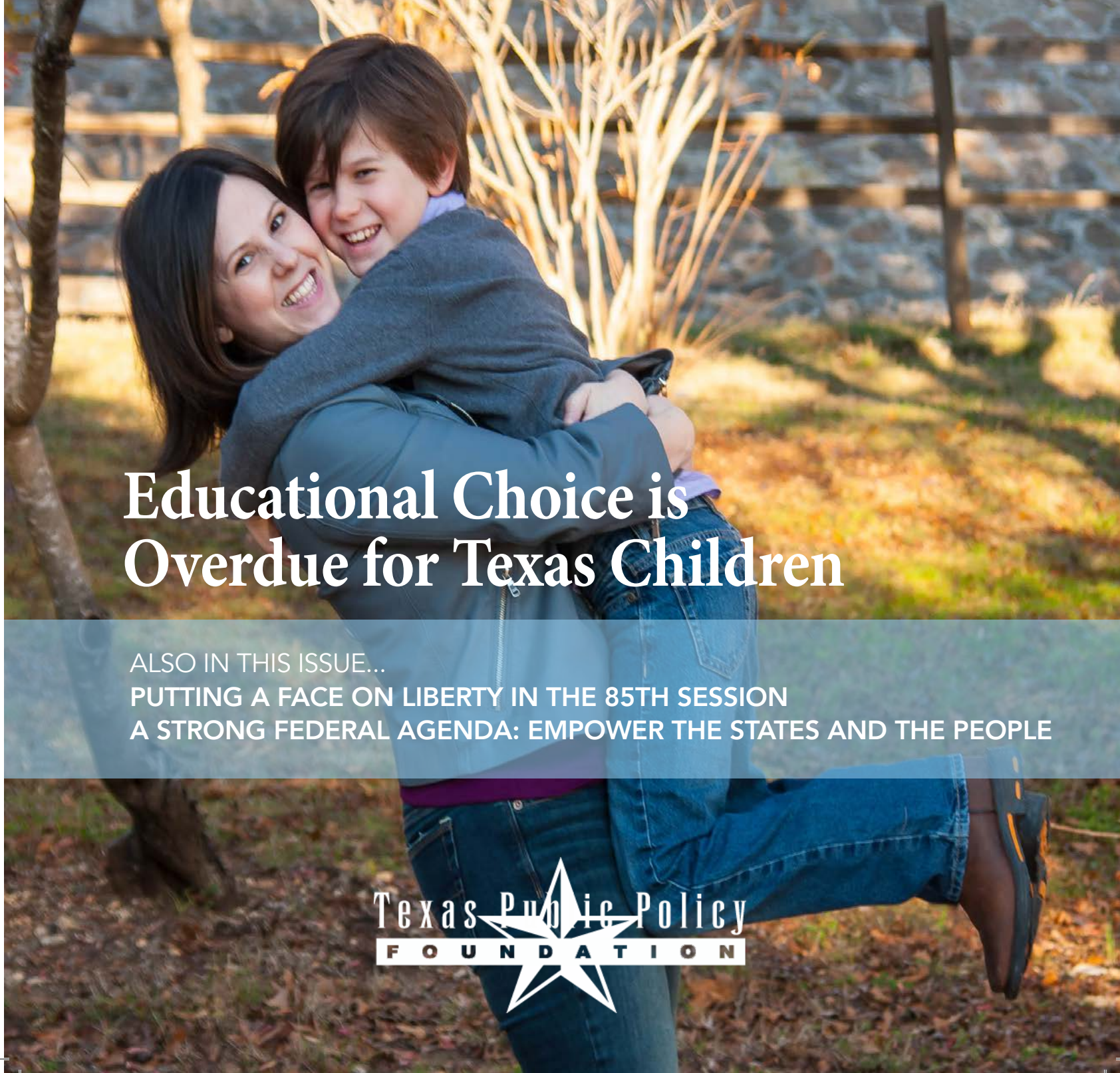


FEBRUARY 2017

Veritas

A PUBLICATION OF THE TEXAS PUBLIC POLICY FOUNDATION

A photograph of a woman with long dark hair hugging a young boy from behind. They are outdoors in a rural setting with a stone wall and bare trees in the background. The woman is wearing a blue jacket and jeans, and the boy is wearing a grey sweater and jeans. They are both smiling.

Educational Choice is Overdue for Texas Children

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Texas Public Policy
FOUNDATION

Veritas

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Veritas

Veritas is a publication of the Texas Public Policy Foundation, a 501(c)(3) nonprofit, nonpartisan research institute. The Foundation's mission is to promote and defend liberty, personal responsibility, and free enterprise in Texas and the nation by educating and affecting policymakers and the Texas public policy debate with academically sound research and outreach. Our goal is to lead the nation in public policy issues by using Texas as a model for reform.

PRESIDENT'S MESSAGE

With 2017 now well underway, I struggle to find the words to adequately thank you for your support of the Texas Public Policy Foundation in so many ways. Your steadfast commitment to our work and your advocacy on our behalf has elevated TPPF into a position of policy influence not just here in Texas but increasingly across America at a very auspicious time.

Just a few short months ago, we were working mostly to advance freedom and free enterprise through the realization of some long-sought policy goals in this year's 85th Texas Legislative Session, yet unsure where America was headed. Now, ours is not a partisan organization, but I must admit that a collective sigh of relief was heard when we learned the results of the election would allow us a chance to return our beleaguered nation to optimism and greatness based on liberty.

As this issue of *Veritas* went to press, the 85th Texas Legislature had just opened, we were eagerly anticipating the new Administration, and we were in the midst of Policy Orientation and Visionaries Meeting—our annual education and outreach event for Legislators, their staff, and Foundation donors.

Every Policy Orientation is special and worthwhile. But this Policy Orientation had, I think, something extra. It had possibility and optimism. It bridged the gap from idea to action.

Previously, our goal for Policy Orientation was to showcase and refine policy conversations valuable to our Lone Star State. But, increasingly over the past decade, the state and national conversation became nearly indistinguishable, and this Policy Orientation actually emerged as a hopeful convocation for agenda-setting. I urge you to read more about this event in this issue of *Veritas* and to watch the presentations on our website at www.texaspolicy.com/multimedia/.

Also here in *Veritas*, our wonderful TPPF Executive Vice President Kevin Roberts describes in *Putting a Face on Liberty in the 85th Session* the key policy solutions we hope the Legislature will embrace.

Education Freedom is one of those key solutions. In *Education Choice Overdue for Texas Children* you will meet the Bodenger family who illustrate how choice could improve the outcomes and lives of Texas children.



While the Bodenger children are blessed to have a stable family, other Texas children find themselves a part of our state's foster care system. Developing workable liberty-based solutions to the many problems in that system is now the pursuit of the new TPPF Center for Families and Children, whose mission is described herein.

Also a part of our agenda for the 85th Legislature—and now nationally as well—are the solutions put forth in *A Strong Federal Agenda: Empower the States and the People* which outlines a national agenda for issues that can be better resolved through the concept of Federalism.

If the prospects facing Texas and our nation at this time are any indication, our long years of advocating for liberty are paying off handsomely. Back in January 2003 when I took the helm of a little think tank with four people and no net cash in the bank, my goal was nothing less than changing the world. But that wasn't just my goal—it was yours too.

Together we held fast to that vision. With the commencement of the 85th Texas Legislature and a new Administration nationally, one thing is crystal clear: Our vision is happening. I'm so proud of what we've done together and can't wait to see what's next.

A handwritten signature in black ink that reads "Brooke Rollins". The signature is fluid and cursive, with a large initial 'B'.

Brooke Rollins
President and CEO



PUTTING A FACE ON LIBERTY IN THE 85th SESSION

by Kevin Roberts

On January 10, 2017, the Texas Legislature convened for its 85th regular session, with many casual observers assuming that little of importance is at stake.

But for those of us who understand the chief purpose of government—to protect and to promote the liberty of its citizens—we know that the fight for liberty never ends, especially in the modern era of enlarged government power.

The Foundation will play a major role in the key policy debates of the session. Though our policy objectives run the gamut from freeing children of the limitations of ZIP code-based school enrollment to releasing small-business owners from unfair regulation and taxation, the root of all our work is expanding liberty for every Texan.

Those living outside Texas are often surprised that so much effort is required to do so. And yet we know that advocates for liberty must always be vigilant. As Republic of Texas President Sam Houston remarked in his Inaugural Address in 1836, “We are only in the outset for the campaign of liberty.”

Fittingly, given that the Foundation is as much a “do-tank” as a “think-tank,” our plan is the Liberty Action Agenda—several policy goals that, if enacted, would make Texas freer, more prosperous, and a wellspring of personal responsibility.

In preparation for the session, our policy staff have researched and written extensively, providing the conservative movement in Texas with its “intellectual ammunition.” In 2016, we have published nearly 300

op-eds, more than 160 research papers, and conducted more than a thousand meetings or calls with legislators and their staff—all of this oriented toward doing something to advance liberty.

But words and policy prescriptions are only half the battle: If conservative and free-market reformers fail to put a face on liberty—that is, if we only speak in impersonal terms about our proposals—then we are limiting our effectiveness. Having defined the narrative of each of our policy areas, we must also personalize those issues.

In short, success for our movement requires good storytelling. Consider, for example, our distilled “Seven for ‘17” list from our Liberty Action Agenda.

When we say that we want to “Establish educational freedom in Texas,” we are not talking about some distant objective. We strive to give Texas’ 5.2 million schoolchildren educational opportunities beyond their ZIP code, offering their parents multiple options for customizing their children’s learning. Our aim is to focus on what is best for schoolchildren—not the perpetuation of some distant, bureaucratic “system,” as if that were an end unto itself.

Likewise, when we endeavor to “Ensure that Texas government does not grow faster than the Texas economy,” we want all 27 million Texans to be free of the constraints that come from government largesse. Spending responsibly in the state budget is not merely sound fiscal policy—it reverberates throughout the Texas economy, limiting regulation and bureaucracy that stifles every Texan’s ability to innovate, as well as to earn the rewards that only come from taking risks.

Five decades of dependency-state social experiments have failed because they build a system in search of problems, rather than empowering people to solve their own.

In a similar vein, we want to “Maximize growth and employment in the Texas economy by reducing taxes,” because every Texan—from the mom in Midland who runs a part-time business to the dad in Del Rio whose large business employs hundreds—deserves a fair shot, as free from government interference as possible.

To do so, we do have to “get into the weeds” of policy: We want to eliminate the margins tax, which foists a disproportionate burden on small-business people. We also recommend elections to approve any tax rate that increases property tax revenue by more than 4 percent or population growth plus inflation annually (whichever is less). Our motivation for it is to address the legitimate complaints that Texas property owners have about runaway spending by their local governments.

Our desire to “put a face on liberty” also fuels our proposal for structural reform, such as the Article V convention of states and interstate compacts. We articulate the need to “Return constitutional sovereignty to the states,” because so doing brings power closer to the people, where they—not some distant bureaucrat in Washington—can make the important decisions in their lives.

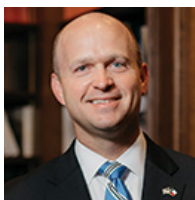
If an Article V convention would provide structural reform at the very top levels of government, our next goal—“Promoting liberty in local governance”—approaches reform from the bottom up. Here it is easier to see the face of liberty, such as the firefighter in

Houston who benefits from removing excessive state control of local retirement systems, or the family in Helotes whose property rights are protected by requiring voter approval before cities can annex new areas.

Similarly, “Promoting accountability and transparency in state governance through ethics reform” puts power back in the hands of average Texans, for it sheds light where darkness might otherwise reign. The Foundation urges the Legislature to require elected officials to disclose all sources of income from government entities; to require state officials, rather than private citizens, to disclose lobbying gifts/expenditures; and to stop the criminalization of political activity. Given several recent, high-profile examples of abuse in our ethics, campaign, and judicial systems, seeing the faces of those denied liberty is not difficult.

One final policy area where our efforts benefit all Texans is our desire to increase freedom to work, shop, and conduct business. Practically every resident of the state is affected by these regulations. As a result, the Foundation recommends that the Legislature provide paycheck protection by eliminating the ability of the state and local governments to serve as a dues collector for unions, end total state control of title insurance by giving consumers choice through competition, and stop the criminalization of economic activity.

In sum, as we prepare for the 85th Texas Legislature, we will continue to “put a face on liberty.” None other than the Texas Constitution provides the impetus for doing so: “All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit.” ★



Kevin Roberts, Ph.D., is Executive Vice President of the Foundation. With 20 years of experience as a teacher, professor, headmaster, and college president, Dr. Roberts has been involved in a number of education reform initiatives around the country.

Roberts received his B.A. from the University of Louisiana at Lafayette and his M.A. from Virginia Tech University. After earning his Ph.D. in American history from The University of Texas, Roberts served as a history professor in New Mexico before starting his own K-12 school, John Paul the Great Academy, in his hometown of Lafayette, Louisiana. Most recently, Roberts served as president of Wyoming Catholic College, which the *New York Times* described as being full of “cowboy Catholics” for refusing federal student loans and grants. Both schools led by Roberts have earned regular recognition for being among the top Catholic schools in the nation.

Welcome, Chip Roy and Brandon Logan!



Chip Roy, Director of the Center for Tenth Amendment Action, and Brandon Logan, Director of the new Center for Families and Children.

The Texas Public Policy Foundation welcomes Chip Roy, Director of the Center for Tenth Amendment Action and Brandon Logan, Director of the new Center for Families and Children.

Chip Roy joined TPPF as the Director of the Center for the Tenth Amendment Action. In this capacity, he is leading the TPPF Convention of the States Project.

“We are privileged to have someone of Mr. Roy’s distinction join the fight to restore state sovereignty under the Constitution in Texas and across the nation,” said Kevin Roberts, Executive Vice President of the Texas Public Policy Foundation. “His experience in state and federal government, and his personal commitment to Constitutional fidelity, make him uniquely well-equipped to lead the effort to ensure the promises of liberty, individual rights, and due process for all Americans in the face of an aggressively expanding federal government.”

Roy has served in a number of key leadership positions for Texas elected officials, including most recently serving as the First Assistant Attorney General of Texas. Prior to that, he served as Chief of Staff to U.S. Senator Ted Cruz (R-TX) and as a senior advisor to Texas Governor Rick Perry—including as director of State-Federal Relations for the State of Texas. He is also a past Special Assistant United States Attorney in the Eastern District of Texas and formerly served Senator John Cornyn (R-TX) as staff director of his leadership office and senior counsel on the Senate Judiciary Committee. He received a B.S. in Commerce and an M.S. in Management Information Systems from the University of Virginia as well as a J.D from the University of Texas.

Brandon Logan brings with him an extraordinary record of professional achievement, and a real passion for the welfare of children. He has represented hundreds of children as attorney and guardian in child welfare courts throughout Texas. He is certified as a Child Welfare Law Specialist by the National Association of Counsel for Children. Brandon has also represented parents, grandparents, and foster families in custody and adoption cases across the state.

“We are thrilled to have Mr. Logan join the Texas Public Policy Foundation to head up the Foundation’s new Center for Families and Children,” said Brooke Rollins, President and CEO of the Texas Public Policy Foundation. “His experience representing children and parents makes him uniquely well-equipped to provide leadership and solutions to one of the state’s most pressing challenges.”

Logan earned his undergraduate degree from Texas A&M University and his law degree from Texas Tech University. He is currently completing his dissertation in Human Development and Family Studies at Texas Tech University, where he also taught courses in child welfare policy and family dynamics. His academic work includes child maltreatment, abuse trauma and treatment, and family and father engagement. ★



New TPPF Center for Families and Children

AUSTIN—In October, the Texas Public Policy Foundation launched a new Center for Families and Children, focusing upon family and child welfare policy in the Lone Star State. The Center’s immediate priorities will be to encourage policymakers to reduce trauma for children in state care, to keep families intact whenever possible, and to engage community organizations in foster care.

Brandon Logan, J.D., CWLS, will serve as the first Director of the newly created Center. “I am honored to join the Texas Public Policy Foundation, which has a rich history of effective leadership on important topics,” said Logan. “I am grateful the Foundation is answering the call on behalf of Texas children at such a crucial time. The Lone Star State faces an immediate crisis in protecting children and in safeguarding those in its care. The stakes for children could not be higher, nor the need more pressing.”

The most frequent cause of Child Protective Services involvement is not abuse but parental unemployment, housing instability, and substance abuse—conditions worsened, rather than solved, by removing children. Sometimes families need minimal, targeted government intervention to ensure child safety. Nevertheless, successful long-term outcomes for families require close personal relationships and connections with supportive networks that only communities can provide.

“Texas is at a turning point at which we may create community-centered solutions to ensure that all children thrive,” said Kevin Roberts, Executive Vice President of the Texas Public Policy Foundation. “We are privileged to have someone of Mr. Logan’s experience and passion to direct the Center for Families and Children to lead the way in ensuring the well-being of Texas children.” ★

WAYS TO DONATE: **BECOME A VISIONARY**

When you give to the Texas Public Policy Foundation at the Visionary Level, you support the simple, powerful policy actions that serve to secure the future of our nation’s first principles.

Visionary Level donors contribute \$2,500 or more annually, and receive a variety of benefits:

- *Veritas* policy journal
- Biweekly Texas Public Policy News electronic newsletter
- Invitations to private gatherings with scholars and policymakers
- Quarterly President’s Letter, an insider update on the work of TPPF.
- Complimentary invitation for two to annual Visionaries Meeting and Policy Orientation
- And more.

Your annual commitment may be fulfilled through one or more payments by check or credit card. Contact Trisha Dunbar, Director of Donor Communications, if you have questions or need information at tdunbar@texaspolicy.com or (512) 472-2700.





A STRONG FEDERAL AGENDA: EMPOWER THE STATES AND THE PEOPLE

by Chip Roy

As the new administration takes shape and we all look forward to an aggressive agenda shaped by what can safely be called a “change” election, there is one particularly compelling case for optimism. That is the possible undercurrent for federalism and empowerment of people over bureaucrats and the powers-that-be in Washington, D.C.

We’ve seen encouraging signs in just the first few weeks of cabinet selections. The nomination of Betsy DeVos as secretary of education combined with the president’s clear statements against common core suggest an understanding that empowering parents with choice and reducing the power of bureaucrats are the key to success in education. Similarly, the selection of Scott Pruitt—a sitting state attorney general who has fought federal overreach—for the head of the Environmental Protection Agency and Texas’ own former Governor Perry to head the Department of Energy are also strong signs of respect for state authority in protecting our environment while promoting American energy production.

Federalism is not just a quaint relic of history or an archaic form of government in a modern age of technology, travel, and interconnectivity. Rather, it is cen-

tral to the American ethos—where government starts with self. Indeed, the core strength of our great Republic comes in part from our commitment to distributed government reflected in our federal system and the protection of liberty it offers. From that commitment comes the opportunity to live prosperous lives through hard work and civic cooperation.

Unfortunately, the immense growth of the federal government has diminished that opportunity and, in the words of Milton Friedman, made it more likely “that its actions will reflect special interests rather than the general interest.” Instead of government being the means for the preservation of Americans’ “Life, Liberty and . . . pursuit of Happiness,” it has become the instrument through which others seek to appropriate their liberty and wealth.

At this moment in history, we have the opportunity to unite our country through federalism where our differing views can continue to also be part of our strength. We have the opportunity to improve people’s lives—to give our children better opportunities for education, to improve the quality and decrease the cost of healthcare, to truly experience an American economic renaissance through energy exploration and entrepre-

“Instead of government being the means for the preservation of Americans’ ‘Life, Liberty and . . . pursuit of Happiness,’ it has become the instrument through which others seek to appropriate their liberty and wealth.

neurship, to minimize federal criminalization and rely on state innovation to improve criminal justice—and to truly reform government spending and coercion by devolving most spending to states without strings and bureaucracy.

To capitalize on this opportunity, the Texas Public Policy Foundation is promoting a strong federal agenda in the truest sense of the word. It is an agenda that starts with the American people and focuses on five key areas to empower them by re-centering our government.

Create an Environment for Education Freedom

Congress should allow each state flexibility in how they use federal education funds—an idea exemplified by the A-Plus Act. Such an approach would spark enormous policy innovation at the state level, which in turn would fuel subsequent reforms through the Department of Education.

Additionally, we recommend providing Education Savings Accounts (ESAs) for parents of children in Washington, D.C., and to all active-duty military families with eligible school-aged children. These reforms will not only benefit the families directly impacted, they will also provide a boost to education reformers who will be pushing for ESAs in the various 2017 state legislative sessions.

Implement Healthcare Improvement

The first step to improved healthcare policy is the complete repeal of Obamacare. Once Obamacare is repealed, policies should allow states to move toward a truly patient-centered model such as TPPF’s “Texas Cares” plan—a healthcare plan funded through health savings accounts, with healthcare delivery regulated by the states. Further, Medicaid and CHIP should be restructured to provide block grants to states.

The Food and Drug Administration should be eliminated, deferring instead to state-based agencies that spur competition—and therefore, innovation. Americans should not have to wait ten years for miracle medication that the FDA holds up in endless—and unnecessary—review. Only by ending control of healthcare by government and crony corporatism can individual Americans access the highest quality care.

Break the Crime and Poverty Cycle: Reduce Federal Role in State Criminal Justice Policy

To combat redundancy and overcriminalization, a task force should be developed to review federal laws and make recommendations for elimination. Further, the adoption of a default *mens rea* for federal offenses, especially administrative and regulatory crimes, is necessary.

Equitable sharing forfeiture agreements should be governed by the procedural standards established by the state of the local law enforcement agency, and any administrative rules enforced through criminal sanctions should be required to have congressional approval.

Finally, reforms should be made to federal drug sentencing laws to provide additional flexibility in sentencing offenders, and programs that have been proven successful in states to reduce recidivism should be considered.

Promote Energy and Environment Policies that Safeguard American Security and Jobs

The Office of Surface Mining Stream Protection rule has adversely affected coal production, and should be repealed, along with the Waters of the U.S. rule, the Clean Power Plan rule, and the EPA/BLM anti-fracking rules. The moratorium on coal production from BLM lands should be rescinded. Further, the EPA

continued >>

should be required to account for economic burden of any pending or new regulations.

Construction of the Keystone Pipeline should be authorized, and the Department of Interior should be ordered to initiate a new 5-year plan on offshore oil and gas leasing. Efforts should also be initiated to repeal monument designations under the Antiquities Act.

Finally, work must also be done to restore science integrity to federal science agencies making them more transparent and based on solid science. Likewise, the Endangered Species Act should be reformed to regulate only interstate species and to provide incentives towards conservation, instead of the negative penalties that exist under current law.

Spark a New Era of American Federalism by Reinvigorating State Power

A key to restoring federalism is cutting federal funding of state and local governments—and the taxes that support it. Where such funding still exists, strings attached to federal funds should be eliminated to ensure funding does not undermine state authority and innovation.

We should act to end the federal bureaucratic state by only allowing delegation of authority to federal agencies and preemption of state law when specifically authorized in the Constitution and explicitly provided by statute. Additionally, we should pursue a constitutional amendment that will clarify the meaning of the Commerce Clause and eliminate most federal consumer regulations, ensuring that economic activity within states is regulated by the states. And the Department

“A broad agenda built upon pillars of limited government and federalism will do more to restore economic opportunity and prosperity for every American family than any top-down solution from Washington.”

of Labor’s efforts to take over state workers’ compensation programs must be halted.

Lastly, a federal hiring freeze should be instituted, and a “Sunset Review” process for non-cabinet level agencies—where agencies automatically expire every 10 years unless renewed by Congress—should be implemented. We must reduce the size of the federal government by eliminating redundant agencies.

No single item of this agenda will be a panacea for restoring prosperity and liberty in America. But a broad agenda built upon pillars of limited government and federalism will do more to restore economic opportunity and prosperity for every American family than any top-down solution from Washington.

The American people are ready to lead the way as they always have—all we have to do is remove the obstacles. Our agenda seeks to do just that—and in doing so, to make America great again by making Washington inconsequential. ★



Chip Roy serves as the Director of the Center for Tenth Amendment Action at the Texas Public Policy Foundation. He has served in a number of key leadership positions for Texas elected officials, including most recently serving as the First Assistant Attorney General of Texas. Prior to that, he served as Chief of Staff to U.S. Senator Ted Cruz (R-TX) and as a senior advisor to Texas Governor Rick Perry. He is also a past Special Assistant United States Attorney in the Eastern District of Texas and formerly served Senator John Cornyn (R-TX) as staff director of his leadership office and senior counsel on the Senate Judiciary Committee. He received a B.S. in Commerce and an M.S. in Management Information Systems from the University of Virginia as well as a J.D. from the University of Texas.



MILLENNIALS AND MINIMUM WAGE

by Vance Ginn, Ph.D.

Raising the federal minimum wage was a hot topic in the 2016 presidential race with several candidates calling for a “living wage” of \$15 per hour. Like other well-intentioned proposals, research and basic economics show this will be most harmful to those it’s intended to help. Given the negative effects that raising the minimum wage will have on the least skilled and young, particularly Millennials, raising the federal or state minimum wage is poor public policy.

- There’s a common misconception that the labor market is different from other markets where individuals negotiate prices.
- Three million people nationwide, or only 3.9 percent of the 77.2 million hourly paid workers, earned at or below the minimum wage nationwide in 2014. More than one out of every five of them were 16- to 19-year-olds and almost half were 16- to 24-year-olds.
- Research shows that jobs are lost today and in the future from a higher government-mandated minimum wage, whereby Texas could lose nearly one million full time jobs if the minimum wage was raised to \$15—more than any other state.
- If employers aren’t able to quickly fire low-skilled workers, another option to avoid profit losses or shutting down is to raise prices, which would reduce everyone’s buying power.
- The minimum wage puts more power in the hands of higher-skilled workers who will build and maintain labor-saving products, like kiosks, leading to an upward redistribution of income.
- Instead of resorting to the misdirected policy of a minimum wage that doesn’t raise standards of living in Texas, the Legislature should focus on solving the underlying causes of poverty.

Though the minimum wage was created with good intentions to provide a minimum standard of living, instead it has banned workers and employers from choosing to negotiate wages that best meet their needs. Public policy should avoid picking winners and losers, especially when there is so much at stake for millions of Millennials.



Vance Ginn, Ph.D. is an economist in the Center for Fiscal Policy at the Texas Public Policy Foundation. He is an expert on Texas’ state budget, franchise tax, tax and expenditure limit, and other fiscal issues. Before joining the Foundation in September 2013, Ginn was a Koch Fellow, and taught at three universities and one community college in Texas. He has published peer-reviewed articles in academic journals, as well as commentaries in major media outlets across Texas and the nation.

15th Annual POLICY ORIENTATION & VISIONARIES MEETING 2017

NOW IN ITS 15TH YEAR, the Texas Public Policy Foundation's Visionaries Meeting and Policy Orientation has gained a reputation as the most concentrated, visible, and energetic presentation of policy ideas and solutions not just for the Lone Star State but for our nation as a whole. This year's convocation was no different. Held in Austin from January 11-13, the event brought together nearly 800 Legislators, legislative staff, and TPPF donors for conversation with leading policymakers and thinkers on critical issues relating to regulatory overreach, education reform, energy and the environment, criminal justice reform, budget and taxation, and child welfare reform.

In 41 panel discussions, keynote addresses, and private Visionary donor events, the theme was consistent: Liberty! The Texas Public Policy Foundation has been at the forefront of championing the cause of the individual for many years now, a fact that elites back east did their best to ignore. If 2016 taught them nothing else, it taught them that liberty can be ignored no longer. Indeed, what the Foundation does here in Texas is what Washington, D.C. must contend with now.

This was the real significance of Visionaries Meeting and Policy Orientation 2017: It was an agenda-setting exercise for individual liberty that will bear much fruit in the months to come. Our keynote addresses alone illustrate this.

- United States Senators John Cornyn and Ted Cruz gave us the inside track on the new Administration's policy plans, including an explicit endorsement of education freedom.
- Lieutenant Governor Dan Patrick spoke eloquently on the imperative to expand freedom across multiple fronts in the 85th Texas Legislature.
- Renowned journalist and champion of liberty John Stossel reflected on a lifetime of lessons learned while advocating for freedom and what they mean for us now.
- Former United States Senator Phil Gramm delivered a rousing address not only proclaiming the need for education freedom but publicly dedicating his energies to advocating for it in this year's 85th Texas Legislative Session.

Packed in between across those three days were panels and conversations on just about every policy topic imaginable. The attendees, panelists, participants, and our donors made all this worthwhile, vital, active, and engaging. This is the point of Policy Orientation: conversation, learning, expansion of information, exchange of views, and agenda setting. ★



LEFT TO RIGHT: In addition to more than 1,000 registrants for the public policy orientation conference, 138 of the Foundation's most generous donors joined us from across the country for private Visionaries Meeting activities. | TPPF president Brooke Rollins addresses the sold-out event, which earned media coverage reaching an aggregate audience of 22.7 million views. | Texas Lt. Governor Dan Patrick listens to the opening remarks before giving his keynote address. | Keynote speakers Former Senator Phil Gramm and John Stossel chat following Thursday's luncheon. | A luncheon guest records keynote remarks by Texas Supreme Court Justice Don Willlett.

continued >>



LEFT TO RIGHT: “Red River Property Rights: Who is the ‘Public’ that Public Lands Belong To?” panelists Agriculture Commissioner George P. Bush, Texas Representative James Frank, and A. Blair Dunn. | Center for the American Future senior attorney Ted Hadzi-Antich entertains Visionaries at Wednesday night’s dinner featuring Texas Attorney General Ken Paxton. | U.S. Senator Ted Cruz talks after the Friday keynote luncheon with Policy Orientation guests. | U.S. Senator John Cornyn, TPPF President Brooke Rollins, and U.S. Senator Ted Cruz (not shown) discuss Trump Administration policy plans for guests at Friday’s final keynote luncheon. | In addition to the sold-out attendance at Policy Orientation, the entire event was live streamed on our website by more than 2,000 viewers.

Houston Awards Dinner

The Foundation held its inaugural Houston Awards Dinner at Houston's Hotel ZaZa on November 15, 2016.

Co-chaired by Windi and David Grimes and raising more than \$250,000, the dinner was sold out with nearly 300 guests enjoying a wonderful celebration honoring two Texas patriots. Lt. Governor Dan Patrick received the Ronald Reagan Award and former Texas Secretary of State George W. Strake, Jr. received the Sam Houston Award.

Many statewide elected officials, including members of the Texas House of Representatives and Senate, attended the dinner, along with Texas Supreme Court Justices John Devine and Jeff Brown and Attorney General Ken Paxton. ★



LEFT TO RIGHT: Lt. Governor Dan Patrick, TPPF President Brooke Rollins, TPPF Board Chairman Wendy Gramm, and Former Texas Secretary of State and TPPF Board Member George W. Strake, Jr.

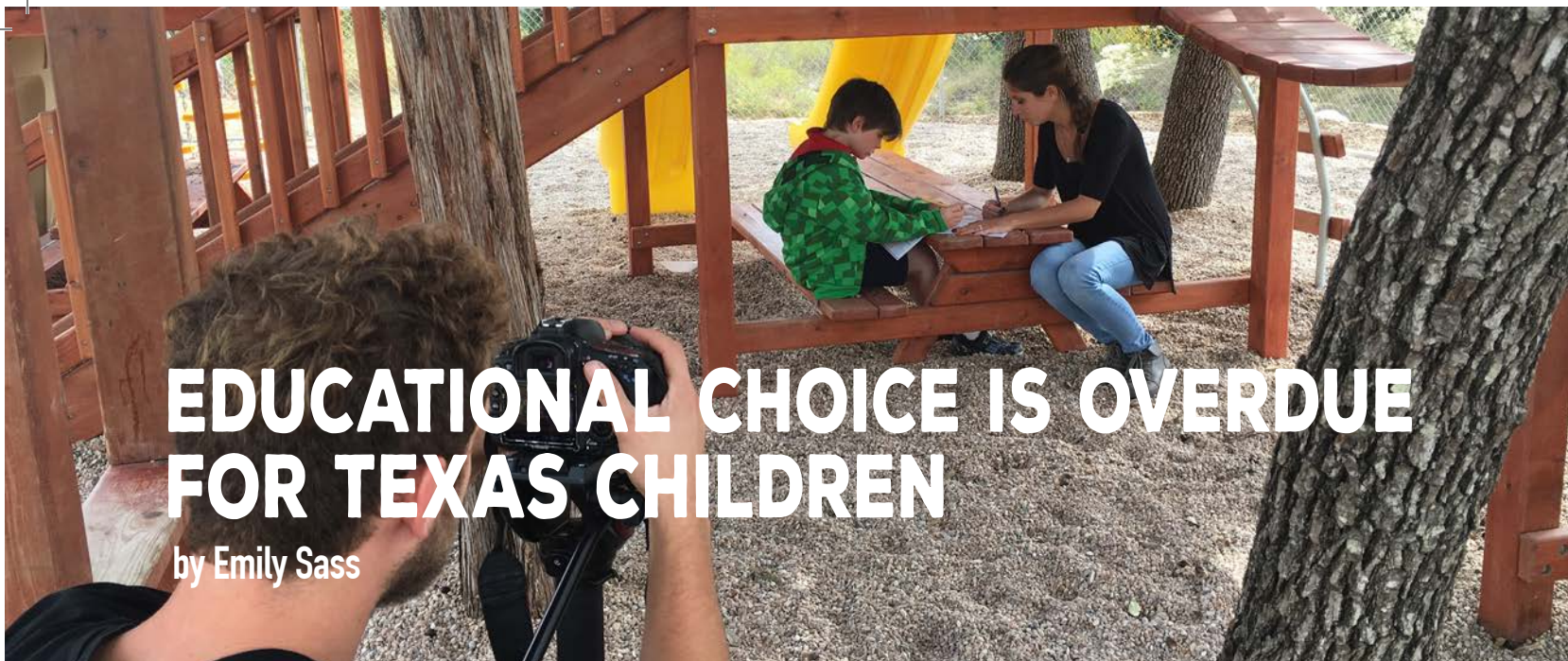
TPPF BOARD PROFILE WINDI GRIMES

On November 15, TPPF Board Member Windi Grimes and her husband David co-hosted the Foundation's immensely successful Inaugural Houston Awards Dinner at Hotel Zaza. That they would play such a prominent role in the launch of this event is completely consistent with their commitment to philanthropy and service.

Windi loves hosting events that raise money for good causes. The Grimes have hosted a number of events for TPPF, and for some organizations partly spawned by TPPF, including Texans for Lawsuit Reform and Texans for Local Control of Pensions.

An investor, who is also enthusiastic about art, design, hunting and shooting, Windi felt government encroachment and over-regulation in all of her activities. From Dodd-Frank to Gun Control to mandated ugly lighting, Windi felt it was time to take more action in the policy realm. Through her hostess and fundraising activities, she came across people involved with TPPF. When she met the vivacious and unwavering Brooke Rollins, she knew she wanted to be on the board and focus her philanthropic life on the foundation.

"The Texas Public Policy Foundation is uniquely perched upon the pillars of constitutionally protected freedom and solidly researched policy to effect positive change, improving our great state of Texas and, indeed the nation, for every citizen. Being associated with the great people at TPPF and their work is by far the most rewarding and satisfying thing I do." ★



EDUCATIONAL CHOICE IS OVERDUE FOR TEXAS CHILDREN

by Emily Sass

MELISSA BODENGER AND HER HUSBAND moved to Eanes ISD so that their children could go to school in the same exemplary district they had graduated from as adolescents. They both never imagined sending their children anywhere other than their local schools.

When their son Joshua started attending preschool, however, the path they had taken for granted had to change. At four years of age, Josh was still not talking. He was diagnosed with multiple learning disabilities requiring extensive therapy to bring his verbal and cognitive skills up to normal levels.



Joshua has flourished in a school designed especially for his learning needs.

because he had become the most verbal child in the program. He now attends the Magnolia School in Austin, a private year-round school that tailors to his needs, accommodating his need for language-based work while encouraging his above-average math ability.

Yet sending Josh to a traditional school is simply not an option. While his younger sister thrives at an Eanes ISD school, the traditional environment would leave Josh overwhelmed and under-served. Melissa doesn't fault her local schools for their incompatibility with Josh's needs. "Public schools are built to meet the needs of a lot of kids...They're not failing," she says, "They're just not able to customize enough."

Melissa is upbeat about her son's progress, but she admits that covering tuition for Josh's education is difficult: "Tuition is a family affair," she explains. She knows of families who have children with similar needs that simply cannot afford the tuition costs, and have no other alternative.

Approximately 13 percent of students in American public schools have been diagnosed with special needs. Even children within the broad category of "special needs" can be vastly different from each other. "If you meet an autistic child, you have done just that," says Melissa, "You have met one child." Families like the Bodengers have found solutions for their children, but at great cost. The taxes they pay to support the traditional school system remain inaccessible to them, doing their children little good.

Knowing that early intervention would be key to his later success, the Bodengers enrolled Josh in therapy and a school designed especially for special needs students. Now able to receive instruction customized to promote his verbal development, Josh flourished. In fact, after three years, Josh had to move schools

Under Texas' current model, educational options exist for Texas families—but they often only exist for those who are financially blessed enough to pay for those options out of their own pockets.

There are multiple proposed solutions to provide families with greater choice in their children's education, among them tax-credit scholarships and inter-district school choice. The solution that provides the greatest flexibility for parents to customize their child's education, however, is an Education Savings Account (ESA).

An ESA, similar to a Health Savings Account, allocates a portion of a student's dedicated education funding to a separate restricted-use savings account controlled by the student's parent. The account funds may be used for eligible education goods and services such as tutoring, textbooks and curriculum, online learning, or private school tuition. Excess funds roll over to the next year and can even be applied toward college savings, so parents have an incentive to spend carefully. The impact to the school district is the same as if a child moved to another district, as many families already do in search of a good school.

The state of Arizona has the longest-running ESA program in the nation, and special needs students were the first to be given access. They currently comprise 58 percent of the approximately 3,000 Arizona ESA holders. Parent satisfaction with the program is notably high: a survey of over half of participating families in the 2012-2013 school year found that 71 percent were "very satisfied," 19 percent were "satisfied," and 10 percent were "somewhat satisfied." No respondents registered negative or neutral feedback.

Jordan Visser is an Arizona ESA holder with minor cerebral palsy. He used to struggle at his local school; his mother, Kathy, had to beg the school administration to follow his Individualized Education Plan (a document



Josh and his younger sister, Leah, at the Thinkery.

outlining interventions to help special needs students). Kathy applied for an ESA for Jordan, and he was accepted. His ESA enables Jordan to attend Sierra Academy, a school that focuses on special needs students. He has made significant gains in reading and math and has begun to take initiative in reading.

Why is it that Arizona families like the Vissers have better educational options than Texas families like the Bodengers? Texas can and should do better for its children.

There are currently 61 school choice programs in 30 states in the nation. Texas has none. Our state leads the nation in business growth and job creation, yet lags far behind in education innovation. Texas families are waiting for a chance to give their children the education that they deserve. This session, by enacting ESAs, the 85th Texas Legislature has an opportunity to give them that chance. ★



Emily Sass is a Policy Analyst with the Texas Public Policy Foundation's Center for Education Freedom. Before coming to the Foundation, Emily was on Senator Ted Cruz's state staff as Deputy Regional Director for North Texas, serving as the Senator's liaison on all policy topics to a 14-county region. Previously, she has worked as staff in the Texas House of Representatives and on multiple campaigns. A trained classical musician and former teacher, Emily holds a Bachelor of Arts in Music from Thomas Edison State University. While in college, she served on the leadership team for Patriot Academy, a national conference in conservative policy and leadership for high school, college, and graduate students.



Norm Cooper enjoys a laugh with other Visionaries in attendance at TPPF's annual Visionaries Meeting.

DONOR PROFILE NORM COOPER

AS A YOUNG MAN, NORM COOPER'S LIFE was not without excitement. He excelled in high school football and boxing and later enjoyed sailing and scuba diving. And while serving as a United Nations Consultant to the Israeli government during the 1967 Six Day War, he came under artillery fire.

This latter experience is beyond what one would expect for a soft-spoken man who specialized in civil and structural engineering. But these combined experiences formed a focused, clear thinking gentleman who would go on to become a renowned forensic engineer and advocate for the Texas Public Policy Foundation.

With a Bachelor of Science in Civil Engineering from The University of Texas, Cooper went on to graduate from a three-year U.S. Bureau of Public Roads training program in highway and traffic engineering. He took graduate courses in engineering at Louisiana State University and, ultimately, received a M.A in Public Policy from Indiana University. He is included in *Who's Who in American Law* and *Who's Who in Engineering*.

Cooper merged his engineering and policy education to productive use on the policy staff of the United States Secretary of Transportation. Since founding his own engineering firm in 1984, Norm Cooper, P.E. has served the justice system as an expert witness in over 1,000 cases. Based on these cases, he has ranked first in the number of peer approved pages published in the history of the *Journal of the National Academy of Forensic Engineers*.

Even though he will say his work was his hobby, Cooper found time as a husband, father, and grandfather to serve as a Council Board Member and District Chairman for Boy Scouts, as President of his local Chamber of Commerce, as his Rotary Club President, and was elected a City Councilman. With his three daughters now grown, Cooper is the grandfather to five boys, most of whom are at university: one following his grandfather into engineering and another pursuing a Ph.D. in organic chemistry.

It was 2009 when Norm Cooper first heard of the Texas Public Policy Foundation in a direct mail letter. What he read there convinced him TPPF was an "organization that he agreed with and one that agreed with him." As he learned more, Cooper says, "What impressed me was the TPPF action-oriented operational model and their record of achievement, as well as their ability to appeal to 'regular people,' rather than special interests and politicians who just want to be re-elected. I began making annual gifts to TPPF then and continue to do so today."

"I believe this organization is very well managed and that their public policy solutions are needed more than ever. I want to make sure they continue to exist and to work on behalf of regular people—and for special people like my daughters and grandsons."

When the TPPF Lone Star Legacy Society was launched in 2016, the timing was perfect for Cooper. He believed firmly in the organization and was ready to think about his legacy. Shortly after receiving the announcement mailing about the Legacy Society, he included TPPF in his estate plans. "I believe this organization is very well managed and that their public policy solutions are needed more than ever. I want to make sure they continue to exist and to work on behalf of regular people—and for special people like my daughters and grandsons." ★



Happenings & **UPDATES**

- ❑ **THE HOUSTON CHRONICLE** “There is no powerhouse in state right-wing politics these days—read: state politics as a whole—quite like the Texas Public Policy Foundation.”
—*Houston Chronicle*, June 2016
- ❑ TPPF emerged as a top-level player in helping the new Trump Administration during the transition period. Members of the TPPF team who provided advice and guidance include: Doug Domenech, Director of our Fueling Freedom Project who served as lead policy advisor on the Department of Interior transition team, was named senior White House Advisor to the U.S. Department of the Interior; Kathleen Hartnett White, Distinguished Fellow and Director of the Armstrong Center for Energy and the Environment, who served as a policy advisor and was a top candidate for EPA Administrator; and TPPF Director for Communications, Carolina Espinosa, who worked on communications and media efforts for the transition team.
- ❑ TPPF Manager for Right on Crime and Senior Policy Analyst Greg Glod was selected to Forbes’s 2017 “30 Under 30” Law & Policy list. The annual selection recognizes America’s most influential leaders in the law and policy fields. This year’s judges included some of the most esteemed voices in the field, such as American Enterprise Institute President Arthur C. Brooks, Yale Law School’s John A. Garver professor of jurisprudence William Eskridge Jr., New America president and CEO Anne-Marie Slaughter, and OpenGov cofounder Nate Levine. The publication credits Glod as having been “integral in the passage of a bill that allowed offenders convicted of a low-level offense a chance to seal their record, a first in Texas, affording those individuals a second chance at life.”



TPPF’s Center for the American Future is providing legal representation to 10 California small businesses in *Dalton Trucking, Inc., et al., v. EPA*, which is pending in the United States Court of Appeals for the Ninth Circuit. The lawsuit challenges the Environmental Protection Agency’s approval of draconian emissions standards for tractors, excavators, backhoes, and other non-road motor vehicles.

The problem is that these costly standards are the most recent iteration of a tightening noose on small businesses,

Over 40 years ago, Congress enacted the Clean Air Act as an experiment in “cooperative federalism.” By and large, that experiment has been successful in cleaning up our nation’s air. But as with many regulatory initiatives, cooperative federalism has become a victim of its own success. Administrative agencies are now creating and chasing phantom issues in a misguided effort to expand their regulatory turf, often in ways that are at odds with the laws enacted by Congress, including the Clean Air Act.

The briefing in the Dalton Trucking case was completed at the end of 2016, and the next step is oral argument, which will be set for 2017. This case sends a message to EPA: You must comply with the law, just like the rest of us.



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*Our Visionaries Meeting offers special programming for Visionary-level donors. For information on sponsorship opportunities or Visionaries membership, contact Annie Casteel at (512) 615-7982 or acasteel@texaspolicy.com.