

## ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda-underwritten by global corporations- includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

### ALEC's Corporate Board --in recent past or present

- AT&T Services, Inc.
  - centerpoint360
  - UPS
  - Bayer Corporation
  - GlaxoSmithKline
  - Energy Future Holdings
  - Johnson & Johnson
  - Coca-Cola Company
  - PhRMA
  - Kraft Foods, Inc.
  - Coca-Cola Co.
  - Pfizer Inc.
  - Reed Elsevier, Inc.
  - DIAGEO
  - Peabody Energy
  - Intuit, Inc.
  - Koch Industries, Inc.
  - ExxonMobil
  - Verizon
  - Reynolds American Inc.
  - Wal-Mart Stores, Inc.
  - Salt River Project
  - Altria Client Services, Inc.
  - American Bail Coalition
  - State Farm Insurance
- For more on these corporations, search at [www.SourceWatch.org](http://www.SourceWatch.org).

**DID YOU KNOW?** Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

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### English Fluency Among Lecturers in State Institutions of Higher Education Act

Did you know that an online for-profit school company was the corporate co-chair in 2011?

#### Summary

This Act requires state institutions of higher education to evaluate their instructional faculties for oral, aural, and written fluency in the English language; provides for certifications as to that fluency; imposing penalties; and conferring powers and duties upon the State Board of Education.

#### Model Legislation

**Section 1. {Short Title}** "This act may be cited as the Act to Ensure English Fluency Among Lecturers in State Institutions of Higher Education"

#### Section 2. {Legislative Declarations}

(A) The legislature hereby finds and declares that the State, through its systems of post-secondary colleges and universities, should pursue the goal of a populace educated at the high standards necessary to meet the challenges of the 21st century, and

(1) That students matriculating in our state's colleges and universities should be able to expect excellence in education and quality in their instruction, and

(2) That because of the increasing competitiveness of the world economy, students have an ever growing demand for the highest standards in instruction, and

(3) That communication is crucial for imparting knowledge, the ability of students and their instructors to engage in discussions and conversations should be a given, and

(4) The inability of the student to readily understand the spoken language of the instructor precludes the exchange of knowledge that is the essence of the higher education environment, and

(5) That the expectation of students to be able to address questions to an instructor and to receive understandable answers to those questions represents a consumer right, a civil right, and an educational imperative.

#### Section 3. {Definitions}

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Board:" The State Board of Education.

"Department:" The Department of Education of the State.

"Instructional faculty:" Every member of an institution of higher education, other than visiting faculty, but including graduate teaching assistants, who teaches one or more credit courses at a campus of that institution within this State except: (1) courses that are designed to be taught predominately in a foreign language; and (2) elective, special arrangement courses such as individualized instruction and independent study courses. State institution of higher education: any institution of post secondary education owned or operated by the state, any of its departments or authorities or any government unit or school district or special district established under the constitution or laws of the state.

#### Section 4. {Main Provisions}

(A) Evaluation of fluency. Each state institution of higher education shall evaluate its instructional faculty for oral, aural, and written fluency in the English language in the classroom. Such fluency shall be determined by the "Test of Spoken English" of the Educational Testing Service or a similar test approved by the institution.

(B) Certification. By September 1 of each year, each state institution of higher education must file with the Department a certification stating that the instructional faculty members, whose native language is other than English, hired either since the effective date of this act or hired subsequent to the last annual certification are proficient in the

English language, as provided in section 1 (preceding page).

(C) Noncompliance. If an institution of higher education operating in this State does not comply with this act, the Secretary of Education shall impose a reduction in state funding of \$10,000 for each course taught by an uncertified faculty member, as provided for in sections 1 and 2 (preceding page).

(D) Regulations. The Board shall promulgate regulations to implement this act.

(E) Right of Action. Any citizen shall have standing to bring an action against the State to enforce this act. The State Courts shall have jurisdiction to hear and decide any such action brought under this section.

**Section 5. {Severability Clause}**

**Section 6. {Repealer Clause}**

**Section 7. {Effective Date}**

Were your laws repealed?

*ALEC's Sourcebook of American State Legislation 1995*

**About Us and ALEC EXPOSED.** The Center for Media and Democracy reports on corporate spin and government propaganda. We are located in Madison, Wisconsin, and publish [www.PRWatch.org](http://www.PRWatch.org), [www.SourceWatch.org](http://www.SourceWatch.org), and now [www.ALECexposed.org](http://www.ALECexposed.org). For more information contact: [editor@prwatch.org](mailto:editor@prwatch.org) or 608-260-9713.

From CMD: This "model" legislation requires public colleges and universities to ensure and certify English fluency of all instructors and it creates a private right to sue to enforce the bill. (It does not impose such requirements on private colleges.) Each faculty member must take a TOEFL test to certify English fluency or the university will receive a \$10,000 reduction in state funding for every course taught by a faculty member who had not been tested. This legislation would apply regardless of the field of study, whether the instructor worked in a physics, art, athletic, or language department, for example.