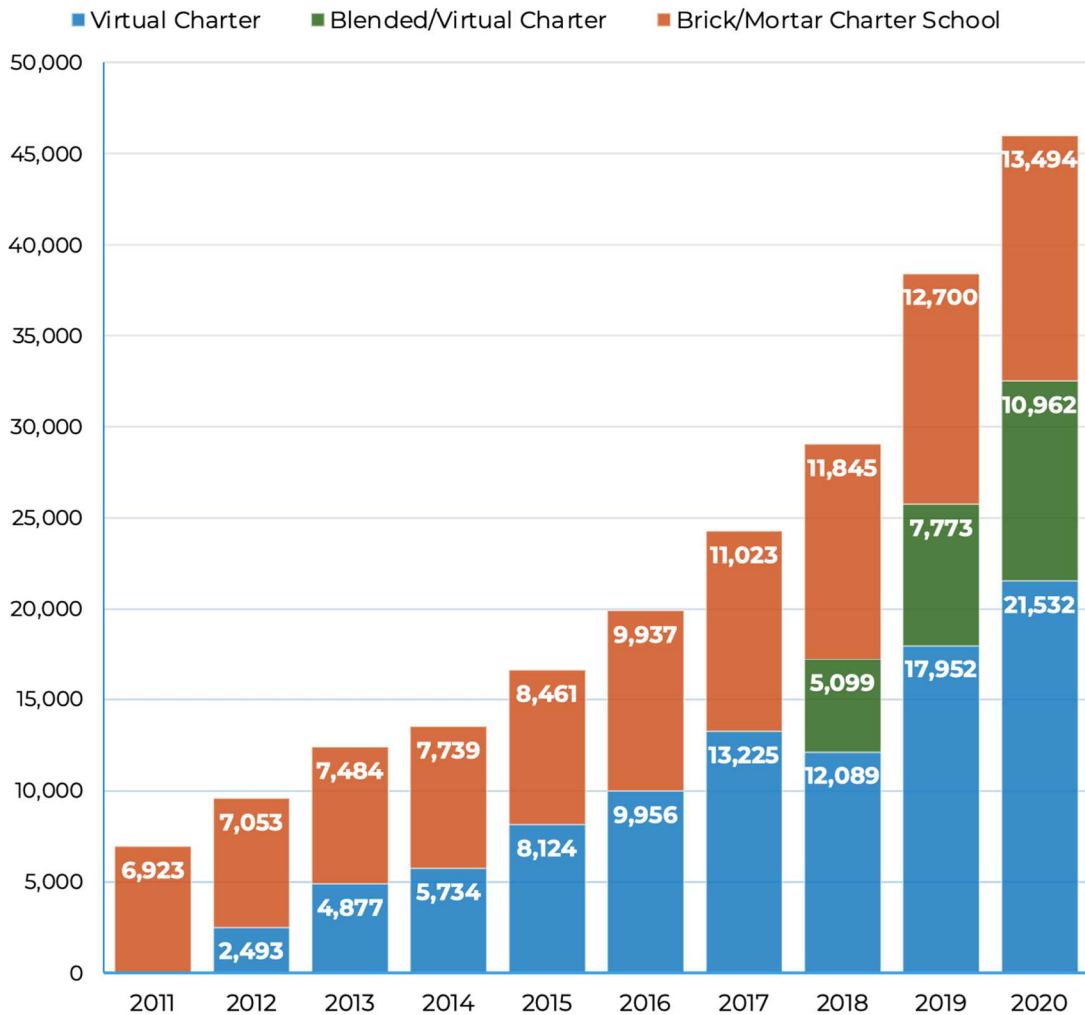


Figure 2: Charter School Enrollment 2011-20 (Oklahoma State Department of Education, Office of Accountability, 2020, p. 11)

According to the Oklahoma State Department of Education (2020), Oklahoma passed “the Oklahoma Charter Schools Act in 1999” and in 2015 “made the biggest jump in charter law rankings because of the overhaul of its law, including statewide expansion, school and sponsor accountability, and replication of high-quality charters” (p. 4). Due to the nature of ALEC’s operation, drafting, and pushing out model legislation on the state level, I discovered that Oklahoma’s own Charter School Act has almost the exact

wording as ALEC's Charter School Act in 1995 (see Appendix B for a comparison). According to the Center for Media and Democracy, which is responsible for exposing much of ALEC's practices in 2011:

This model legislation would allow for charters from the state to create and operate schools outside of traditional public schools. These schools would be exempt from state laws and regulations that apply to public schools. These schools would be funded on a per-pupil rate, the same as public schools, even if they lack the facilities and other services that traditional public schools provide. This is an early charter school proposal that allows states to be a chartering entity directly. (ALEC Exposed, n.d., para. 2)

The direct correlation between Oklahoma's Charter School Act and ALEC's model bill is indicative of a larger drive to privatize the education system, even if the organization attempts to distance itself from bills like this. The Center for Media and Democracy points out that "after the launch of ALECExposed.org in 2011" ALEC sought to dissociate itself from this model legislation, "but it has done nothing to get it repealed in the states where it previously pushed for it to be made into law" (ALEC Exposed, n.d., para 1). Although ALEC has tried to dissociate itself from this piece of legislation after its practices were brought to light, it has shown to be successful throughout the country with 45 states now having passed charter school laws (Rafa et al., 2020, para. 3).

ALEC has even stated its own goals and desires within the education system arguing that

Instead of throwing more money at the problem, it's time to let parents take back control over their children's educations by allowing them to apply competitive pressure to schools and educational providers. Innovative, parent-empowering choices such as charter schools, voucher programs, tax credit scholarships, homeschool, and education savings accounts allow each child the opportunity to reach his or her potential. (ALEC, n.d., para. 3)

This is a clear indication of how ALEC views education and why the organization views the push to privatize our education system as beneficial. ALEC argues that too much public funding is spent on public education, that the quality of education is diminishing, and that school choice initiatives like charter schools allow taxpayer dollars to be redirected to schools of their choosing, thus depleting the public sector of its funds.

C. CHARTER SCHOOL PERFORMANCE

A common claim among school choice proponents is that charter schools, while they do offer students an alternative path, outperform traditional public schools in academic achievement and, by doing so, a portion of public funds should be diverted away from public schools. The issue lies with ALEC's assertion that public schools receive a disproportional amount of tax dollars despite claims of a weakening quality of education that public schools offer. However, the data suggests that claims (made by ALEC) that charter schools increase student performance are not entirely accurate. A study conducted by the National Conference of State Legislators (NCSL), a non-profit organization referenced by the ALEC state representative as "more bipartisan than ALEC" (Personal interview, August 2, 2022), has shown that this claim does not depict the entire picture. NCSL, which also has an education task force, has concluded that:

The most rigorous studies conducted to date have found that charter schools are not, on average, better or worse in student performance than the traditional public school counterpart... The single most rigorous study of charter schools yet conducted, funded by the U.S. Department of Education and conducted by Mathematica Policy Research, found that on average charter middle schools that held lotteries for entrance were ‘neither more nor less successful than traditional public schools in improving student achievement. (National Conference of State Legislators, n.d., para. 2)

The fact that this study goes as far as to highlight the parallel performances between traditional public schools and charter schools is worth considering as charter school expansion continues to impair traditional public-school funding. It is also worth pointing out that much of the data I came across through my research measured success in attendance rather than performance, a point of measure that suggests ALEC’s effectiveness in messaging and misleading the public. While the presence of charter schools performs well on attendance, an achievement worth recognizing, the distinction that charter schools perform better is a false notion and obfuscates this important point.

The National Education Association (2019) states that:

Charter performance has shown that – just like traditional public schools – some are great, some are poor, and the majority are somewhere in the middle. It cannot fairly be claimed that charter schools outperform similarly situated public schools. Indeed, to the degree charter schools perform better it tends to be related to their exclusivity and selectivity. (p. 21)

Indeed, it is the lack of accountability within charter schools that ALEC endorses.

Another document that the Center for Media and Democracy uncovered was a model bill drafted by ALEC called the Next Generation Charter Schools Act. According to the Center for Media and Democracy project ALEC Exposed (n.d.), this bill which was approved by ALEC's Education Task Force:

Attempts to have state taxpayers subsidize charter schools, which may be non-profit or for-profit schools, to compete with public schools, while exempting these charter schools from complying with any of the legal requirements that govern public schools, such as teacher and principal qualification standards, wage and hour requirements, benefits, employment negotiation rules, athletic, inter-mural or extra-curricular program requirements, or even construction or safety rules. (para. 2)

Although the Next Generation Charter School Act was an early piece of legislation that ALEC adopted in 2007 (ALEC Exposed, n.d., para. 1), the impact it has had in Oklahoma is immense. To see how Oklahoma compares to the rest of the states, ALEC views Oklahoma as the eighth best education system due to its charter school expansion, and other school choice initiatives like private schools, virtual programs, and even homeschooling which is completely unregulated in the state of Oklahoma (see Appendix C). These criteria are a large portion of ALEC's goal to privatize education and use taxpayers to further this goal. This is a dramatic shift when compared to other annual report cards, which rank Oklahoma as 49th among the 50 states in academic achievement (EdWeek Research Center, 2021). School choice options should not be the true measure

of a state's education performance but in a moment of bipartisanship many tout school choice as a step in the right direction, and progress for neoliberalism.

D. A MATTER OF PERSPECTIVE

Public education for every individual is a fundamental right to a functioning democracy. When a non-profit organization works to weaken the public education system and is intent on destroying union representation among teachers and staff, it is worth exploring its principles. When that same organization works to influence lawmakers to pass legislation that uses public funds for private investments, all while making deals outside of the public's eye, it is worth considering how ALEC potentially circumvents democracy for profit or gain. As one OEA representative explained it:

They take these legislators on incredible junkets to these wonderful places, where they just entice them. And they pander to the current climates and pander to the super majority to that overarching push for a neoliberal agenda. We're moving away from the collective and moving toward the individual. So, it doesn't matter if this is going to hurt 98% of your population, it's going to help 2%, and guess what? You're part of that 2%. So, this is going to end up helping you. One of the representatives, when we talk about the vouchers, is that he's a huge proponent of vouchers, pushes them all the time. Well, of course he does, his children go to private schools. He personally would benefit from the vouchers, which I look at as being a conflict of interest. (Personal interview, July 26, 2022).

This seems to be an overarching theme in terms of ALEC's more questionable practices, bypassing any regard for transparency. ALEC can entice legislators when its agenda can

be beneficial to the individual, rather than for the collective good. On the other hand, the ALEC member made a point to discuss the relationship between ALEC and its members:

I think if you're looking for how a legislator might be influenced, I don't think it's any different than any other relationship a legislature establishes with a lobbyist or a representative of some organization. There is a heavy effort to get a legislator's attention by all these entities but also just hired lobbyists because they want the ability to come in and talk to you about things that they're interested in. It's easier if you have a relationship. I was told it was a relationship business and I see that I first got in it. (Personal interview, August 2, 2022)

The ALEC member does not mention the individual benefits of being a member of this organization. Instead, the ALEC member views it as a political relationship similar to that of others, like lobbyists and special interest groups.

ALEC's primary agenda for education policy is centered around privatization and individual choice. From the perspective of the OEA representative, this potentially threatens the public sector since it treats people as consumers, without regard for the role of those public services. The OEA representative explains further:

The intent is [to] get rid of unions and if we can water down the education system and we can privatize those things that were for the collective good – again, I go back to healthcare and the prison system and education – we privatize those things, we place people in a position of being a commodity. (Personal interview, July 26, 2022)

This is what the commodification of schooling looks like, where education is seen as a “private good that students must obtain to become qualified workers and move up the socio-economic ladder... Other goals associated with learning, such as developing the whole child or preparing citizens for a democratic society, become less critical” (Min, n.d., para. 17). Of course, this is a matter of perspective since many ALEC members do not see privatization, or ALEC’s methods, as dishonest or harmful to the collective good. “People criticize this cut-and-paste legislation. The truth is everybody’s statutes are different, and if you’re going to run something like that in your state, you like that idea, you’re going to fit into your statutes and adjust accordingly” (Personal interview, August 2, 2022). An OEA representative counterargues this claim highlighting a payroll deduct bill designed to target unions, stating:

We actually had one that passed, but because they didn’t change two or three phrases or lines to it, it actually went against our state statute. It couldn’t even go into effect, they hadn’t even bothered to do their own research to determine what they needed to change to make it align with state statutes. (Personal interview, July 26, 2022)

One could argue that this instance is an outlier; nevertheless, this cut-and-paste legislation, or “Mad Libs legislation” (Personal interview, July 26, 2022) offers its members an easy and accessible means of pushing policy without much thought, especially when much of the legislation that passes is indistinguishable from its model form. As underscored by the Center for Public Integrity,

Americans elect their state lawmakers to... make laws. But sometimes, a lawmaker introduces a bill in his or her own name that isn't born of thoughtful deliberation or responses to constituent needs. Rather, the lawmaker offers up what's known as "model legislation" – prefabricated bills often written by moneyed special interests that want government to help them achieve a political goal. (Levinthal, 2019, para. 1-3)

That is the draw to ALEC, "there was some material right there I could get my hands on. It was understandable" the ALEC state representative argued.

I look at [ALEC] as a resource. So, if I want some expertise on something, I know who to call. I think all those forums have the same resources available to people. A lot of money sponsoring those. There's a lot of money in the background that keeps those forums up and working, and I doubt we know where all that money comes from. (Personal interview, August 2, 2022)

It is worth noting, however, that this ALEC state member says that members are not obligated to support every bill. However, this state member points out that ALEC's claim as a nonpartisan organization has increasingly grown to represent the conservative and Republican policy agenda as Democrats have grown more cautious about their association with ALEC.

The ALEC member is adamant that ALEC could be a bipartisan organization; that it is possible for elected officials of different backgrounds and politics to utilize the resources that ALEC offers. In fact, throughout the interview, they made it clear that they do not view their membership as a binding commitment, but as a partnership for a

common goal. It is unfortunate, according to the ALEC member, that this organization has become fodder for conservatism, stating that “the biggest mistakes that Democrats made is when they moved away from ALEC and participating in ALEC. All that’s left is kind of the center and the right” (Personal interview, August 2, 2022). To members of ALEC, this might explain the conservative ideology that is common throughout the organization’s model legislation.

As of right now, there is only one Democrat in Oklahoma who is associated with ALEC (Personal interview, August 2, 2022). The reason, according to this member, is education. It “divides [the debate] so differently” (Personal interview, August 2, 2022). The reason for this sharp divide could be due to public education advocacy. However, this ALEC member also argued that the Teacher Walkout of 2018 had a lot to do with the dwindling memberships, as more teachers were inspired to become involved in politics, a result of the disregard that so many public educators felt at the time.

While examining model bills released by the Center for Media and Democracy it immediately becomes apparent that with every piece of legislation the Center for Media and Democracy has highlighted that “an online for-profit school company was the corporate co-chair in 2011” (Center for Media & Democracy, n.d.). As it turns out, a for-profit school, Connections Academy, received monetary benefits from its connection to ALEC. Together, the Academy and ALEC have “pushed a national agenda to replace brick and mortar classrooms with computers and replace actual teachers with ‘virtual’ teachers” (SourceWatch, n.d., para. 4). Oklahoma currently has a charter agreement with Connections Academy, which is owned by Pearson, an education corporation.

The impact of having a corporate figure as co-chair of ALEC’s education task force certainly impacted the state of education in Oklahoma in recent years. “You can look at Epic,” the OEA representative argued, referring to the current allegations of embezzlement and racketeering (Palmer, 2022). “They’re not held to the same accountability standards as your brick and mortar public schools. It’s not a level playing field, and there needs to be a little bit more accountability and transparency” (Personal interview, July 26, 2022). Until recent scandals, Epic Charter Schools, the state’s largest school district, was able to avoid accountability. Among the criteria of ALEC’s education report card, which ranked Oklahoma as eighth in the nation, charter school growth and digital learning were among those factors that Epic Charter Schools took advantage of.

Recently, Oklahoma representative members of ALEC have been under investigation for violating campaign finance laws. The Center for Media and Democracy recently submitted a complaint arguing that top-ranking ALEC legislative representatives in Oklahoma, “have violated Oklahoma’s prohibition on corporate campaign contributions and reporting requirements through the giving and receipt of illegal in-kind campaign contributions” (Center for Media & Democracy, 2022, para. 1). Considering the secrecy of this group and its updated list of members, there are broad implications that many Oklahoma ALEC members are also in violation of this campaign finance law. This is indicative of the disregard that ALEC has for our democratic values since campaign finance laws “are one attempt to attenuate the role of money in politics and promote egalitarian policy outcomes” (Flavin, 2015, p. 77). Ignoring a law meant to equalize the balance of power, ALEC’s practices here are questionable at best.

In addition to allegations of campaign finance law violations, ALEC is often criticized for its secrecy in how it conducts meetings. On transparency, the state representative for ALEC agreed that

People prefer transparency. I'm involved in a level of leadership meetings, not their board level, and this has been a discussion, and there's been a market shift to being more transparent, trying to put everything out on their website. Now you do have to pay to go to their meetings. (Personal interview, August 2, 2022).

However, this is consistently an important criticism of ALEC, that corporate members and legislative members are voting on policy outside of the public's view or knowledge. "Is it current reality and is it how we do politics?" one OEA member ponders, "and the answer to that is yes... They're not doing anything that is not being done or hasn't been done" (Personal interview, July 26, 2022). As well-established as lobbying might be in state and national politics historically, ALEC's influence is unique because it is a non-profit organization, not a registered lobbying group even if it operates like one. As a matter of perspective, ALEC can be viewed as harmful, deceitful, and anti-democratic. Or, they can be viewed as a pathway between the public and private sectors, a neoliberal ideal that has reached a level of bipartisanship. If we accept that this is how politics works in our modern era, that school choice and competition in education will endure, it is, at the very least, important to recognize that ALEC's role in this

Is not a positive thing... because of making things more difficult, or the hardships it's placed on educators and in the classroom, which ultimately translates into

things being more difficult for our students and the different components that have spiraled because of [school choice]. (Personal interview, July 26, 2022)

If ALEC membership among Oklahoma lawmakers has shrunk, if an ALEC member can point to more teachers being voted into office as one reason for it, then that makes it difficult to make sense of the model legislation that affects our schools and further justifies the need for union representation for teachers.

Right now, Oklahoma is facing an entity with a far-reaching impact on education policy. Often at the center of ALEC's agenda is school choice, and vouchers in recent years. As charter legislation grows increasingly common and bipartisan, ALEC has turned its attention to vouchers, union busting, and the vilification of critical race theory. As is representative of ALEC's federalist ideals, there is growing concern that individualism is replacing what community means, a foundational element of public education, into a form of community that unfairly maligns our schools to ALEC's benefit.

The findings, as expected, reveal the ways in which Oklahoma's education system has been influenced by this organization. Due to the covert nature of this group's practices, many of the findings reveal darker truths about this organization's disregard for democracy for the sake of achieving the policies it endorses.

CHAPTER V

CONCLUSION

Throughout this thesis, I explored the intricacies of ALEC's practices and the ways in which they circumvent democratic norms and values for profit or gain. As a result, my advocacy for public education and legislative transparency has strengthened. I hope to continue researching ALEC and the shadowy ways in which this particular organization influences public education in Oklahoma. I believe there is still much to be explored regarding ALEC's desire to privatize our public education system as charter schools and virtual schools continue to expand. There is certainly a connection to be made regarding this education policy agenda, of which there are serious criticisms about the lack of accountability and the use of public funds for private ventures, and corrupt entities like EPIC Charter Schools, certainly a consequence of Oklahoma's Charter School Act.

The implications of this thesis show that ALEC benefits from the rise of individualism and a lack of transparency. It illustrates how pervasive school choice is in Oklahoma and how it affects public education and its proponents. School choice may be well-established, but this thesis concludes that the public should not be funding charter schools, and argues for further transparency from the organizations that have legitimized

it. Lastly, this thesis shows the individual reasons to support or oppose ALEC based on the interviews.

For future explorations on this subject, I view this thesis as a useful roadmap as a researcher, gaining experience in the intricacies of qualitative research. I benefited greatly from the access that the Center for Media and Democracy has provided and the model legislation that has been published. The insights provided through the interview process were instrumental to understanding this issue as well. The purposive sample of those interviews consisted of a union representative and an ALEC member.

FUTURE DIRECTIONS

As I continue this exploration of ALEC as an organization, I find it valuable to include more voices from varying positions. As I mentioned in the literature review, there is a great deal of written work dedicated to the ways that ALEC harms policymaking. So, this research could benefit from the inclusion of the voices who might see value in the work that ALEC does. After all, this organization has many legislative members; their opinions and participation will surely benefit the research just as much as the voices of those who oppose the organization. It would also be beneficial to interview former ALEC members, as well as the sole Democratic member to hear their perspectives.

The next step I would take in future research on this topic would be to conduct observations. This will take many forms, but the most useful would be to gain access to a conference hosted by ALEC. This fieldwork would allow for a better understanding of the ways this organization entices lawmakers and corporate sponsors. A point of interest

at these conferences would be to listen to keynote speakers. Obviously, this would be a difficult task to accomplish, but necessary nonetheless.

An additional step I will take to get a full picture of the impact that ALEC has had on education in Oklahoma would consist of observation and field notes pertaining to OEA's work. The representative whom I spoke with from OEA referenced many times in recent years that OEA had stopped bad policies from being considered. I would like to observe this taking place, especially as it relates to education, and to understand more about what some might consider to be bad policy.

Finally, further research in this area would require more time. To ensure a well-rounded study of the education policy implications, I will need more time to conduct the previously mentioned interviews and observations. This study reflects a small piece of what I wish to accomplish further regarding this investigation. By allowing for more time to be thorough, my research will reflect the bigger picture of the influence that ALEC has on Oklahoma's education policy.

Overall, I aim to pursue this topic further as I believe much remains to explore about the role that labor unions play and why ALEC seeks to weaken this important part of our democratic processes, one that represents workers rather than corporations. Ultimately, this thesis serves my purpose to advocate for transparent practices, particularly when ALEC's current practices seek to weaken the public education system.

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APPENDICES

APPENDIX A: OKLAHOMA ALEC POLITICIANS

This is a partial list of Oklahoma politicians who are current or former ALEC members as listed by SourceWatch, an extension of the non-profit organization the Center for Media and Democracy.

House of Representatives

- Rep. Sherrie Conley (R-20)
- Rep. Dean Davis (R-98)
- Rep. Denis Crosswhite Hader (R-41)
- Rep. Dell Kerbs (R-26)
- Rep. Mark Lepak (R-09)
- Rep. Charles McCall (R-22)
- Rep. Kevin McDugle (R-12)
- Rep. James Olsen (R-2)
- Rep. Logan Phillips (R-24)
- Rep. Ajay Pittman (D-99)
- Rep. Randy Randleman (R-15)
- Rep. Cynthia Roe (R-42)
- Rep. Todd Russ (R-55)

Senate

- Sen. Michael Bergstrom (R-1)
- Sen. Nathan Dahm (R-33)
- Sen. Julie Daniels (R-29)
- Sen. Kim David (R)
- Sen. Darcy Jech (R-26)

County Commissioners

- Commissioner Mitch Antle (Washington County District 1)

Officeholders

- Oklahoma Insurance Commissioner Glen Mulready

U.S. Representatives

- Rep. Stephanie Bice (R-05)

Former Representatives

- Rep. Gary Banz (R-101)
- Rep. Gus R. Blackwell (R-61)
- Rep. Kevin Calvey (R-82)
- Rep. Bobby Cleveland (R-20)
- Rep. Ann Coody (R-64)
- Rep. Marian Cooksey (R-39)
- Rep. Doug Cox (R-5)
- Rep. David Dank (R-85)
- Rep. Lee R. Denney (R-33)
- Rep. Travis Dunlap (R-10)
- Rep. John Enns (R-41)
- Rep. Devrel Fincher (R-11)
- Rep. Lisa Johnson-Billy (R-42)
- Rep. G. Harold Wright, Jr. (R-57)
- Rep. Sally R. Kern (R-84)
- Rep. Charles D. Key (R-90)
- Rep. Dan Kirby (R-75)
- Rep. Scott Martin (R-46)
- Rep. Steve C. Martin (R-10)
- Rep. Mark E. McCullough (R-30)
- Rep. Randy McDaniel (R-83)
- Rep. Skye D. McNiel (R-29)
- Rep. Glen W. Mulready (R-68)
- Rep. Don Myers (R-82)
- Rep. Tom Newell (R-28),
- Rep. Leslie Osborn (R-47)
- Rep. Pat Ownbey (R-48)
- Rep. Pam Peterson (R-67)
- Rep. Ronald Peters (R-70)

- Rep. Marty Quinn (R-9)
- Rep. Larry Rice (D)
- Rep. Phillip Richardson (R-56)
- Rep. Mike Sanders (R-59)
- Rep. Colby Schwartz (R-43)
- Rep. Michael Thompson (R-2)
- Rep. Sue Tibbs (R-23)
- Rep. Weldon L. Watson (R-79)

Former Senators

- Sen. Bill L. Brown (R-36)
- Sen. David Holt (R-30)
- Sen. Rob Johnson (R-22)
- Sen. Clark Jolley (R-41)
- Sen. Ron G. Justice (R-23)
- Sen. Kyle Loveless (R-45)
- Sen. Jabar Shumate (D-11)
- Sen. John W. Ford (R-29)
- Sen. Brian Crain (R-39)
- Sen. Brian Bingman (R-12)
- Sen. Cliff Branan (R-40)
- Sen. Cliff A. Aldridge (R-42)
- Sen. Glenn Coffee (R)
- Sen. Howard Hendrick (R)
- Sen. David F. Myers (R-20)
- Sen. Jonathan Nichols (R-15)
- Sen. Paul Scott (R-43)
- Sen. Gary Stanislawski (R-35)
- Sen. Ervin Yen (R-40)

APPENDIX B: CHARTER SCHOOL ACT COMPARISON

This is a side-by-side comparison between the language used in ALEC’s Charter School Act and that of Oklahoma’s Charter School Act. Particularly noteworthy is the near-exact language in the “Purpose” sections. While ALEC’s bill text describes charter schools as “exempt from state laws and regulations that apply to public schools” in the summary of the text, Oklahoma’s bill uses similar language in Section 42.18. Charter Requirements.

ALEC Bill Text

Summary

This legislation allows groups of citizens to seek charters from the state to create and operate innovative, outcome-based schools. These schools would be exempt from state laws and regulations that apply to public schools. Schools are funded on a per-pupil rate, the same as public schools. Currently, Minnesota operates the most well-known program.

Model Legislation

Section 1. {Title.}

Section 2. {Purpose.}

The purposes of this bill are to:

- (A) improve pupil learning;
- (B) increase learning opportunities for pupils;
- (C) encourage the use of different and innovative methods of teaching;
- (D) require the measurement of learning outcomes and create different and innovative forms of measuring outcomes;
- (E) establish new forms of accountability for schools; and
- (F) create new professional opportunities for teachers and other educators, including the opportunity to be responsible for the learning program at the school site.

Section 3. {Applicability.}

This Act applies only to charter schools formed and operated under this Act.

Section 4. {Formation of school.}

A sponsor may authorize one or more individuals or an organization to form and operate an outcome-based school. An individual or organization shall organize and operate as a cooperative under (insert state code). The sponsor's authorization shall be in the form of a written contract between the sponsor and the board of directors of the charter school.

Section 5. {The contract.}

Section 42.11. Charter Schools Incentive Fund.

A. There is hereby created in the State Treasury a fund to be designated the "Charter Schools Incentive Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies appropriated by the Legislature, gifts, grants, devises and donations from any public or private source. The State Department of Education shall administer the fund for the purpose of providing financial support to charter school applicants and charter schools for start-up costs and costs associated with renovating or remodeling existing buildings and structures for use by a charter school. The State Department of Education is authorized to allocate funds on a per-pupil basis for purposes of providing matching funds for the federal State Charter School Facilities Incentive Grants Program created pursuant to the No Child Left Behind Act, 20 USCA, Section 7221d.

B. The State Board of Education shall adopt rules to implement the provisions of this section, including application and notification requirements. (70-3-144)

Section 42.12. Oklahoma Charter Schools Act.

This act shall be known and may be cited as the "Oklahoma Charter Schools Act". (70-3-130)

Section 42.13. Purpose.

A. The purpose of the Oklahoma Charter Schools Act is to:

1. Improve student learning;
2. Increase learning opportunities for students;
3. Encourage the use of different and innovative teaching methods;
4. Provide additional academic choices for parents and students;
5. Require the measurement of student learning and create different and innovative forms of measuring student learning;
6. Establish new forms of accountability for schools; and
7. Create new professional opportunities for teachers and administrators including the opportunity to be responsible for the learning program at the school site.

APPENDIX C: ALEC’S REPORT CARD ON AMERICAN EDUCATION

This is ALEC’s Report Card on American Education, showcasing how ALEC perceives Oklahoma’s education system. Oklahoma is currently ranked eighth in the nation, largely due to school choice and charter schools, but scores lower for teacher quality.

Report Card Ranking

CURRENT (2018)

TRENDS

HISTORICAL DATA

Overall Grade ?	B- (2.67)
Overall Ranking ?	8 th
State Academic Standards ?	A
Charter Schools ?	C
Homeschool Regulation Burden ?	A
Private School Choice Programs ?	C-
Teacher Quality & Policies ?	D+
Digital Learning: ?	C+

APPENDIX D: RECRUITMENT TRANSCRIPT

This is the transcript I used to recruit interview participants.

Email Address

Subject: Interview Request for Thesis

Dear [X]:

I am a master's student in the Social Foundations of Education program at Oklahoma State University. I am currently writing my thesis on the American Legislative Exchange Council, or ALEC as it is commonly referred to, and this particular group's influence on education legislation, including charter school expansion, in the state of Oklahoma.

I believe that you could offer great insights regarding this topic, whether it may be from your experience or knowledge of ALEC and its impact, of charter schools in a broader sense, or of education policy, which is why I am hoping you will agree to be interviewed on this issue.

Ideally, we can schedule a time to meet in person so that I may conduct the interview. However, I also want to respect your time and am not at all opposed to a Zoom interview or even an email exchange with your written responses if that is what you prefer.

Please respond to this email at your earliest convenience. If you indicate that you would be willing to be interviewed, I will send a follow-up email attaching a consent form as well as possible dates/times.

Thank you.

Sincerely,

Reid Harris

Oklahoma State University

APPENDIX E: INTERVIEW QUESTIONS

These are the questions that guided each interview.

1. How long have you been in public education and in what capacity?
2. Describe the state of public education in Oklahoma.
3. What would you say are the greatest strides in Oklahoma's education policy and schools in the last 10 years?
4. What areas of education is the state working on improving?
 - a. How is the state working towards these goals?
5. What do you see as the accomplishments of charter schools and school choice?
 - a. What difference have they made?
 - b. Is the state working on expanding these? Please explain.
6. As a right-to-work state, to what extent are teacher walkouts effective in influencing state policy (e.g. teacher salaries)?
 - a. Are there more effective ways for the public to influence the legislature? Please explain.
7. Approximately how long has ALEC participated in Oklahoma state policy?
 - a. And in what ways?
 - b. With what state policies has ALEC been most influential?
 - c. How does the state benefit from ALEC's participation in shaping policy?
 - d. What methods does ALEC use that are most effective in influencing policy?
8. Describe your knowledge of ALEC's methods.
9. Do you view ALEC's approach as an acceptable means of advocacy? Please explain.
10. Should organizations, like ALEC, operate more transparently?
11. Describe how you perceive ALEC's role in public education in Oklahoma.

APPENDIX F: IRB APPROVAL PAGE

Oklahoma State University's Institutional Review Board (IRB) approved the use of human subjects for my research.



Oklahoma State University Institutional Review Board

Date: 06/27/2022
Application Number: IRB-22-269
Proposal Title: The American Legislative Exchange Council, and its Influence on Public Education in Oklahoma

Principal Investigator: Reid Harris
Co-Investigator(s):
Faculty Adviser: D Blum
Project Coordinator:
Research Assistant(s):

Processed as: Exempt
Exempt Category:

Status Recommended by Reviewer(s): Approved

The IRB application referenced above has been approved. It is the judgment of the reviewers that the rights and welfare of individuals who may be asked to participate in this study will be respected, and that the research will be conducted in a manner consistent with the IRB requirements as outlined in 45CFR46.

This study meets criteria in the Revised Common Rule, as well as, one or more of the circumstances for which continuing review is not required. As Principal Investigator of this research, you will be required to submit a status report to the IRB triennially.

The final versions of any recruitment, consent and assent documents bearing the IRB approval stamp are available for download from IRBManager. These are the versions that must be used during the study.

As Principal Investigator, it is your responsibility to do the following:

1. Conduct this study exactly as it has been approved. Any modifications to the research protocol must be approved by the IRB. Protocol modifications requiring approval may include changes to the title, PI, adviser, other research personnel, funding status or sponsor, subject population composition or size, recruitment, inclusion/exclusion criteria, research site, research procedures and consent/assent process or forms.
2. Submit a request for continuation if the study extends beyond the approval period. This continuation must receive IRB review and approval before the research can continue.
3. Report any unanticipated and/or adverse events to the IRB Office promptly.
4. Notify the IRB office when your research project is complete or when you are no longer affiliated with Oklahoma State University.

Please note that approved protocols are subject to monitoring by the IRB and that the IRB office has the authority to inspect research records associated with this protocol at any time. If you have questions about the IRB procedures or need any assistance from the Board, please contact the IRB Office at 405-744-3377 or irb@okstate.edu.

Sincerely,
Oklahoma State University IRB

VITA

Reid Michael Harris

Candidate for the Degree of

Master of Arts

Thesis: THE INFLUENCE OF ALEC ON PUBLIC EDUCATION IN OKLAHOMA

Major Field: Social Foundations of Education

Biographical:

Education:

Completed the requirements for the Master of Arts in Social Foundations of Education at Oklahoma State University, Stillwater, Oklahoma in December, 2022.

Completed the requirements for the Bachelor of Science in Secondary Education at Oklahoma State University, Stillwater, Oklahoma in 2011.

Experience: Teaching Assistant, Oklahoma State University, 6/22 – 12/22