PIONEER
EDUCATION

Social-Emotional Learning: K–12 Education as New Age Nanny State

By Karen Effrem, M.D. and Jane Robbins, J.D.

With a foreword by Kevin Ryan, Ph.D.

WHITE PAPER
No. 192 | March 2019

PIONEER INSTITUTE
PUBLIC POLICY RESEARCH

Pioneer's Mission

Pioneer Institute is an independent, non-partisan, privately funded research organization that seeks to improve the quality of life in Massachusetts through civic discourse and intellectually rigorous, data-driven public policy solutions based on free market principles, individual liberty and responsibility, and the ideal of effective, limited and accountable government.

PIONEER EDUCATION

This paper is a publication of Pioneer Education, which seeks to increase the education options available to parents and students, drive system-wide reform, and ensure accountability in public education. The Center's work builds on Pioneer's legacy as a recognized leader in the charter public school movement, and as a champion of greater academic rigor in Massachusetts' elementary and secondary schools. Current initiatives promote choice and competition, school-based management, and enhanced academic performance in public schools.

PIONEER HEALTH

Pioneer Health seeks to refocus the Massachusetts conversation about health care costs away from government-imposed interventions, toward market-based reforms. Current initiatives include driving public discourse on Medicaid; presenting a strong consumer perspective as the state considers a dramatic overhaul of the health care payment process; and supporting thoughtful tort reforms.

PIONEER PUBLIC

Pioneer Public seeks limited, accountable government by promoting competitive delivery of public services, elimination of unnecessary regulation, and a focus on core government functions. Current initiatives promote reform of how the state builds, manages, repairs and finances its transportation assets as well as public employee benefit reform.

PIONEER OPPORTUNITY

Pioneer Opportunity seeks to keep Massachusetts competitive by promoting a healthy business climate, transparent regulation, small business creation in urban areas and sound environmental and development policy. Current initiatives promote market reforms to increase the supply of affordable housing, reduce the cost of doing business, and revitalize urban areas.

Pioneer Institute is a tax-exempt 501(c)3 organization funded through the donations of individuals, foundations and businesses committed to the principles Pioneer espouses. To ensure its independence, Pioneer does not accept government grants.

Table of Contents

Foreword

by Kevin Ryan, Ph.D.

The current popularity of social-emotional learning (SEL) represents progressive education's greatest victory in its 100-plus-year campaign to transform our public schools, and, thus, the nature of America itself. Since it began, the mission of progressive education has been to liberate American students from the "shackles of traditional wisdom." John Dewey and his legion of educationalists saw the elementary and secondary schools as the vehicle to form the New American, one who would be liberated from the prejudices of family, church, and tradition.

In the early 20th century, their ideological victories were largely symbolic. They captured intellectually shallow schools of education, but not the public schools themselves. Those schools were rooted in their communities, reflecting local values and governed by local citizens. Post-World War II, the "in loco parentis" tradition of school gave way to more and more control, first by states and more recently by federal intervention. Input from parents on what was to be learned and how schools were to be conducted gave way to ever larger educational commissions and more distant experts.

Instead of parents' deciding on the ultimate question of education, "What is most worth knowing?" for our children, the new controllers of public education stepped in. Enter the progressive educators. The term "public" came to mean "secular." The long-held view of the public schools—not only teaching the core disciplines, but also helping children develop a sense of right and wrong and the good habits to put morality into practice—became the battleground. The wisdom of the past, with its history of wars and bigotry, had to be ignored. Prohibited, too, was any reference to God and organized religion. The only source of moral authority for the secular progressives was and is science and "empirically verifiable knowledge."

Into this barren educational landscape entered the pseudo-scientific SEL and its claim that social-emotional learning can fill the gap in the lives of America's children.

The problem with this plan is that science and the empirical method do not lend themselves well to dealing with the questions of the moral life. The ultimate questions of life, which were once a staple of an education, such as "What is a good person?" "How should I live my life?" and "Is there a God?" cannot be answered by the scientific method. Thus, these questions and issues have been eradicated from our schools.

Into this barren educational landscape entered the pseudo-scientific SEL and its claim that social-emotional learning can fill the gap in the lives of America's children. SEL advocates see teaching students their five "competencies" of self-awareness, self-management, social awareness, relationship skills, and responsible decision-making as the effective replacement for schools' former moral education and character formation. Committed as they are to development of "the whole child," progressive educators are promoting these skills as a secular replacement for what parents used to instill in children according to their faith, and to cultural and family beliefs and values.

At its core, the skills of social-emotional learning aim to shift the center of moral decision-making from traditional wisdom and an awareness that we are children of God to the newly enlightened self. Prodded by progressive activists and courts, the schools have scrubbed all Judeo-Christian principles and values and replaced them with… what?

This vacuum, the self becomes the arbiter of what is right and what is true. The question of "How should I respond given a decision that has consequences on others?" is based on the self. A classic student question of whether to cheat on an exam comes down to understanding social norms among one's peers, or what is in one's personal self-interest. In the competitive world where grades increasingly determine one's future, this is, indeed, thin gruel upon which to base an altruistic decision.

While the five competencies may be attractive and appealing to students, giving them a sense of their own moral authority, are they adequate? The existing social norms of a child or teenager's world are hardly a moral guide. So, too, with one's emotions, which are notoriously unstable in the young. SEL teaches the young the flattering message that they themselves are ready to guide their lives by inner feelings and to reject the thought that they "have a lot to learn."

College professors, themselves notorious for their moral relativism, frequently complain that students can rarely identify a bad person, having been taught a theory of "no-fault history." Professors complain students have been taught a doctrine of extreme moral individualism, of relativism and non-judgmentalism. When pressed to identify a "bad person," they are at sea, falling back on cliched figures like Hitler or Nazi perpetrators of the Holocaust, or more recently traitors and madmen who shoot up schoolchildren. Morality that was once seen as inherited and shared is now understood as something that emerges in the privacy of one's own heart. Thus, American students are left afloat as individuals in a sea

SEL teaches the young the flattering message that they themselves are ready to guide their lives by inner feelings and to reject the thought that they "have a lot to learn."

of moral relativism, each as his own essential moral unit.

At its heart, social-emotional learning reflects progressive education's romantic vision of the human person: that a child comes into the world good and must be protected from the corruption of his culture. On the other hand, throughout most of human history, parents have realized that children come into this world aware only of "the self," trying with all their energy to make their way. As a wise parent stated, "My essential job is to help my child escape the great suck-of-self."

Children need to learn how to live with others, to learn the rules of life. They need to be taught the habits of self-discipline and consideration of others. Operationally, that means being taught to be fully human—that is, an adult, a good person, a good parent, a good citizen. Until recently, our public schools were willing and essential partners with parents in this task.

SEL represents a dramatic departure from the traditional role of schools to build upon and deepen the American home's ethical and moral training. The government-sponsored schools of colonial America were brought into being for the express purpose of providing children with the largely religion-based morality they needed to save their souls and live together in community. Our Founding Fathers, well aware of frail human nature, knew that their noble experiment of democratic government would founder without a moral citizenry. Thomas Jefferson, the third president of the U.S., was convinced establishing schools should be a priority for the new nation. The primary drafter of the Declaration of Independence urged the wide establishment of schools "to raise men up to the high moral responsibility required of a democracy." He saw the role of schooling as imbuing men with the knowledge and civic virtue necessary for self-government.

"Character," coming from a Greek word to "engrave," as to make enduring marks on a stone or a human soul, fit more comfortably in the new, secular environment of public education.

Until recently, moral education has been a major priority in American public education. Resting on a generic Judeo-Christian religion code, parents and educators had generally been comfortable with the schools' promoting and reinforcing this morality. Teachers were expected to not only convey skills and knowledge, but to be moral educators. They were expected to be moral exemplars, clear about right and wrong, and upholding basic ethical standards. With the new secularism of recent years, the word "moral" with its religious undertones has fallen sharply out of fashion. Public-school teachers, still aware of the need to shepherd students into moral maturity, dropped the term "moral education" and replaced it with "character education."

The dictionary offers character as "the complex of mental and ethical traits and markings often individualizing a person, group or nation." Another definition states that our character is the sum total of our unique cluster of virtues and vices. Thus, character education seemed to fit the school's more secular mandate, focusing as it does on the virtues that support life in a democratic society and culture.

"Character," coming from a Greek word to "engrave," as to make enduring marks on a stone or a human soul, fit more comfortably in the new, secular environment of public education. Nevertheless, the word and its education mandate have old roots. In the sixth century B.C., Confucius is said to have captured both the meaning and the process of character formation or education in a short poem:

> Sow a thought. Reap an action.
> Sow an action. Reap a habit.
> Sow a habit. Reap a character.
> Sow a character. Reap a destiny.

Classically understood, character, then, is about habits, our dispositions to act in certain ways and to affect our actual behavior. To focus on character education is to actively teach those habits or virtues that lead to a flourishing life and nurturing culture. It acknowledges not only good habits, such as fairness and responsibility, but bad habits, such as selfishness and dishonesty.

In recent years, however, even this religiously neutral approach to education has been too much for many public-school educators. Fears of "imposing" one's views and values on students have neutered many public-school administrators and teachers. Having enforced the idea that schools be "religion-free zones," they have left moral teaching to parents and an increasingly powerful media culture. Into our current moral vacuum slithers the antithesis of moral and character education, the vacuous social-emotional learning.

The recent success of progressive educators to replace moral and character education with social-emotional education may, indeed, turn out to be a Pyrrhic victory. While Americans' religious affiliation has weakened in recent years, religion is still a strong element in our national life. Not long ago, a former president ruefully acknowledged this fact with a much-criticized comment about some Americans bitterly clinging to their "guns and religion." Nevertheless, to turn our schools into instruments that separate children from their parents' religion and replace it with atheist, self-focused morality, raises questions about the future of public education itself.

As cited above, our country pioneered in establishing government-sponsored schools supported by the taxes of citizens. The idea of the secular state's adding the education of the young to its normal portfolio of national defense, protection of borders, and regulating commerce has been largely accepted

by our citizens. But historically, the concept of a government educating its citizens in morality has raised serious philosophical questions. Specifically, is there a fundamental difference between the state's supplying the financial and material needs of schools and actually specifying and delivering a program of study? Is it wise for state authorities to decide what a child does and does not come to know about the world?

In his 1859 essay *On Liberty*, John Stuart Mill, the great apostle of liberty, maintained that education was simply too important to be left to the government. Further, he sharply questioned the reach and extent of the state's involvement. Mill wrote:

> The objections which are urged with reason against State education, do not apply to the enforcement of education by the State, but to the State's taking upon itself to direct that education, which is a totally different thing. That the whole or any large part of the education of the people should be in State hands, I go as far as anyone in deprecating.

In his 1859 essay *On Liberty*, John Stuart Mill, the great apostle of liberty, maintained that education was simply too important to be left to the government.

Specifically, as is the current trend in American public schools, for the state to be answering the question "What is most worth knowing?" particularly in the moral domain, is a hazard. It is a hazard to the state's school system and a hazard to the loyalty of its citizens.

An educational system that answers a child's question of "Why be good?" with little more than enlightened self-interest imperils the child, the educational system, and the sponsoring state itself.

Executive Summary

"I feel like the school's teaching what I should be teaching—values, attitudes, mindsets—and I'm teaching what the school should be teaching—math."
– Connecticut mother of five public-school children

Fads are ubiquitous in American public education. Especially since the increased federalization and bureaucratization of the public schools, parents and educators have been bombarded with claims that this or that new method of teaching will "transform" student learning. Often, the new highly touted technique is merely a repackaging of an old—and failed—highly touted technique. But some fads can be so widely embraced, globally as well as nationally, and so turbo-charged by technology that they threaten to linger and inflict harm long after their expected expiration date.

This is true of social-emotional learning (SEL). SEL has been defined as "the process by which children and adults acquire and effectively apply the knowledge, attitudes, and skills necessary to understand and manage emotions, set and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible decisions." In a nutshell, SEL posits that education should focus less on academic content knowledge and more on students' attitudes, mindsets, values, and behaviors.

This paper analyzes the history, current practice, and dangers associated with SEL. With roots in American progressive education and particularly in the movements for Outcome-Based Education and Self-Esteem, SEL is now pushed onto state and local education systems by the federal government and even international governmental entities. Other progressive-education forces, including the purveyors of widely used preschool standards, are equally enthusiastic. And SEL is interwoven into education movements such as the Common Core State Standards and Competency-Based Education.

SEL proponents present their product uncritically as the transformational tool that will propel students into greater academic achievement and personal fulfillment. But as this paper shows, and as admitted by numerous experts in SEL and related fields, the evidence for these claims is thin—and the risks to students' privacy, health, and even their very futures are significant.

The paper analyzes the scientific research support for SEL claims and finds it much less persuasive than advertised. The paper further addresses the numerous problems in assessing SEL—problems that are acknowledged even by the experts and most dedicated proponents of the movement.

The paper analyzes the scientific research support for SEL claims and finds it much less persuasive than advertised. The paper further addresses the numerous problems in assessing SEL—problems that are acknowledged even by the experts and most dedicated proponents of the movement. It turns out there's no reliable, objective way to measure a student's personality, values, and mindsets. These experts cannot even agree on a uniform definition of SEL.

The paper then explores the use of technology as a means of overcoming these problems. With the backing of the federal government, the education-technology industry is creating sophisticated software that supposedly can determine the most sensitive personality traits of students via their interaction with digital platforms. But this software—and especially software for video gaming—can go beyond assessing traits and in fact reshape the child to fit the desired mold.

Finally, the paper discusses the fundamental philosophical and ethical objections to having the government, through the public schools, delve into this realm at all. By what right does the government establish approved mindsets to be inculcated in children? By what right does it deputize minimally trained personnel to measure children's adoption of those mindsets and memorialize their "progress" in an eternal, loosely secured data system? By what right does it employ such amateur mental assessments to set children on the road to over-diagnosis and perhaps over-medication with potentially harmful psychotropic drugs?

By what right does the government wield these techniques not to genuinely educate children to fulfill their dreams, but to mold them into the kind of human beings it deems more useful to the workforce or service to the state?

Finally, the paper discusses the fundamental philosophical and ethical objections to having the government, through the public schools, delve into this realm at all.

And by what right does it do any of this without notifying or obtaining consent from the children's parents?

The SEL movement implicates all of these questions. SEL goes well beyond encouraging students do their best and believe in themselves; instead, it constructs a government- and corporate-controlled edifice to measure, assess, and draw predictions from students' most fundamental private and personal characteristics. This paper explains what's really going on and why parents—and all citizens—should be concerned.

We recommend that the taxpayer-funded expansion of social emotional learning research, assessment, standards, and programs be stopped. These efforts will never be helpful to children, families, and society in the long run. Instead, we support:

1. Policies promoting two-parent family formation instead of continued subsidy of family destruction—thousands of years of experience, a myriad of social-science research, and common sense show that this is the best way both to promote social-emotional health and to maintain liberty;
2. Focusing on genuine academic achievement via standards, assessments, and curriculum that are locally derived and controlled instead of the faddish pop psychology and diluted academic content imposed by federal, state, foundation, and corporate interests.

Discussion

The hottest topic in American public education is social-emotional learning (SEL). As student scores on the National Assessment of Educational Progress (NAEP, or the "nation's report card") paint a gloomy picture of students' accomplishments in reading and mathematics (especially since the implementation of the Common Core State Standards Initiative (CCSSI)), education decision-makers look toward probing students' psyches rather than instilling academic knowledge. Perhaps they really do think such social-emotional exploration will increase students' academic achievement; perhaps they merely want to divert attention from poor results on NAEP and other assessments; or perhaps they have something more troubling in mind with respect to shaping children's dispositions and opinions.

Whatever the reasons; parents, teachers, and local schools are bombarded with messages about the critical necessity for the school to provide social-emotional learning. According to the Collaborative for Academic, Social and Emotional Learning (CASEL), which reigns as the godfather of SEL in pre-K-12 education, SEL is "the process by which children and adults acquire and effectively apply the knowledge, attitudes, and skills necessary to understand and manage emotions, set and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible decisions."[1] The social-emotional traits to be inculcated include self-awareness, self-management, social awareness, relationship skills, and responsible decision-making.[2]

The marketing sounds good. What parents wouldn't want their children to be able to manage emotions, feel empathy for others, and make responsible decisions? Parents instill these traits at home, and civil institutions such as church, Scouts, and sports reinforce the lessons. And of course, good teachers have also been doing so from time immemorial, simply as part of operating in a school community.

So what is different about the new SEL push? For one thing, it transfers the locus of instruction from family, civil, and religious institutions to the school (effectively, to government). It also formalizes and expands what teachers do naturally as part of running a classroom, perhaps with its own

The hottest topic in American public education is social-emotional learning (SEL). As student scores on the National Assessment of Educational Progress (NAEP, or the "nation's report card") paint a gloomy picture of students' accomplishments in reading and mathematics (especially since the implementation of the Common Core State Standards Initiative (CCSSI)), education decision-makers look toward probing students' psyches rather than instilling academic knowledge.

standards and curricula—either stand-alone or embedded in academic materials. It includes assessment of how well students perform pursuant to these standards and curricula. Is David sufficiently "empathetic"? Does Jennifer exhibit sufficient "leadership skills"?

SEL doesn't assume the presence of licensed counselors or other trained clinicians for its implementation. Rather, as illustrated by this CASEL report[3] on recommended SEL programs, standard procedure is to offer some sort of training to teachers and perhaps designated administrators and have them teach the material and evaluate the results (as discussed in detail throughout this paper, this means to assess whether students' personality or character traits are developing as desired).

Because the data from these assessments may be included in the statewide longitudinal data system, to endure forever and perhaps to shape the child's future path, there is much justifiable concern about the source and subjectivity of SEL standards and the qualifications of the implementing personnel. Carried to its logical conclusion, SEL can replace parental influence with the ultimate nanny state.

But concerns aside, enormous sums are being poured into SEL in public schools. One 2017 study by a pro-SEL organization estimated that K–12 public-school systems spend approximately $640 million each year on specific programming and practices designed to instill SEL. Teachers also reported that they spend about eight percent of their time on SEL, which would translate into another $30 billion annual investment.[4] Any movement that is claiming such a substantial share of resources should be examined to see what, if anything, it's accomplishing, and what problems it may create for children and their families.

Where Did SEL Come From?

SEL is deeply rooted in the history of American progressive education. Early-20th-century progressive educators such as Edward Thorndike of Columbia University Teachers College advocated linking education with psychology. Thorndike equated "learning" with "training," and believed in the approach of "learning by conditioning."[5] Children, like Pavlov's dogs, could be conditioned to exhibit the desired behaviors by a system of positive or negative consequences linked to particular actions.

SEL is deeply rooted in the history of American progressive education.

John Dewey, the dean of American progressive education, was equally enthusiastic about manipulating the psychological aspects of learning as a means of manipulating the child. Impressed by the educational potential of "social behaviorism" as used in totalitarian societies, he lauded "…the marvelous developments of progressive educational ideas and practices" and "the required collective and cooperative mentality." He was convinced that "the great task of the school is to counteract and transform those domestic and neighborhood tendencies… the influence of the home and Church."[6]

Dewey sought to introduce similar techniques into American education.[7] His theory of continually subjecting students to group work as a means of "socializing" them is "central to modern education's call for group work, collaboration, group consensus, and problem-based learning."[8]

These attributes are also highly prized by entities that see education primarily as a means of workforce preparation. Trade associations such as the U.S. Chamber of Commerce and the Business Roundtable (BRT),[9] think tanks such as the National Center for Education and the Economy (NCEE), and large corporations label these attributes "21st century skills" or "character traits," but they may do little more than equip students with the "group think" or "team player" mentality to be compliant employees. Former NCEE president Marc Tucker laid the foundation for molding American education into workforce training back in 1992 in his now infamous "Dear Hillary" letter sent right after Arkansas Governor Bill Clinton was elected president. Tucker wrote that the goal of the education system should be to "… create a seamless web of opportunities, to develop one's skills that literally extends from cradle to grave and is the same system for everyone—young and old, poor and rich, worker and full-time student."[10] SEL has been a formal part of Tucker's ideal system since 1994, when President Clinton signed the Goals 2000 Educate America Act,[11] which will be discussed at pp. 9–10.

Yale University played a major role in the modern history of SEL. In the late 1960s, Dr. James Comer of Yale School of Medicine's Child Study Center developed a program called the Comer School Development Program to try to improve academic achievement at two low-income schools in New Haven. Comer's theory was that "the contrast between a child's experiences at home and those in school deeply affects the child's psychosocial development and that this in turn shapes academic achievement."[12] If the school could concentrate on that psychosocial development, it could increase the child's chances of success.

Former NCEE president Marc Tucker laid the foundation for molding American education into workforce training back in 1992 in his now infamous "Dear Hillary" letter sent right after Arkansas Governor Bill Clinton was elected president.

Comer claimed improved achievement and diminished

behavioral problems in these New Haven schools, although critics note that he dropped one of the schools altogether and replaced it with another and took seven years to record any substantial improvement.[13] (Thirty years later, Comer himself admitted that only about a third of the 650 schools implementing his program had been able to "sustain the reforms."[14]) Other researchers also studied the program's implementation in various cities and found little benefit to either academic achievement or juvenile-justice interactions.[15] Nevertheless, the Comer approach has been embraced as the foundation of much of the current push for SEL.[16]

Yale produced other key figures in the SEL movement. In the late 1980s, Psychology Professor Roger Weissberg worked with Timothy Shriver (a former teacher and nephew of the famous Kennedy politicians) to create the K–12 New Haven Social Development Program. That program aimed to help students "develop positive self-concepts" and hone skills in "self-monitoring" and "values such as personal responsibility and respect for self and others."[17]

Weissberg also co-chaired the W.T. Grant Consortium on the School-Based Promotion of Social Competence, an organization of "youth-development experts" created to establish SEL in schools. Drawing on the work of various education and child-development professionals, this Consortium identified the following emotional skills as necessary for "emotional competence": "identifying and labeling feelings, expressing feelings, assessing the intensity of feelings, managing feelings, delaying gratification, controlling impulses, and reducing stress."[18] These skills, the Consortium advocated, should be formally taught in K–12 schools.

These early awakenings of SEL coincided with, and were related to, the development of Outcome-Based Education (OBE)

These early awakenings of SEL coincided with, and were related to, the development of Outcome-Based Education (OBE):

> Although OBE meant different things to different people, the central idea was that the school system (*i.e.,* the government) should establish centrally determined "outcomes" that the students should meet before progressing to the next level [the modern term for "outcomes" is "competencies"]. The OBE movement to some extent grew out of Benjamin Bloom's "mastery learning" concept, which posited that "given sufficient time (and appropriate help), 95 percent of students can learn a subject up to high levels of mastery." OBE champion William Spady took this a step further: "All students can learn and succeed, but not on the same day and in the same way."[19]

It should be apparent that even the best teacher, under ideal circumstances, cannot get 95 (or 100) percent of his or her students "up to high levels of mastery" in any academic subject. Though a large percentage might achieve a "floor level" set by the education administration, natural differences in students' intelligence and aptitude will interfere with achieving truly high levels of mastery. Obviously, OBE proponents were referring to something other than academic subjects—to non-cognitive aspects of performance, which most or all students could be trained to demonstrate.

In practice, OBE developed into what Spady called "transformational OBE" designed to prepare students for "life performance roles." Such roles require not academic-content knowledge, but "complex applications of many kinds of knowledge and all kinds of competence as people confront the challenges surrounding them in their social systems."[20] This was essentially social engineering—developing the types of people that government determined were helpful to society. Indeed, in 1981 Benjamin Bloom himself argued that the purpose of education is to "change the thoughts, feelings and actions of students."[21] Early progressive educators would have approved; Thorndike argued decades earlier that the "aim of the teacher is to produce desirable and prevent undesirable changes in human beings by producing and preventing certain responses."[22]

As OBE splintered under parental backlash in the 1990s,[23] SEL proponents salvaged the key ideas and continued to advance. The 1990s saw a blossoming of SEL activity. CASEL (originally the Collaborative to Advance Social and Emotional Learning) was established in 1994 and immediately began hosting conferences and sponsoring research. CASEL collaborators also produced the influential *Promoting Social and Emotional Learning: Guidelines for Educators*.[24]

[The current board chairman of CASEL is Timothy Shriver, and Roger Weissberg serves both on the board[25] and as "Chief Knowledge Officer."[26] Another noteworthy board member is Dr. Linda Darling-Hammond, professor *emerita* at the Stanford Graduate School of Education. Darling-Hammond was an Obama education adviser and transition team leader who is well known in progressive-education circles for her advocacy of "educational equity,"[27] and co-author of the federally funded Smarter Balanced Assessment Consortium to test the Common Core standards.[28]]

The push for a greater focus on "emotional skills" in school received a boost from the 1995 publication of *Emotional Intelligence: Why It Can Matter More Than IQ*.[29] Written by journalist Daniel Goleman, *Emotional Intelligence* triggered a wave of similar books and articles designed to elevate emotional skills over traditionally understood intelligence as a predictor of future achievement. Numerous psychologists and psychiatrists disputed Goleman's conclusions and even the existence of the concept of "emotional intelligence" itself (one critical

psychologist was blunt: "Let me say it again: THERE IS NO SUCH THING AS EQ. Scientifically, it's a fraudulent concept, a fad, a convenient band-wagon, a corporate marketing scheme"[30]), but CASEL and other SEL advocates embraced the book as justification for increased implementation of SEL in schools.

SEL also overlaps with the Self-Esteem movement that flourished in the 1980s. Conceived in California, the Self-Esteem theory spread throughout the country with "research" demonstrating its effectiveness for improving students' academic achievement and other life outcomes. Proponents argued that societal problems such as crime and addiction could be lessened by teaching children to think well of themselves. Leaders such as then-Governor Bill Clinton, First Lady Barbara Bush, and General Colin Powell endorsed the concept. But much of the positive research was later shown to be bogus or at least compromised by political considerations,[31] the promised transformation of education and society never materialized, comedians began to take potshots,[32] and the movement faded.

Nowhere more than in education, however, do bad ideas take hold and refuse to die. In 2016 a prominent SEL proponent called the Aspen Institute perpetuated this particular bad idea by creating the National Commission on Social, Emotional and Academic Development (the "Commission").[33] The goal of the Commission is "to accelerate the transfer of research about social and emotional skill-building—which includes developing the interpersonal skills that organizers say contribute to success in school, college and work—into teaching practices across the nation."[34]

(one critical psychologist was blunt: "Let me say it again: THERE IS NO SUCH THING AS EQ. Scientifically, it's a fraudulent concept, a fad, a convenient band-wagon, a corporate marketing scheme"[30]

Linda Darling-Hammond, who serves on the CASEL board, co-chairs the Aspen Commission.[35] Proving the bi-partisan allure of SEL, another co-chairman is John Engler, former Republican governor of Michigan and past president of the pro-SEL Business Roundtable. The Commission also comprises an assortment of military, business, and philanthropic leaders including Tim Shriver.[36] The Commission recently published its final report,[37] the recommendations of which will be analyzed throughout this paper. As will be explained at pp. 10–14, numerous other private foundations have joined the advocacy for SEL.

The message disseminated by these players is that SEL is a promising concept that hasn't been seriously attempted in schools. But the SEL elements pushed by the purveyors—self-confidence, self-efficacy, self-motivation, etc.—are in large part merely a repackaging of the Self-Esteem and transformational-OBE movements. The difference is that the concepts now have more support in the federal legal structure, and they can be implemented with much more sophisticated tools. To these issues we now turn.

Statutory and Other Incentives to Implement SEL

Goals 2000

The first foothold SEL gained in federal law came through the Goals 2000: Educate America Act,[38] signed by President Bill Clinton in 1994 (not coincidentally the same year CASEL came into existence). An early foray into standards-based education reform, Goals 2000 was largely based on OBE. States were required to adopt the statute's National Education Goals to receive federal funding through the Elementary and Secondary Education Act (ESEA), reauthorized also in 1994 as the Improving America's Schools Act.[39] This ESEA reauthorization also marked the first time the federal government required statewide standards and tests, which opened the door to more federalized control of education in No Child Left Behind (NCLB), Race to the Top (RttT)/Common Core, and the Every Student Succeeds Act (ESSA). As will be explained on pp. 10–14 , SEL was a prominent part of all of these statutory reauthorizations and initiatives.

Goals 2000 contained eight goals. The two most relevant to this discussion are inextricably linked. Goal 1 concerns preschool: "By the year 2000, all children in America will start school ready to learn." While many would assume this goal relates to children being "ready to learn" academic preschool subjects such as letters, numbers, colors, and shapes, that wasn't the intent of progressive-education officials. They wanted young children to be ready to learn government–instilled attitudes, values, and beliefs—as covered in Goal 8: "By the year 2000, every school will promote partnerships that will increase parental involvement and participation in promoting the social, emotional, and academic growth of children." Note that academic growth is the last item on the priority list.

The first foothold SEL gained in federal law came through the Goals 2000: Educate America Act,[38] signed by President Bill Clinton in 1994

Even though parental involvement is mentioned, many parents questioned whether the schools, and the federal government, should be setting norms for or mandating anything related to the emotions and beliefs of their children. Nor did these parents consider themselves mere "partners," subservient to government entities in this realm. Parents and pro-family

organizations have long argued that based on unalienable rights and thousands of years of history, as well as legal precedent,[40] they have the right to direct their children's education and care, and especially the formation of their children's attitudes, values, and beliefs. But as shown by Goals 2000, the progressive-education establishment is headed in the opposite direction.

No Child Left Behind

Although some parts of Goals 2000 were repealed in the 2002 reauthorization of ESEA—called No Child Left Behind (NCLB)—the eight National Education Goals remain in federal statute. NCLB specifically continued the preschool and SEL goals 1 and 8 via the Foundations for Learning Grants in a statutory section titled "Promotion of school readiness through early childhood emotional and social development."[41] Young children were eligible for these mental-health grants administered by local education agencies, non-profits, etc., based on highly subjective criteria, such as if the student "is at risk of being …removed" from child care, Head Start, or preschool for behavioral reasons, or if the child had been "exposed to violence" or "exposed to parental depression or other mental illness."

Such vagueness is typical of SEL programs, because even experts and proponents admit the lack of agreement and subjectivity in SEL standards and assessments, especially for young children. For example, a major paper on infant and early-childhood mental health by the National Center for Infant and Early Childhood Health Policy published in 2005 concluded that "broad parameters for determining socioemotional outcomes [in young children] are not clearly defined."[42] This problem will be discussed further at pp. 20–21.

In addition to the Foundations for Learning Grants, NCLB promoted SEL in other ways. Grants for physical-education programs were encouraged to promote "Instruction in a variety of motor skills and physical activities designed to enhance the physical, mental, and social or emotional development of every student."[43] Mentoring programs funded in NCLB were required to provide "an assurance that the mentoring program will provide children with a variety of experiences and support, including—(i) emotional support."[44] Demonstration projects funded by programs for gifted and Native American students were encouraged to include "the identification of the special needs of gifted and talented Indian students, particularly at the elementary school level, giving attention to… identifying the emotional and psychosocial needs of such students."[45]

Such vagueness is typical of SEL programs, because even experts and proponents admit the lack of agreement and subjectivity in SEL standards and assessments, especially for young children.

Head Start Standards and NAEYC Practices

Another early—and still enormously influential—vehicle for imposing SEL in schools is the federal Head Start program, which operates out of the Department of Health and Human Services (HHS). Despite substantial evidence of general ineffectiveness,[46] Head Start routinely enjoys increased annual funding from Congress (the most recent reauthorization of the Head Start Act occurred in 2007[47]). The standards[48] that are required in 11 places[49] under the Head Start Act must include SEL.[50]

Another early–and still enormously influential–vehicle for imposing SEL in schools is the federal Head Start program, which operates out of the Department of Health and Human Services (HHS).

It's important to note that the Head Start Act conflicts with other federal law that prohibits federal direction or control over school curriculum. The General Education Provisions Act (GEPA)[51] forbids:

> …any department, agency, officer or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system…

But even though HHS would certainly fall within the "any department" language, HHS through the Head Start Act includes no fewer than eight mandates concerning curriculum. For example, the Act requires "alignment of curricula used in Head Start programs and continuity of services with the Head Start Child Outcomes Framework."[52]

The Head Start Act itself prohibits HHS involvement with curriculum:

> (a) Limitation - Nothing in this subchapter shall be construed to authorize or permit the Secretary or any employee or contractor of the Department of Health and Human Services to mandate, direct, or control, the selection of a curriculum, a program of instruction, or instructional materials, for a Head Start program.
>
> (b) Special Rule - Nothing in this subchapter shall be construed to authorize a Head Start program or a local educational agency to require the other to select or implement a specific curriculum or program of instruction.[53]

But despite this unambiguous prohibition, Head Start

contains explicit curriculum mandates that have become the yardstick by which Head Start programs nationwide are evaluated. These mandates in turn dictate much of what happens in state early-childhood education programs in the U.S.

The Head Start standards require[54] that curricula in all programs "be aligned with the Head Start Early Learning Outcomes Framework: Ages Birth to Five" (the "Framework").[55] That Framework is heavily oriented toward SEL. For example, the Framework suggests that by the age of two or three, children should be evaluated on expressing "empathy" toward other children, on social interactions with adults and with other children, and on awareness of emotions and ability to self-calm when upset.[56]

Other examples of controversial, subjective, and perhaps unnecessary social-emotional standards include these from various iterations of the Framework:

- 2003 - "Progresses in understanding similarities and respecting differences among people, such as genders, race, special needs, culture, language, and family structures."[57]
- 2010 - "Understands that people can take care of the environment through activities, such as recycling."[58]
- 2010 - "Recognizes a variety of jobs and the work associated with them."[59]
- 2015 - "Shows ability to shift focus in order to attend to something else, participate in a new activity or try a new approach to solving a problem."[60]
- 2015 - "Identifies some physical characteristics of self, such as hair color, age, gender, or size."[61]

Some of these standards are manifestly unnecessary; do young children really need to be taught what hair color they have? Do preschoolers really need to know about different occupations? Others, such as the 2015 standard about "ability to shift focus" or "try a new approach," call for highly subjective assessment. Viewed in this light, many of these standards seem to be directed more toward shaping a child's personality and worldview—perhaps with an eye toward workforce development and future political activity—than toward preparing him or her for the academic requirements of school.

Some of these standards are manifestly unnecessary; do young children really need to be taught what hair color they have? Do preschoolers really need to know about different occupations?

The Head Start standards embody the same philosophy as the influential Developmentally Appropriate Practices (the "Practices") of the National Association for the Education of Young Children (NAEYC).[62] Like Head Start, NAEYC pushes SEL for preschool and early-elementary children.

Related to SEL, NAEYC emphasizes molding children's mindsets with respect to "diversity." The Practices, adopted in 2009, deal with bias by warning, "For example, even a child in a loving, supportive family within a strong, healthy community is affected by the biases of the larger society, such as racism or sexism, and may show some effects of its negative stereotyping and discrimination."[63] Examples from other publications or drafts by NAEYC shows that its position on this issue has remained consistent both before and since the adoption of the Practices document:

- 1989 – "[Definition of] Whites: All the different national groups of European origin who as a group are disproportionately represented in the control of the economic, political, and cultural institutions of the United States."[64]
- 2010 – "[Definition of] Whites: A socially created 'racial' group who historically and currently receive the benefits of racism in the United States. The category includes all the different ethnic groups of European origin, regardless of differences in their histories, ethnicities, or cultures."[65]
- 2018 Draft – "Deeply embedded biases maintain systems of privilege that grant greater access and power to people who are white, male, hetero, English speaking, thin, and/or middle-to-upper income."[66]

Both the Head Start Framework and NAEYC's politicized Practices affect more than just Head Start programs. State pre-K standards are frequently aligned to the Head Start standards and Framework and to the Practices. According to CASEL, "approximately 48% of states consulted the Head Start Framework when developing their standards, and 60% of states relied on the NAEYC Developmentally Appropriate Practices… ."[67]

Even private pre-K programs are frequently affected, especially in states that have a Quality Rating and Improvement System (QRIS). These rating systems usually require childcare programs, including private and religious programs if they want to remain competitive in a market with low profit margins, to teach and assess the state early-learning standards with their subjective and often controversial benchmarks.[68] The federal Child Care and Development Block Grant, last reauthorized in 2014,[69] also strongly encourages states and programs receiving federal funding to have a QRIS,[70] as well as to comply with Head Start[71] and its SEL mandates.

The ELC grants were funded through the American Recovery and Reinvestment Act (the "Stimulus" bill), and were used to encourage (bribe) adoption of SEL standards in many of the states' preschools.[73]

Having both a QRIS and state early-learning standards, all of which have an SEL component, was also a required element of the Race to the Top Early Learning Challenge (ELC) grant program under the Obama administration.[72] The ELC grants were funded through the American Recovery and Reinvestment Act (the "Stimulus" bill), and were used to encourage (bribe) adoption of SEL standards in many of the states' preschools.[73] The ELC program was jointly administered by the U.S. Department of Education (USED) and HHS. The involvement of HHS and the Head Start administrator, as well as frequent references to Head Start in the governing documents of the grant program, indicated to applicant states that the Head Start template for standards and curricula would be favored.

Minnesota is one example of a winning state that touted its requirement of the state standards as the basis of the QRIS.[74] The North Star State's pre-K SEL standards[75] in use at the time contained many that tracked, entirely or substantially, the 2010 version of the Head Start standards.[76] For example:

- H.S. – "Demonstrates flexibility, imagination, and inventiveness in approaching tasks and activities"; MN - "Approach tasks and experiences with flexibility, imagination, and inventiveness."
- H.S. – "Recognizes a variety of jobs and the work associated with them";
  MN – "Talk about the jobs people do in the community."
- H.S. – "Expresses empathy and sympathy to peers";
  MN – "Provide opportunities for children to understand and discuss their feelings and those of others [*i.e.*, show empathy]."

  (Note the inevitable subjectivity of assessing children on such nebulous traits.)

Minnesota and other ELC grant winners directly emphasized SEL in their applications:[77]

- "The state's [Minnesota's] existing birth-to-five child development standards will be aligned with K–12 standards, which will be expanded to include non-academic developmental domains for children ages five to 12. An evaluation and review cycle to ensure the standards remain research-based and aligned to K–12 [*sic*]."
- "California will offer additional provider training in assessing social-emotional learning and ensure greater access to developmental and behavioral screenings."
- "Partnering with Maryland, Ohio plans to expand its already well-developed kindergarten entry assessment to include all domains of school readiness (language and literacy, mathematics, social studies, science, socio-emotional, physical well-being, and approaches to learning)."

Through the influence of Head Start and NAEYC, then, SEL is a primary component of most early-childhood programs in the U.S.

The Common Core Standards and SEL

The most recent federally driven experiment in public education is the Common Core State Standards Initiative, which produced K–12 standards that were released in 2010 and adopted by most states in an effort to qualify for federal Race to the Top funding.[78] Despite promises by proponents[79] that Common Core would be "academic" and "rigorous," documentation from USED and many national stakeholder groups, including CASEL, demonstrates that a number of the standards would be used not for academic advancement but for psychological training of children starting at a young age. Among many examples are the following two, one from CASEL and one from the National Association of State Boards of Education:

Despite promises by proponents[79] that Common Core would be "academic" and "rigorous," documentation from USED and many national stakeholder groups, including CASEL, demonstrates that a number of the standards would be used not for academic advancement but for psychological training of children starting at a young age.

- "National model standards often contain elements of social and emotional learning. For example, 42 states and two territories are in the process of adopting the Common Core Standards in Math and English Language Arts, which contain standards on communication (especially speaking and listening), cooperation skills, and problem solving."[80]
- "Various elements of SEL can be found in nearly every state's K–12 standards framework and in the Common Core State Standards for the English Language Arts."[81]

A significant number of Common Core standards contain the type of SEL elements referenced in these quotes.[82] The following example comes from the English Language Arts (ELA) standards in writing for second-grade students:

> Write narratives, in which they recount a well-elaborated event or short sequence of events, include details to describe actions, thoughts, and feelings, use temporal words to signal event order, and provide a sense of closure.[83]

This standard expects second-graders to understand their own thoughts and feelings as well as those of others around them and to understand and demonstrate the sophisticated

psychological concept of "closure"—while they are still learning to read. Nancy Orme of the Anchorage School District cited this standard as corresponding to socioemotional learning standards for "Self-Awareness" that require students to "demonstrate awareness of their emotions"; "recognize and label emotions/feelings"; and "describe their emotions and feelings and the situations that cause them (triggers)."[84] Apparently second-graders are expected to demonstrate social-emotional skills that elude many adults.

A federal report[85] on certain aspects of SEL, discussed in more detail at pp. 16, 23, also demonstrated that SEL and Common Core are closely and intentionally intertwined:

> In national policy, there is increasing attention on 21st-century competencies (which encompass a range of noncognitive [*sic*] factors, including grit), and persistence is now part of the Common Core State Standards for Mathematics.[86]

The Common Core math anchor standard referenced in this quote requires K–12 students to "make sense of problems and persevere in solving them."[87] One educator described this standard, based on CASEL criteria, as a psychosocial skill for "Responsible Decision Making" that "includes problem identification and problem solving; evaluation and reflection; personal, social, and ethical responsibility."[88] There are also numerous examples of developmentally inappropriate Common Core standards for math that actually create emotional stress instead of improving the social emotional health of children, but that's a topic for another paper.[89]

A federal report[85] on certain aspects of SEL, discussed in more detail at pp. 16, 23, also demonstrated that SEL and Common Core are closely and intentionally intertwined

The final Aspen Commission report also admits the connection of SEL to Common Core, highlighting the Mindset Scholars Network that seeks to build "insights from motivational research into instructional materials aligned with college- and career-ready standards [*i.e.*, Common Core]."[90]

Common Core-Aligned and Other SEL Curricula

Because SEL is so prevalent in the Common Core standards, it is similarly infused into Common Core-aligned curricula. Many such curricula emphasize not just the SEL of identifying and controlling one's own emotions, but the more political SEL of learning how to manipulate others' emotions to achieve a goal. One example is the first-grade English Language Arts curriculum, *Voices*, approved for use with the Common Core in Utah:

- "In the Voices Democracy theme, students use their voices to advocate solutions to social problems that they care deeply about [assuming that six-year-olds "care deeply" about social issues]. They are involved in learning the following theme related social knowledge and skills: social role models, ***social advocacy***, and respect for each other" (emphasis added).[91]
- "Tell students when they write a call to action, ***they should include emotional words*** to get readers to feel so strongly about a problem that they want to do what is being asked of them" (emphasis added).[92]

This curriculum goes far beyond helping first-graders get along with their peers and delves into political manipulation. It's never too early, apparently, to use SEL to create little community organizers.

An *Education Week* article[93] discussed how SEL is being infused into academic subjects to motivate students toward political action. Given that this article was published in 2017, presumably these lessons are aligned to the Common Core standards for use in most public-school classrooms. SEL proponents enthuse that "[a] reading or math lesson can teach students to see their personal challenges as part of a wider struggle, where people work together to bring about change, what these teachers call social justice."[94]

A noteworthy example is an online math course used in high school:

> It's that sense of control that math teacher Kelly Boles wants to impart to her students in her statistics class at Betsy Layne High School in rural, eastern Kentucky. Boles also co-leads a Teach For America-sponsored online course on the edX platform called "Teaching Social Justice Through Secondary Mathematics."[95] She teaches students to respond rationally to data that provokes strong emotions, without immediately responding with arguments. She does so by having them focus on the wider implications of data. It's making math relevant, but the ultimate goal is to get kids to start asking certain questions of the data that ultimately could lead to civic action.[96]

This curriculum goes far beyond helping first-graders get along with their peers and delves into political manipulation. It's never too early, apparently, to use SEL to create little community organizers.

Frederick Hess and Grant Addison of the American Enterprise Institute similarly confirmed that the teaching of Common Core English and math lessons has taken a hard-left turn into social justice and identity politics:

> The Standards Institute, hosted twice annually by New

> York–based UnboundEd, provides "standards-aligned" training in English-language arts, mathematics, and leadership. What differentiates UnboundEd is how it slathers its Common Core workshops with race-based rancor and junk science—and the snapshot it provides into the ongoing transformation of "school reform."[97]

Hess and Addison vindicate parents in their concern about the indoctrinating nature of Common Core and, by association, SEL:

> Ironically, UnboundEd helps validate some of the most far-out conspiracy theories that have been spun about the Common Core. UnboundEd was born of EngageNY — an entity, supported by millions of dollars in Obama-era Race to the Top funds, created to provide Common Core curricula for New York's classrooms. In 2015, Gerson and several colleagues left EngageNY to start UnboundEd, seeking to train educators how to teach Common Core reading and math. Once upon a time, Common Core critics were roundly mocked for fearing that the reading and math standards would somehow serve to promote sweeping ideological agendas; today, Gerson and her team are doing their best to vindicate those concerns.[98]

Such politicized curricula are to be expected, given the agendas of so many private organizations pushing this manipulation of mindsets. CASEL's partnerships and funding show a distinct political tilt. CASEL is funded[99] partly by the federal government's Institute for Education Sciences (IES) and partly by a range of liberal foundations. Among these are the Robert Wood Johnson Foundation, which promotes socialized health care and bemoans the effect of climate change[100] on "health and equity"; and the 1440 Foundation, which pushes Buddhist "mindfulness" techniques[101] and raises alarms about climate change.

Another major funder of CASEL is the NoVo Foundation, which seeks to use SEL[102] to "play a significant role in shifting our culture of systemic inequality and violence toward a new ethos that values and prioritizes collaboration and partnership." NoVo's founders make funding decisions[103] to change "systems [that are] based on domination, competition, and exploitation." Presumably they think CASEL and SEL will help them overturn these exploitative systems.

The Robert Wood Johnson and NoVo Foundations are also prominently involved in funding the Commission. This is also true of the Bill and Melinda Gates Foundation, the world's most generous funder of Common Core-related education initiatives, and the Carnegie Corporation, a funder of progressive-education causes for many decades.[104]

Every Student Succeeds Act

The Every Student Succeeds Act (ESSA), which was touted as returning educational autonomy to the states, in fact contains myriad provisions that cement federal control or at least influence.[105] One education component strongly pushed by ESSA is SEL.

ESSA contains multiple provisions that affect early-childhood standards and curricula, and those provisions encourage and in some cases mandate inclusion of SEL.[106] For example, Section 1112 of ESSA provides that any district that uses Title I funds for early learning must comply with the Head Start performance standards.[107] In addition, ESSA is replete with provisions requiring coordination with Head Start programs. Section 1111 requires that mandatory state education plans align with 11 different federal statutes, including the Head Start Act.[108] Section 1112 provides that to qualify for a subgrant under ESSA, a local school district must complete an education plan that, like the state plan, aligns with the Head Start Act.[109] In addition, the $250 million Preschool Development Grant program[110] continues the efforts to expand federal early-childhood education with its significant SEL component, by aligning them to Head Start (with its SEL standards) and the Child Care and Development Block Grants (which promote SEL in QRISs).[111]

ESSA encourages SEL in more than just early-childhood programs by pouring money into a wide array of initiatives based on SEL.[112] These include Title I funding for counseling, mentoring, and mental-health services; for schoolwide "tiered" support services for students (more about these below); for home visits by bureaucrats; and for dropout-prevention services[113]; Title II funding for training school personnel in "school readiness," "learning readiness," and "when and how to refer… children with, or at risk of, mental illness;"[114] and Title IV grants for school-based counseling and for mental-health, student-engagement, relationship-building, and similar programs, including those in "21st Century Community Learning Centers."[115]

The Every Student Succeeds Act (ESSA), which was touted as returning educational autonomy to the states, in fact contains myriad provisions that cement federal control or at least influence.[105] One education component strongly pushed by ESSA is SEL.

ESSA language urges school officials to cast a wide net for special education in school-wide "intervention" and "support" programs, allowing schools to sidestep parental consent requirements for formal evaluations. These SEL-related programs are frequently directed toward children who are deemed "at-risk" of academic or social problems, without ever defining "at-risk" or specifying who will be making this determination.

The wide-net approach is especially true for the Positive Behavioral Intervention and Supports (PBIS) program. PBIS is a tiered program that begins with monitoring the attitudes and behaviors of the entire student population and advances toward intensified "interventions" as the staff determines children need more "help." PBIS was originally included in the Individuals with Disabilities Education Act (IDEA) to try to resolve academic or mental/SEL issues of "at-risk" students short of a full special-education referral, but ESSA expanded the program school-wide.[116]

Despite claims by proponents that PBIS is "evidence based" or "research based," the federal PBIS technical support center admits that "school-wide PBIS is in its infancy"[117] and that all of PBIS is quite experimental. That same support center also admits, "Because the roots of PBIS are in applied experimental analysis of behavior, the evidence for PBIS, at this time, is primarily derived from single subject designs."[118] In other words, there are no controlled trials involving large numbers of students to know if the concept really works. Nevertheless, PBIS is embraced uncritically in the public-education realm; even the federal School Safety Commission has recommended it as a means to prevent school violence.[119]

The literature on PBIS includes little to no discussion of how the universal or at-risk behaviors are chosen; what sensitive, personally identifiable information is collected on children for the various tiers; how children's attitudes, values, and beliefs are modified; and what outcome data is included in children's lifelong data dossiers (more about this at pp. 23–25). Also, the phrase "parental consent" rarely, if ever, appears on PBIS explanatory websites.

Another feature of ESSA that incentivizes SEL appears in the accountability provisions.[120] While school accountability under No Child Left Behind was heavily focused on test scores, ESSA broadens that to include nonacademic factors. These may encompass "indicator[s] of school quality or school success" that are "valid, reliable, comparable, and state-wide" and that may include measures of "student engagement," "school climate and safety," and "any other indicator the State chooses that meets the requirements of this clause." States must submit to USED a state education plan that details which of these descriptors will be included in school-accountability analyses.

Another feature of ESSA that incentivizes SEL appears in the accountability provisions.[120]

All these descriptors can refer to aspects of SEL. Nevertheless, as of this writing, no state plan had taken advantage of these provisions to explicitly include SEL (perhaps because of problems with disaggregating such data by student subgroup, as ESSA also requires, or because of serious difficulties in measuring SEL, as discussed at pp. 19–23).[121] But SEL proponents, though admitting that SEL measurement is "not ready for prime time," have expressed determination to forge ahead with SEL implementation in as many states and schools as possible.[122]

In summary, in numerous ways such as funding opportunities and compliance mandates, ESSA incentivizes public schools to expand programs deeply into the realm of SEL.

Other Federal Initiatives that Push SEL

Beyond ESSA, at least three other federal initiatives are designed to monitor children's attitudes and beliefs. One is the recent revision[123] of the National Assessment of Educational Progress (NAEP), the test referred to as "the nation's report card," to assess mindsets and school climate. A pre-test survey taken by all participating students[124] will explore "core" student characteristics including "grit" and desire for learning[125] as well as such factors as self-efficacy and personal achievement goals.[126]

This revision has been challenged[127] not only on constitutional and privacy grounds, but as a violation of federal law.[128] Specifically, assessing social-emotional characteristics in NAEP violates NAEP's governing statute itself, which forbids tests that "evaluate or assess personal or family beliefs."[129] The governing statute requires that the assessment "objectively measure academic achievement, knowledge, and skills"—which the new SEL-based survey questions manifestly do not. But the unlawful revision has been made and continues to be implemented.

A second effort is the authorization of federally controlled and funded "social emotional research" in the proposed Strengthening Education Through Research Act (SETRA)[130] (a bill that would reauthorize the Education Sciences Reform Act). SETRA is strongly supported by individuals and organizations that would benefit from the availability of such sensitive "research" data on students.[131] Because Senate approval of the bill in December 2015[132] without debate prompted an outpouring of citizen objection,[133] SETRA has, as of this writing, not been reintroduced in either chamber of Congress since 2015.

But SEL proponents, though admitting that SEL measurement is "not ready for prime time," have expressed determination to forge ahead with SEL implementation in as many states and schools as possible.[122]

SEL Goes Global

SEL is now a global phenomenon. For example, in 2017 the Organization for Economic Cooperation and Development (OECD) launched its Study on Social and Emotional Skills

(SSES).[134] OECD has long administered the Programme for International Student Assessment (PISA) test to measure academic knowledge, but now is branching out into methods of measuring and shaping students' personalities.

The SSES will analyze two cohorts of students, at ages 10 and 15, to determine what social-emotional skills they have and should have, and to develop "international instruments" to measure such skills.[135] The extraordinarily intrusive study will survey students, parents, teachers, and education administrators to gather data on "children's [social-emotional] skills, . . family background, child's performance, home learning environment, parent-child relationship, parental style, learning activities, and parents' own attitudes and opinion."[136] (There is little acknowledgement of the credibility problems inherent in such surveys—will parents pass judgment on their own parenting skills by honestly evaluating their children?) SSES will also analyze information from students' interaction with online instruments to surveil "what people do, think, or feel, when interacting with, and responding to, the item or task."[137]

The goal is to measure students' performance in the five broad domains (known to psychologists as the "Big Five model") of "emotional regulation (emotional stability); engaging with others (extroversion); collaboration (agreeableness); task performance (conscientiousness); [and] open-mindedness (openness)."[138]

Regardless of its reliability, the mountains of data from the study will be crunched to produce assessments, perhaps to be linked to PISA and other OECD academic assessments. The goal is to measure students' performance in the five broad domains (known to psychologists as the "Big Five model") of "emotional regulation (emotional stability); engaging with others (extroversion); collaboration (agreeableness); task performance (conscientiousness); [and] open-mindedness (openness)."[138] (These were the same personality traits assessed by Facebook and Cambridge Analytica in their controversial partnership that data-mined Facebook users during both the 2012[139] and 2016 presidential campaigns.[140])

On the theory that such traits are malleable and can be taught, SSES aims to determine how to mold students into people most useful to the government and the economy. Analysis by the Middle East North African Financial Network (MENAFN) reported that OECD's reason for developing "the test is that social and emotional skills are important predictors of educational progress and future workplace performance. Large-scale personality data is therefore presumed by the OECD to be predictive of a country's potential social and economic progress."[141] The MENAFN further discussed potential results of OECD's SEL push:

> The organisation is seeking to measure student personality to gather policy-relevant insights for participating countries. The inevitable consequence in countries with disappointing results will be new policies and interventions ***to improve students' personalities to ensure competitiveness in the global race***. Just as PISA has influenced a global market in products to support the skills tested by the assessment, the same is now occurring around social-emotional learning and personality development (emphasis added).[142]

OECD is also working to implement a similar assessment for the preschool age group. Its International Early Learning Study (IELS), being piloted in partnership with the U.S. National Center for Education Statistics, seeks to focus:

> … on young children and their cognitive and non-cognitive skills and competencies as they transition to primary school. The IELS is designed to examine: children's early learning and development in a broad range of domains, including social emotional skills as well as cognitive skills; the relationship between children's early learning and children's participation in early childhood education and care (ECEC); the role of contextual factors, including children's individual characteristics and their home backgrounds and experiences, in promoting young children's growth and development; and how early learning varies across and within countries prior to beginning primary school. In 2018, in the participating countries, including the United States, the IELS will assess nationally-representative samples of children ages 5.0–5.5 years (in kindergarten in the United States) through direct and indirect measures, and will collect contextual data about their home learning environments, ECEC histories, and demographic characteristics.[143]

This description makes it clear that these assessments represent an expansion of student surveillance beyond the school and into the home and family life. Noteworthy also is the admission that the sensitive data gathered from this surveillance will be used to impose government-favored SEL standards and skills on families:

> Policy makers, teachers, parents and researchers can help expand children's growth potential

This description makes it clear that these assessments represent an expansion of student surveillance beyond the school and into the home and family life.

> by actively engaging in skill development within the domains that they are responsible for. However, given that "skills beget skills," ***education policies and programmes need to ensure coherence across learning contexts (i.e. family, school and the community)*** and stages of school progression (i.e. across primary, lower secondary and upper secondary schooling). This is an important way to maximise the returns to skills investment over the life cycle (emphasis added).[144]

This adoption of psychological frameworks "appears to represent a therapeutic shift in OECD focus, with its target being the development of emotionally stable individuals who can cope with intellectual challenge and real-world problems."[145] SSES aims to "capture the whole range of cross-cultural human behavior and emotions in discrete quantifiable categories."[146]

The United Nations Educational, Scientific and Cultural Organization (UNESCO) is closely following the OECD study.[147] UNESCO, through its International Institute for Educational Planning (IIEP), views SEL as an important factor in the U.N.'s fourth Sustainable Development Goal for education.[148] In discussing the OECD study, IIEP declared that "measurement of these [social-emotional] skills need [*sic*] to be part of assessments to ensure that all children and youth develop these crucial skills, which will help them adapt quickly, [*sic*] and successfully to an uncertain future."[149]

One of the SEL attributes receiving much attention from the federal government, employers, and researchers is that of "grit." Angela Duckworth, an Associate Professor of Psychology at the University of Pennsylvania, has become famous for her advocacy of teaching grit and other positive social-emotional skills

Similarly, back in the U. S., the Aspen Commission final report advocates "partnerships between schools, families, and community organizations to support healthy learning and development in and out of school."[150] It appears that all of these organizations are on the same page in wanting government to mold and monitor the SEL status and capacities of children in every area of their lives.

Discussing problems with the OECD SEL assessments, MENAFN noted the problems of academic dilution and over-concern with data:[151]

- "It risks reframing public education in terms of personality modification, driven by the political race for future economic advantage, rather than the pursuit of meaningful knowledge and understanding. It treats children as little indicators of future labour markets, and may distract teachers from other curriculum aims."
- "As education consultant Joe Nutt wrote in the Times Educational Supplement last year, 'If you make data generation the goal of education then data is what you will get. Not quality teaching.'"

Early-childhood experts from at least 25 different nations oppose OECD's IELS, questioning "whether political and corporate profit interests are being privileged over valid research, children's rights and meaningful evaluation." They also argue that "the motives and interests driving international standardised assessment and its underlying assumptions need to be questioned at all levels." They "disagree with an approach that conceptualizes and instrumentalises early childhood education and care mainly as preparation for the following stages of formal education, and as tool [*sic*] for achieving long-term economic outcomes—which are in itself questionable or unsubstantiated."[152]

The Grit Movement

One of the SEL attributes receiving much attention from the federal government, employers, and researchers is that of "grit." Angela Duckworth, an Associate Professor of Psychology at the University of Pennsylvania, has become famous for her advocacy of teaching grit and other positive social-emotional skills as a way of improving student achievement. She defines grit in her 2016 book on the subject as a "combination of passion and perseverance."[153]

Duckworth describes multiple cases of how grit helped both famous and ordinary people achieve noteworthy accomplishments. She also explains how grit and persistence can be personally achieved and how they can be taught. As a former teacher, she argues that grit and other social-emotional traits improve academic achievement.

The federal government has so embraced the "grit" movement that USED's Office of Technology wrote an entire draft report on the subject.[154] This report defined "grit" as follows:

> Perseverance to accomplish long-term or higher-order goals in the face of challenges and setbacks, engaging the student's psychological resources, such as their [*sic*] academic mindsets, effortful control, and strategies and tactics.[155]

Interviewing and citing Duckworth multiple times, the federal report showed a strong belief in inculcating these qualities in students, and measuring their presence or absence in some way. The assessment methods embraced by the federal government in this report, discussed at pp. 22, are worthy of science fiction.

The word "consent" does not appear in that federal report.

SEL and Competency-Based Education

SEL is becoming a key component of the "personalized" learning or competency-based education (CBE) craze. CBE digitally documents the attainment of various skills, including SEL skills, to declare that a student has achieved certain competencies or is ready to move on in his personalized learning path. (The term "personalized" doesn't imply more attention from a teacher; rather, much of the learning takes place in front of computer screens using embedded assessments that perform "affective [psychological or SEL] computing," with human teachers, if present at all, acting as monitors.)

SEL is becoming a key component of the "personalized" learning or competency-based education (CBE) craze. CBE digitally documents the attainment of various skills, including SEL skills

The CBE model represents a merger of Common Core and SEL, as indicated by the American School Counselor Association in a 2014 paper: "Mindsets & Behaviors align with specific standards from the Common Core State Standards through connections at the competency level."[156] In fact, some education observers view the Common Core standards as "data tags" in this emerging education system. *Forbes* columnist and former teacher Peter Greene explained:[157]

> We know from our friends at Knewton [whose CEO said that the software collects "five to ten million actionable data [points] per student per day" based on digitized Pearson Common Core-aligned curriculum[158]] what the Grand Design is—a system in which student progress is mapped down to the atomic level. Atomic level (a term that Knewton lervs [sic] deeply) means test by test, assignment by assignment, sentence by sentence, item by item.
>
> We want to enter every single thing a student does into the Big Data Bank. But that will only work if we're all using the same set of tags. We've been saying that [Common Core State Standards] are limited because the standards were written around what can be tested. That's not exactly correct. The standards have been written around what can be tracked. The standards aren't just about defining what should be taught. They're about cataloging what students have done.

Indeed, CASEL itself describes desirable social-emotional traits as "competencies" (self-awareness, self-management, social awareness, relationship skills, and responsible decision-making) or in Greene's parlance, data tags.[159] So, as will be discussed at pp. 22, the digital technology used to assess competencies in academic subjects will be employed to do the same with respect to SEL.

This raises a multitude of questions about SEL subjectivity, measurement, data collection, use of SEL data to affect accountability for teachers and schools, and future effects on students. For instance, if students fail to meet subjective SEL standards, perhaps as measured by a federally funded, federally supervised national test or another test such as the ACT (which is currently developing "an assessment of behavioral skills"),[160] will that data in their longitudinal files eventually suggest to employers or colleges that they are somehow personally, socially, or ethically deficient? Will a future Einstein be rejected because of his results on such a subjective assessment? But first, let us examine the alleged scientific basis for the value of SEL.

This raises a multitude of questions about SEL subjectivity, measurement, data collection, use of SEL data to affect accountability for teachers and schools, and future effects on students.

Lack of Scientific and Research Support for SEL

CASEL, the Commission, and other SEL proponents consistently point to a large research base for expanding SEL standards and curricula in the U.S. A commonly cited piece of research is a meta-analysis by Durlak and colleagues[161] "of 213 school-based, universal SEL programs involving 270,034 kindergarten through high school students." Based on their review, the Durlak researchers reported the following results: "Compared to controls, SEL participants demonstrated significantly improved social and emotional skills, attitudes, behavior, and academic performance that reflected an 11-percentile-point gain in achievement." The researchers concluded:

> The findings add to the growing empirical evidence regarding the positive impact of SEL programs. Policymakers, educators, and the public can contribute to healthy development of children by supporting the incorporation of evidence-based SEL programming into standard educational practice.

However, the Durlak meta-analysis admitted several limitations. These limitations, as well as two studies cited in the review, undermine the Durlak conclusions. Here are the limitations:[162]

- "Only 16% of the studies collected information on academic achievement at post [intervention]."
- "Only 32% assessed skills as an outcome."
- "Because there is no standardized approach in measuring

social and emotional skills, there is a need for theory-driven research that not only aids in the accurate assessment of various skills but also identifies how different skills are related."

- "More rigorous research on the presumed mediational role of SEL skill development is also warranted. Only a few studies tested and found a temporal relationship between skill enhancement and other positive outcomes."

In addition, 56 percent of the studies analyzed were interventions for elementary students, 31 percent were for middle-school students, and only 13 percent were for high-school students. With over half of studies based on elementary students, it's difficult to know if the interpretations for the youngest age group are developmentally appropriate for older children and adolescents.

One of the studies listed in the Durlak review actually contradicts the conclusions of that meta-analysis. A study by Greg Duncan and an international group of researchers, which questioned "the extent to which promoting children's social and emotional skills will actually improve their behavioral and academic outcomes," contains the longitudinal follow-up data omitted by the Durlak analysis:

By contrast, measures of socioemotional behaviors, including internalizing and externalizing problems and social skills, were generally insignificant predictors of later academic performance, even among children with relatively high levels of problem behavior

> Across all 6 studies, the strongest predictors of later achievement are school-entry math, reading, and attention skills. A meta-analysis of the results shows that early math skills have the greatest predictive power, followed by reading and then attention skills. ***By contrast, measures of socioemotional behaviors, including internalizing and externalizing problems and social skills, were generally insignificant predictors of later academic performance, even among children with relatively high levels of problem behavior*** (emphasis added).[163]

The other study cited by Durlak reached similar conclusions, saying "that most intervention programs were not specifically designed to change EI [emotional intelligence], and ***very few systematic interventions meet the canons of internal and external validity. Consequently, little objective evidence attesting to the useful role of EI as a predictor of school success and adjustment exists beyond that predicted by intelligence and personality factors*** (emphasis added)."[164]

Besides being cited in the Durlak meta-analysis, these important contrary studies have been all but ignored by CASEL, the Commission, and other SEL proponents.

Another group of researchers performed two major meta-analyses[165] that examined the effect of manipulating mindsets, such as the "growth" mindset, on academic performance. Associated most strongly with Professor Carol Dweck and touted by SEL proponents, the growth mindset posits that a student who believes his intelligence can grow will outperform one who believes his intelligence is "fixed."[166] Does the research bear this out?

One of the meta-analysis researchers summarized the findings this way: "Our results show that the academic benefits of [growth-mindset] interventions have been largely overstated. …[T]here was little to no effect of mindset interventions on academic achievement for typical students, or for other groups who some have claimed benefit substantially from these interventions…."[167]

Some experts in the behavioral sciences have expressed significant skepticism about the effectiveness of SEL, especially because of the subjectivity inherent in the concept. As recently as 2017, Professor Clark McKown, an Associate Professor of Behavioral Sciences at the Rush Medical Center (who is funded by IES and president of a company that markets his own SEL assessment program[168]) said in the joint Princeton-Brookings Institute journal, *The Future of Children*, "To create SEL standards and assess progress toward those standards presupposes that we agree about what SEL is. Yet neither researchers nor practitioners nor policymakers have come to such a consensus."[169] Even his financial interest in the expansion of SEL could not overcome McKown's recognition of the problems surrounding it.

The press release for a study in this Princeton-Brookings journal issue contains more evidence from a researcher about the lack of scientific underpinnings for SEL:

> "'We know these skills are essential for children, but there's still a lot we don't know about ways to enhance them,' said Megan McClelland, the Katherine E. Smith Healthy Children and Families Professor in Human Development and Family Sciences in OSU's College of Public Health and Human Sciences. 'The results to date have been mixed.'"
>
> "We don't yet know what the 'key ingredients' are here," added McClelland, the paper's lead author, "but we do have enough evidence to know we need to keep doing this works…."[170]

The authors of the journal article described in the press release admitted that even after preschool SEL standards have been in place in most states for at least a decade, there is no evidence of cost-effectiveness: "Are early childhood SEL interventions cost-effective? The short answer is that it's too soon to be sure."[171]

This study attempted to put a positive spin on the idea that SEL skills are important for academic achievement starting in preschool. However, the studies at p. 17, especially the Duncan study, contradict that view.

An interim "brain science" report[172] and the final report[173] from the Commission continue to promote questionable brain science to support having public schools, corporations, or private foundations set norms for and assess the values, attitudes, beliefs, and emotions of students from cradle to career. [174] A significant number of studies and papers, however, expose the faulty research underlying many of the neuroscience, genetics, and academic-achievement claims in those Commission reports. .

An interim "brain science" report[172] and the final report[173] from the Commission continue to promote questionable brain science to support having public schools, corporations, or private foundations set norms for and assess the values, attitudes, beliefs, and emotions of students from cradle to career.[174]

Most importantly, controversy swirls around the significance of eye-catching colored brain images from functional magnetic resonance imaging (fMRI), which the Commission's brain-science report uses as proof that "emotions are crucial to thinking and meaning-making."[175] While this may be true in a universal sense, there is no solid link between the colored images and the conclusions reached in the report. In fact, Swedish scientists published a 2016 article in the *Proceedings of the National Academies of Science*[176] showing that a 15-year-old software bug used in the interpretation of fMRI created "false positives—suggesting brain activity where there is none—up to 70 percent of the time," rendering the results of up to 40,000 studies invalid. The graphics for the Commission paper's figures were taken from studies published in 2004 and 2009, during the 15-year period this software glitch was in place.

Computer glitches are only one problem with psychological research. According to a 2015 study published in the journal *Science*, only 39 out of 100 studies published in three leading psychology journals could be replicated.[177] This "replication crisis" obviously casts doubt on psychological research in general and, therefore, potentially on the validity of many of the 242 references cited in the Commission SEL and brain-science report.

A similar reproducibility problem has been found for genetics studies,[178] which are also a key part of the Commission brain-science report. As experts in neuropsychiatric genetics have admitted, "It is no secret that our field has published thousands of candidate gene association studies but few replicated findings."[179] Given that genetic research has yielded little clinically useful information even about physical diseases,[180] there is substantial doubt about whether it should be trusted for mental illness and SEL.

Psychiatry, the branch of medicine dealing with social-emotional health and illness, admittedly lacks an objective, tangible scientific basis for its diagnoses and treatments—even when administered by highly educated and trained professionals. For instance, Dr. Dilip Jeste, then-president of the American Psychiatric Association, said of psychiatric diagnosis upon publication of the most recent version of the Diagnostic and Statistical Manual (DSM-5) in 2012: "At present, most psychiatric disorders lack validated diagnostic biomarkers, and although considerable advances are being made in the arena of neurobiology, psychiatric diagnoses are still mostly based on clinician assessment."[181] The next year, Dr. Steven Hymen, former director of the National Institutes of Mental Health, said about psychiatric treatment, "the underlying science remains immature."[182] This uncertainty surrounding the diagnosis and treatment of mental or emotional problems, even by highly trained physicians, suggests significant problems with having lesser-trained or even untrained personnel delve into and act upon such issues with students.

This uncertainty surrounding the diagnosis and treatment of mental or emotional problems, even by highly trained physicians, suggests significant problems with having lesser-trained or even untrained personnel delve into and act upon such issues with students.

The final Commission report wants to "forge closer connections between research and practice."[183] However, given the lack of consensus among researchers about how to define SEL, and the fragmented and contradictory state of SEL research as shown in these examples, the wisdom of this idea is in doubt.

The same Princeton-Brookings journal issue discussed above (which acknowledges the vagueness and uncertainty about defining and measuring SEL) also concedes a major divergence in opinion about whether SEL skills and attributes should be taught in schools:

> The recent expansion in popular interest in SEL coexists with what might best be called a healthy skepticism about teaching social and emotional skills in schools. Despite considerable research suggesting that SEL is a vital component of academic achievement and later success in life,

> various stakeholders hold divergent and often incompatible views as to how or even whether SEL skills should be explicitly taught in schools. To further complicate matters, the existing evidence is somewhat conflicting: some studies find that interventions designed to teach and support SEL skills have positive effects, and others don't; some students seem to benefit more than others.[184]

Major education thought leaders are expressing similar skepticism. One is SEL proponent Peter DeWitt, who notes, "SEL is one area where some educators and leaders are saying enough is enough," and asks, "Do I expect too much from schools? Do I expect a balance between SEL and academic learning that cannot possibly be accomplished?"[185]

Untroubled by these cautions and concerns, the Commission in its final report recommended "[e]nsur[ing] educators develop expertise in child development and in the science of learning. This will require major changes in educator preparation and in ongoing professional support for the social and emotional learning of teachers and all other adults who work with young people."

Research about SEL in action—especially in preschool and the early grades—suggests that the concept is better in theory than in practice. Even though SEL standards have been part of the Head Start program since at least 2003, research about both Head Start and state preschool programs shows that children involved in them experience a decline in desired SEL status, even based on the subjective standards and assessments currently available.

For example, the large, well-controlled 2010 Head Start study found that for "teacher reports of children's behavior: (1) Children in the Head Start group demonstrated moderate evidence of more socially reticent behavior (i.e., shy and hesitant behavior) as reported by teachers, and there is suggestive evidence of more problematic student-teacher interactions."[186] The 2012 follow-up to this study found that "for children in the 4-year-old cohort, there were no observed [SEL] impacts through the end of kindergarten but favorable impacts reported by parents and unfavorable impacts reported by teachers emerged at the end of 1st and 3rd grades."[187] Additionally, as far back as 1991, research found that participants in SEL-saturated Head Start "had lower mean scores in communication, daily living skills, and social skills domains, and the total adaptive behavior score." [188] No study of Head Start has found sustained cognitive gains for participants through third grade,[189] which contradicts the claim of SEL proponents that SEL, a key focus of Head Start programs, improves academic outcomes.

Additionally, a 2015 study comparing children who participated in the Tennessee Voluntary Pre-Kindergarten program (TN-VPK) versus those who did not attend a preschool program found that "first grade teachers rated the TN-VPK children as less well prepared for school, having poorer work skills in the classrooms, and feeling more negative about school."[190]

As this discussion shows, the certitude with which proponents, especially CASEL and the Commission, express their faith in the efficacy of SEL may be based less on science and rigorous research than on their own hopes about what "ought to" work (and perhaps their own financial interests in the outcome).

Problems in Assessing SEL

Even if the science supported SEL, a serious operational problem with implementing SEL is assessing its effect on students, their behavior and mindsets, and their achievement. In a poll conducted in late 2017 and early 2018, only one in ten teachers reported that their schools measure such non-academic characteristics very well.[191] Even SEL enthusiasts admit that valid assessment is challenging.

Even if the science supported SEL, a serious operational problem with implementing SEL is assessing its effect on students, their behavior and mindsets, and their achievement.

An overarching problem is that, as discussed at p. 7, the personnel doing the assessing probably aren't qualified. Mental-health professionals undergo years of training in evaluating patients, and it simply isn't possible to train teachers to perform similar evaluations of their students. This is especially true when mental-health professionals recognize the ambiguities of assessing social-emotional traits among still-developing children and adolescents.[192]

Clinical psychologist Dr. Megan O'Bryan expresses dismay at this concept: "The idea that our government would sink millions (billions?) of dollars into training and supporting unlicensed, quasi-trained teachers/interventionists in the hopes that they can improve the social and emotional development of masses of children frankly makes me sad." O'Bryan warns that having poorly trained personnel apply one-size-fits-all interventions to groups of children will backfire, especially with respect to sensitive children. "As a practitioner who specializes in anxiety," she writes, "[I know that] almost every anxious child misinterprets messages from well-meaning teachers. Sensitive children are hardest hit by these programs" because they "take [the teachers'] words, quite literally, and agonize over them."[193]

An overarching problem is that... the personnel doing the assessing probably aren't qualified. Mental-health professionals undergo years of training in evaluating patients, and it simply isn't possible to train teachers to perform similar evaluations of their students.

A related problem is the limitations of the assessment tools. Those tools include self-report (in which students are asked directly, via surveys or questionnaires, about their social-emotional characteristics), teacher-report questionnaires, and performance tasks (in which students' characteristics are determined by observing their response to certain situations). Commonly used tools are the Deveraux Early Childhood Assessment and the Devereux Student Strengths Assessment, both of which can be completed by teachers and parents and measure such attributes as "optimistic thinking," "social awareness," and "relationship skills"; the Social-Emotional Assets and Resilience Scale, which measures "responsibility, social competence, empathy, and self-regulation" and comes in teacher, parent, child, and adolescent versions; the Social Skills Improvement Rating System Rating Scales, designed to "assess children's social behavior and assist in the implementation of interventions"; and the Behavioral and Emotional Rating Scale, which may be completed by teachers, parents, youth, and juvenile-justice and social-service workers.[194] The technical materials associated with these assessments contain little discussion of their validity.

Some of these SEL assessment tools are infused into academic curriculum. One example is the Common Core-aligned *SpringBoard* ELA curriculum used across the nation. This curriculum is published by the College Board, now led by chief Common Core ELA standards architect David Coleman, which is responsible for the SAT college entrance exam, the GED high school graduation test, and Advanced Placement courses and tests. *SpringBoard* contains multiple non-cognitive, psychosocial survey assessments scattered throughout. For example, Activity 4.9—Justice and Moral Reasoning[195] contains a self-report survey titled "How Just Are You?"—as part of the English curriculum. This survey asks high-school students to rate themselves with items such as these:

Indeed, Duckworth has conceded that her own creation, the "Grit Scale," is "ridiculously fakeable."[198] In addition, the researchers reported, surveys may fail to detect incremental changes.[199]

a. I should pay all my taxes because I could go to jail if I do not
b. people will think of me as a good citizen
c. my taxes along with those of others will help to pay for services used by all

Depending on whether students respond with a majority of "a," "b," or "c" responses, they then rate themselves as "pre-conventional," "conventional," or "post-conventional" based on psychologist Dr. Lawrence Kohlburg's Three Levels and Six Stages of Moral Reasoning.[196] There is no mention of obtaining parental consent for what is clearly a psychological test.

Regardless of the propriety of such instruments, even SEL proponents acknowledge the inherent drawbacks of all these tools. Professor Duckworth tempers her enthusiasm for "grit" and other social-emotional skills with the admission that assessing these skills is problematic at best. In a 2015 paper, Duckworth and co-author David Scott Yeager, an Assistant Professor of Developmental Psychology at the University of Texas, laid out the shortcomings.[197]

Duckworth and Yeager first noted that student self-reports may be inaccurate because participants may misinterpret questions, or may give misleading answers they think they "should" be giving about their personality traits (in other words, they lie). Indeed, Duckworth has conceded that her own creation, the "Grit Scale," is "ridiculously fakeable."[198] In addition, the researchers reported, surveys may fail to detect incremental changes.[199]

Another problem with student self-reports is "reference bias," defined as "the tendency for individuals' survey responses to be influenced by differing implicit standards of comparison."[200] This means that in evaluating their own characteristics, students don't begin at an objective starting point. For example, a student who has high expectations for his performance and behavior may rate himself lower on a survey than would a student with lower expectations—"only the best" versus "good enough." For this reason, "[t]o the extent that students attending schools with more demanding expectations for student behavior hold themselves to a higher standard when completing questionnaires, reference bias could make comparisons of responses across schools misleading."[201]

There is another problematic aspect to student self-reports that seems to escape Duckworth and other practitioners in this area: Adolescent boys as a rule will never take such surveys seriously. As anyone who has ever raised boys can attest, they will regard questions about their personal traits and behavior as a joke and will respond in as outrageous a manner as they think they can get away with. SEL proponents must come to terms with the fact that self-reports of adolescent boys are essentially worthless.

Teacher reports are also inadequate. As noted at pp. 7, 19, teachers will necessarily be insufficiently trained for this type of task. In addition, Duckworth and Yeager acknowledged that teachers have only limited ability to measure student growth in personal traits, such as motivation.[202] (Another potential problem, unmentioned by Duckworth and Yeager, is that teachers are human beings who may be unable to exercise strict objectivity when it comes to—especially—"problem" students. A teacher who simply has a personality clash with a particular student may score him differently on social-emotional measures than would another, less exasperated teacher.)

What about performance tasks? An example of this is the

frequently cited "marshmallow test" from Stanford University, in which a child is offered a small reward immediately or a larger one if he is willing to wait a while.[203] The point of this experiment is to determine the child's self-control, as demonstrated by his ability to delay gratification. But Duckworth and Yeager pointed out that observers of these experiments may draw subjective conclusions, and that children may behave differently in such contrived situations than they would in the real world.[204]

Duckworth and Yeager concluded: "perfectly unbiased, unfakeable, and error-free measures are an ideal, not a reality."[205] And while Duckworth argues that grit and other SEL attributes should be measured to provide feedback for personal improvement and for research purposes, she believes the measurement difficulties create "incentives for cheating," and "displac[e] intrinsic motivation" and should therefore not be used to assess SEL traits like grit for accountability purposes.[206] Because of this, she withdrew from the board of a California consortium of schools incorporating SEL into accountability measures.[207] "I do not think we should be doing this. It is a bad idea," she said.[208]

Validity studies from two other survey-type psychological/mental health-screening instruments confirm that SEL assessment is an extraordinarily problematic enterprise. One is TeenScreen (also called the Columbia Suicide Screen or CSS), a computerized mental health-screening instrument developed by Dr. David Schaffer, a Columbia University psychiatrist. TeenScreen was popular in the early 2000s as a means of trying to prevent teen suicide. But the vague and subjective questions yielded a false-positive rate of an astronomical 84 percent, as Schaffer admitted:

But Duckworth and Yeager pointed out that observers of these experiments may draw subjective conclusions, and that children may behave differently in such contrived situations than they would in the real world.[204]

> The CSS's positive predictive value [the percentage of subjects who actually have the condition for which the screening test is being administered] of 16% (determined by a weighted prevalence of DISC positive in the sample) would result in 84 nonsuicidal teens being referred for further evaluation for every 16 youths correctly identified.[209]

One example of TeenScreen's inaccuracy occurred when a young girl was forced to take the survey without her parents' knowledge or consent. As a result of her TeenScreen responses, she was given two psychiatric diagnoses in the hallway of the school by a perfect stranger. Because she was studious and did not like to party, she was labeled with social anxiety disorder; because she liked to keep things clean, she was tagged with obsessive-compulsive disorder. The outraged parents sued the school and mental-health agency administering TeenScreen.[210]

Wildly divergent positive predictive values (PPVs) occur also with parent reports. One example comes from a preschool instrument, popular in Head Start and state programs, called the Ages and Stages SE (social emotional) survey. The subjective questions on this parent-report instrument have yielded a PPV from across the spectrum. Depending on which (also subjective) mental-screening instrument is used to validate it and the purpose for which it's used, the overall PPV can vary from 27 percent to 70 percent. This means the false-positive rate can vary anywhere from 30 percent to 73 percent.[211]

The Aspen Institute also acknowledges that legitimate assessment of such skills is a challenge. In a policy brief, Aspen admitted that despite almost unlimited claimed benefits of SEL (from wage growth and long-term employment to reduction in violence, delinquency, and drug use), "caution is warranted in interpreting the assessment results. While learning-condition surveys are valuable in guiding next steps, they are not valid for accountability purposes."[212] This same caution appears in the Commission's final report, but only until there are "tools that we are confident adequately capture these skills and attributes in ways that are sensitive to age, developmental stage, and context, and commit to using the measures appropriately for improvement …."[213] Presumably, when the Commission reaches this level of "confidence," it's full speed ahead.

The Aspen Institute also acknowledges that legitimate assessment of such skills is a challenge.

In the meantime, SEL boosters such as CASEL plow ahead with the effort to show that SEL assessment can work. Partnering with collaborators such as the RAND Corporation and Harvard University, CASEL has created an Assessment Work Group "to advance progress toward establishing practical SEL assessments that are scientifically sound, feasible to use and actionable."[214]

The winner of CASEL's recently concluded second "Design Challenge" proposed a "computer administered [test] in a game-like format" for students in kindergarten through fifth grade.[215] Young children will be subjected to a computer program "designed to elucidate [their] thinking about issues related to SE competence (e.g. a child wants to join a group on the playground, an older child bullies a younger child on the bus, one child looks at another's responses on a test). Students will be asked to describe the feelings that characters in the vignette are experiencing, the reasoning for their actions, and how the characters are likely to behave next."[216] Whether these

contrived situations in a computer game prove more reliable than contrived situations such as the marshmallow test remains to be seen.

CASEL also works directly with education agencies to develop SEL assessments. For example, CASEL teamed with the Washoe County School District in Nevada and the University of Illinois at Chicago to create the Washoe County School District Social and Emotional Competency Assessments (a project funded by the federal IES).[217] But these assessments are all versions of student self-report, and therefore of questionable reliability.

CASEL is one of many organizations working on SEL assessment. An extreme example is the September 2018 announcement[218] by ACT, the owner of the college-entrance examination, that it's developing a "Moral Education Standardized Assessment (MESA)" for the United Arab Emirates (UAE) as part of that country's Moral Education program.[219] According to ACT, this test will be based on "the latest theory and principles of social and emotional learning." ACT apparently believes, or at least has persuaded the Crown Prince Court in Abu Dhabi, that a student's morality can be measured by a computerized test.

CASEL is one of many organizations working on SEL assessment. An extreme example is the September 2018 announcement[218] by ACT, the owner of the college-entrance examination, that it's developing a "Moral Education Standardized Assessment (MESA)" for the United Arab Emirates (UAE) as part of that country's Moral Education program.[219]

So with ACT's assistance, a country not known to adhere to norms of enlightened government will be imposing its definition of "morality" on each child and measuring his or her compliance with that standard. As education commentator Peter Greene observed, "It's one thing to manage your own moral growth and another thing to foster the moral development of family and friends and still quite another thing to have a company hired by the government draft up morality curriculum that will be delivered by yet another wing of government."[220]

But this is exactly what will be happening via SEL in public schools everywhere, not just in the UAE. And given that the UAE's Moral Education program employs the same jargon as CASEL and other western promoters of SEL (students should be "perseverant" and "resilient" and have "awareness of one's own views and feelings," etc.), this test is unlikely to remain confined to the Middle East. Perhaps it will become tied to the OECD personality test described at pp. 15–16.

A more high-tech version of SEL assessment comes from education-technology companies that are developing and marketing software, including "wearables," to transmit data about students' feelings in real time. Some of these programs take the form of video games that analyze players' every keystroke to assess their emotional states; others experiment with facial recognition, eye-tracking, and other wearable devices to surveil and monitor students' "engagement" and reaction to stimuli.[221]

Some SEL proponents advocate video gaming as an effective means of both implementing and assessing SEL. Dr. James Gee of Arizona State University, a major player (so to speak) in gaming theory, has observed that the goal of SEL gaming is to create "a type of person (AGENT)."[222] What type of person would that be? One whose behavior conforms to whatever the governing elite believe to be most optimal for society.

How this would work is described in a 2010 TED talk[223] given by Dr. Jane McGonigal of the Institute for the Future in California. McGonigal touted the benefits of immersing students in virtual reality (VR) so that they begin to behave in their real lives the same way they behave in the game. For example, she cited a game called A World Without Oil, in which players adapt their actions to the absence of fossil fuels. The longer they play this game, she claims, the more they'll start to model the same behavior in real life. This is how gaming can "nudge" players toward what is deemed to be desirable behavior and mindsets.

Gee and educational-gaming companies also tout the benefits of using gaming for SEL assessment. A game called Ripple Effects, for example, which is designed for middle- and high-school students, is marketed as being able to "build SEL skills" by building student strengths through "multiple learning modalities, including games, first person and animated videos, simulations, self-assessments, and writing exercises."[224] The program supposedly allows teachers to track student progress via "its use of a sophisticated expert system that is continuously triggered by cues from each learner to deliver an optimally tailored experience."[225] It isn't clear what this jargon means, but this and other marketing information has helped educational gaming

Wearable devices are similarly intrusive and even more Orwellian. A British company markets a device called FOCI, which attaches to a student's waistband and measures breathing patterns to determine the student's focus, relaxation, fatigue, or stress.[227]

become a billion-dollar-plus industry in just a few years.[226]

Wearable devices are similarly intrusive and even more Orwellian. A British company markets a device called FOCI, which attaches to a student's waistband and measures breathing patterns to determine the student's focus, relaxation, fatigue, or stress.[227] A free ed-tech product called Algebra Nation analyzes students' keystrokes and clicks "to pinpoint when children are feeling happy, bored, or engaged."[228] Like the CASEL project in Nevada, Algebra Nation's development is being funded by an $8.9 million grant from the federal IES.

The 2013 "Grit report" from USED enthusiastically endorsed measuring SEL by assessing physiological reactions that a student exhibits to stimuli such as stress, anxiety, or frustration. These reactions could be measured through posture analysis, skin-conductance sensors, EEG brain-wave patterns, and eye-tracking. The report barely mentioned the invasion of privacy this kind of physiological measurement would entail; rather, it focused on the "problem" that this isn't practical for the classroom—yet.[229]

Parents were widely mocked for raising concerns after reading about these kinds of devices in the Grit report.[230] But the things parents consider troubling, proponents consider selling points. One professor marketing similar software touted the alleged advantages of these products in a 2016 advertisement, masquerading as an op-ed in *U.S. News and World Report*:

> Educational data mining offers more than the traditional statistics used on typical, multiple-choice tests. These high-fidelity data are in the form of log files from mouse clicks within the digital learning environment. They also ***measure and monitor things like students' saccadic eye patterns as students learn from visual and textual information sources, data from sensors tracking facial expressions and posture, and more. These data are all fine-grained, reflecting students' learning processes, knowledge, affective states*** …. [emphasis added].[231]

Another way of obtaining the government-desired measurement of SEL traits is to employ embedded assessments that measure every keystroke as a way of checking for evidence of grit, boredom, anxiety, etc. The Grit report noted:

> New technologies using educational data mining and "affective computing" (the study and development of systems and devices that can recognize, interpret, process, and simulate aspects of human affect) are beginning to focus on "micro-level" moment-by-moment data within digital and blended-learning environments to provide feedback to adapt learning tasks to personalized needs. Measurement may also target the *psychological resources* that contribute to and interact with perseverance: academic mindsets, effortful control, and strategies and tactics. [232]

These technological SEL assessments raise a multitude of concerns, ranging from the privacy protections for this highly sensitive data to the propriety of government's "nudging" individual students into its mold for an ideal citizen.

These technological SEL assessments raise a multitude of concerns, ranging from the privacy protections for this highly sensitive data to the propriety of government's "nudging" individual students into its mold for an ideal citizen. These problems are discussed in the following sections.

Harm to Students from SEL Evaluations

Eternal Life in the Data System

Students may suffer tangible harm from SEL assessments or evaluations, even if such reports are accurate. If they are inaccurate or misleading, the damage can be enhanced.

Key to understanding the threat is understanding the nature of modern statewide longitudinal data systems (SLDS). Since 2002, the federal government has incentivized the building of massive SLDS, so that pre-K through 12 student data can be collected and tracked.[233] Most recently, USED's Race to the Top program awarded over $4 billion to states that agreed to certain federally approved education innovations, including enhanced student-data systems.[234]

One justification offered for this data-grab and data-tracking is to enable teachers to look back throughout a student's school career to see the results of all his interactions with the school system so far.[235] If a student had a rough sixth-grade year, perhaps with a disciplinary suspension, that difficulty would be preserved in the SLDS for all subsequent teachers to learn about. The SLDS is the end of the clean slate.

What kinds of data are stored in the SLDS? It's only slightly hyperbolic to say that whatever parents know about their child, the SLDS probably knows it, too. A state's SLDS data dictionary may contain hundreds of data points, including race, ethnicity, income level, discipline records, grades and test scores, disabilities, mental-health and medical history, counseling records, and more.[236] SEL data, including assessments and evaluations performed by whatever personnel are designated to do so, would certainly be included in this cache. Thus, any SEL information would endure at least throughout the student's pre-K through 12 career.

Even worse, that data would be easily sharable outside the school itself, to postsecondary and other sectors. State SLDS use Common Education Data Standards[237] (CEDS) created by the National Center for Education Statistics (an agency located within USED and IES[238]). The point of CEDS is "to streamline the exchange, comparison, and understanding of data within and across P-20W [preschool through the workforce] institutions and sectors."[239] Thus, SEL data in the

system could follow the student into postsecondary education and even into the workforce or the military.

Moreover, federal law (primarily through "guidance" and grants) encourages linking student data to that in other state government agencies. Wealthy private foundations such as the John D. and Catherine T. MacArthur Foundation and the Annie E. Casey Foundation have also donated millions of dollars to enable such data linkages, in an effort to "yield powerful insights that promote a more holistic understanding of children's experiences."[240] The majority of states now share education data with non-education agencies, such as departments of labor and human services. Obviously, the "insights" gleaned from SEL data would be of particular interest in such a situation.

Via the 2012 gutting of regulations under the federal Family Educational Rights and Privacy Act (FERPA),[241] this data might also be disclosed to entities in other states or countries and to unlimited researchers who are interested in the emotional makeup of children and adolescents. And under the relaxed regulations, such disclosure of personally identifiable information could occur without parental consent, or even parental knowledge.[242] This could also include sharing sensitive data without consent between the federal government and international agencies (such as OECD as described at pp. 15–16), and between government and private entities.

Via the 2012 gutting of regulations under the federal Family Educational Rights and Privacy Act (FERPA),[241] this data might also be disclosed to entities in other states or countries and to unlimited researchers who are interested in the emotional makeup of children and adolescents.

SEL data could also be used and misused under a recently enacted statute called the Foundations for Evidence-Based Policymaking Act (FEPA).[243] Supposedly motivated by the desire to sift data from multiple federal agencies to analyze the effectiveness of federal programs, and despite an outpouring of citizen opposition[244] based on privacy concerns, Congress passed and President Trump signed FEPA to allow widespread disclosure of citizen data among various federal agencies.[245] Under this statute, any data submitted by citizens to any agency for a particular purpose can be re-disclosed to other agencies for other purposes not consented to by the citizen. Sensitive SEL data held in federal education or research databases can now be traded among agencies and researchers, unbeknownst and unconsented to by students or their parents.

SEL proponents, such as the Commission and CASEL, are greedy for SEL data. The Commission called for the use of "data and evidence to build and strengthen partnerships among research institutions, community organizations, and schools"[246]—basically any place where children can be monitored.

Since the report called for "intentionally teach[ing] specific skills and competencies and infus[ing] them in academic content and in all aspects of the school setting (recess, lunchroom, hallways, extracurricular activities), not just in stand alone programs or lessons,"[247] data from all those realms will have to be collected to justify program funding. As it turns out, an education-technology company has already developed software to allow bus drivers, janitors, cafeteria workers, and other staffers to monitor the emotional states of students in all areas of school.[248] So with this technology, the plague of amateur psychoanalysis in schools will spread further.

While the Commission's final report twice mentioned protecting student privacy, it didn't use the word "consent" at all. Perhaps the Commission was concerned that requiring parental consent might interfere with the envisioned "robust data-sharing agreements between schools and their community partners."[249]

The possibility—or probability—that this data will at some point be hacked is significant. As revealed in two hearings of the U.S. House Oversight and Government Reform Committee,[250] USED has shown itself utterly incapable of protecting student information. The same can be said of multiple other federal agencies.[251]

When the student data is not simply the type stored in the SLDS but takes the form of fine-grained data generated as students interact with SEL software, the calculation becomes even more troubling. For one thing, it's not clear that such "data exhaust" is even an "education record" subject to FERPA's minimal protections. (The staggering number of up to ten million data points collected per student per day was described at p. 17. Another company highlighted by the Philanthropy Roundtable boasts of collecting 100,000 data points per student per hour.[252]) For another, depending on state law, the data may belong to the corporate vendor rather than the student or the school. It thus may find its way to the great cloud-based data supermarket, where brokers buy and sell reams of information to be combined with other data

The possibility—or probability—that this data will at some point be hacked is significant. As revealed in two hearings of the U.S. House Oversight and Government Reform Committee,[250] USED has shown itself utterly incapable of protecting student information.

streams and used for purposes unimagined by innocent students and their families.[253] The FBI is already issuing public service announcements about the dangers to student and family data privacy related to education technology.[254]

Even worse, Chinese companies are buying up U.S. companies that store enormous amounts of personal data on American children and adults. For example:

> Chinese gaming company NetDragon recently bought Edmodo, a comprehensive digital platform used in thousands of U.S. classrooms to enable teachers and students to "create groups, assign homework, schedule quizzes, manage progress, and more." Edmodo claims to have data on more than 90 million users, and it is "tightly integrated" with Google Apps for Education and Microsoft OneNote and Office.[255]

The Federalist quoted William Carter, deputy director of the Technology Policy Program at the Center for Strategic and International Studies, about the difficulties of protecting privacy when foreign companies are involved:

> Carter "acknowledge[d] that enforcing privacy regulations domestically has been a struggle, and might even be more difficult with companies that don't have a physical U.S. presence." He told EdSurge: "It is not just an edtech, U.S. or China question, but the lack of transparency in the data that is being gathered by online platforms and the way that is used, makes it really hard to bring an enforcement action for privacy violations."[256]

It's beyond the scope of this paper to examine all the (increasing) gaps in the privacy and security of student data. The bottom line is that any data, SEL or otherwise, included in an SLDS or in the custody of corporate vendors is likely to remain there potentially forever and might be disclosed to all manner of other entities with their own agendas and often without consent.

The bottom line is that any data, SEL or otherwise, included in an SLDS or in the custody of corporate vendors is likely to remain there potentially forever and might be disclosed to all manner of other entities with their own agendas and often without consent.

The unique nature of SEL data raises troubling questions about its potential uses in a managed economy. The goal of using SEL for workforce development is made clear in the OECD study discussed at pp. 15–16. "[T]he OECD makes a strong argument to governments that its assessment of socio-emotional skills can produce indicators of socio-emotional outcomes. As such, it makes the case that government investment in SELS through departments of education will generate a substantial return in the shape of productive human capital."[257] Indeed, the OECD study will be spearheaded by The Ohio State University's Center for Human Resource Research, which exists to "provide substantive analyses of economic, social, and psychological aspects of individual labor market behavior to examining [*sic*] the impact of government programs and policies."[258] "The assessment of SELS is therefore to be undertaken through the logic of human resource management and the analysis of labor market behaviours."[259]

Marc Tucker's dream of revamping all U.S. education for workforce development is alive and well—and SEL is a key component. Writing in support of the Trump administration's idea of merging the U.S. Departments of Education and Labor,[260] Anthony Carnevale, one of NCEE's board members at the time of the "Dear Hillary" letter,[261] said that all students should have "required career counseling that assesses individual talents, interests, values and personality traits and ties each of these to alternative occupational pathways." Carnevale and other proponents of the corporate/government education and workforce model (see below) argue that it's the job of public schools to assess "values and personality traits" and align them to prospective career paths in the service to business.

As mentioned at p. 12, the final Commission report discussed the connection of SEL to Common Core. The document also repeatedly linked SEL to "career readiness" including discussion of the Mindset Scholars Network that is developing SEL curricula aligned to "college- and career-ready standards (*i.e.*, Common Core)."[262] This standardization of SEL templates and their alignment to national Common Core standards—using "affective data mining" and "data tags" to inculcate government-determined "social, emotional, and academic knowledge and skills that high school graduates need to be prepared for success in school, the workforce, and life"[263]—is difficult to square with the supposed intention "to calibrat[e] to each student's and school's individual strengths and needs."[264] Standardization and individualization don't normally fit together.

The document also repeatedly linked SEL to "career readiness" including discussion of the Mindset Scholars Network that is developing SEL curricula aligned to "college- and career ready standards (i.e., Common Core)."[262]

As more states and nations emulate 1930s Europe in having government collude with corporations for workforce development,[265] including pushing students into "career paths" as early as 6th grade,[266] it's reasonable to ask how a student's SEL assessments might be used. Would they show "aptitude"—or lack of aptitude—for a particular endeavor, thus

helping channel him in a particular direction to the exclusion of other careers? The goal in such a system shifts from promoting the individual liberty of the student to promoting the good of corporations and the managed economy.

Other Philosophical and Ethical Problems with SEL

"[T]he protection afforded to thoughts, sentiments, and emotions… is merely an instance of the enforcement of the more general right of the individual to be let alone."

– Louis Brandeis and Samuel Warren, "The Right to Privacy," Harvard Law Review, 1890

It's clear, then, that for many "stakeholders," the goal of SEL isn't to improve human happiness and well-being, or even genuine academic achievement, but rather to create the kind of workers that government and corporations believe beneficial to the economy or to the government's conception of an ideal society. If a child's personality is deemed "deficient" in this respect, it must be remolded to fit the economic requirements.

The Grit report is only one USED analysis that blatantly advocated and celebrated this possibility. The follow-up to the Grit report by USED's Office of Educational Technology is called *Expanding Evidence: Approaches for Learning in a Digital World*. This report about "affective" data collection and intervention—despite a lack of evidence that mindset intervention is effective, and ignoring ethical concerns—described how "machine learning techniques were used to discover how combinations of these online learning behaviors and sensor data related to student attitudes toward learning…."[267] And the report endorsed use of SEL technology to modify behavior, similar to what is being done via PBIS, discussed at p. 14. It touted technology that creates a "feedback loop for classroom behavior," a type of digital cattle prod a teacher can use to "nudge" children in a particular direction.[268] The implications of such a system for behaviors beyond the classroom—perhaps in the workforce or political realm—are obvious.

Furthermore, the developing mindset among many government and private entities (such as the Aspen Commission) is that this type of research and intervention is so valuable and effective that it should be done even without obtaining consent from the subjects (students) or their parents. Publishing giant Pearson and a number of colleges performed this type of mindset intervention on college students without consent and apparently saw nothing wrong with doing so. Instead, Pearson saw only "the possibility of leveraging commercial educational software for new research into the emerging science around students' attitudes, beliefs, and ways of thinking about themselves." If this is happening with college students, even more ethical issues arise with younger children in K–12 who are less likely to recognize and resist manipulation.[269]

These problems are necessarily present even with respect to accurate SEL data. But the ethical implications are especially troubling when the evaluations are incorrect or misleading. Clinical psychologist Dr. Gary Thompson emphasizes that allowing inadequately trained, even if well intentioned, people to evaluate students' "attributes," "dispositions," "social skills," "attitudes," and "intra-personal resources" can be dangerous for the children who may be improperly labeled.[270] According to Thompson, "even a casual review of a 'comprehensive evaluation' would clearly show that the level of information provided about a particular child is both highly sensitive and extremely personal in nature." That such data could be generated by inadequately trained personnel is sobering—especially when it's preserved in databanks that, as we've seen, may be shared among "stakeholders" such as higher-education institutions, employers, and other government agencies such as law enforcement.

Clinical psychologist Dr. Gary Thompson emphasizes that allowing inadequately trained, even if well intentioned, people to evaluate students' "attributes," "dispositions," "social skills," "attitudes," and "intra-personal resources" can be dangerous for the children who may be improperly labeled.[270]

The potential harm has increased in the wake of alarm over recent school shootings. These crimes have prompted a flood of calls for more "mental health" services in schools so potentially dangerous students can be identified and treated. But the hastily drafted laws and policies in Florida,[271] Texas,[272] and other states implementing this type of "mental health first aid"—which could be dubbed SEL on steroids—could have serious unintended consequences.

If teachers and other minimally trained school staff are unqualified to recognize and modify students' emotional states, they are even less capable of assessing students' mental health. These staff would of necessity receive only a few hours' training to recognize the signs of mental illness—when mental-health professionals trained for years admit they cannot accurately predict which patients, even those who have already undergone a full, formal mental-health evaluation, will become violent.

A psychologist involved in violence-prediction research cautioned, "There is no instrument that is specifically useful or validated for identifying potential school shooters or mass murderers."[273] Another warned that doing so would endanger both public safety and civil liberties.[274] Many experts rejected the idea of expanded school mental-health screening after the

horrific Sandy Hook shooting. A psychiatrist who extensively studied the Sandy Hook shooter said after the Parkland massacre, "But unfortunately, it's impossible for any of us to predict who is going to go from being troubled and isolated to actually harming others…. It really means we can't rely on prediction and identifying the bad guys. Because we'll misidentify some who aren't bad guys, and we'll fail to identify others who may become bad guys."[275]

And of course, an erroneous assessment—labeling a quirky but harmless student a potential threat—could languish in his longitudinal data records, and perhaps even in law-enforcement files, forever.

The expansion of SEL and mental screening also implicates issues of political correctness and freedom of conscience. For instance, after the Parkland shooting, a Louisiana student was labeled potentially violent and had his home searched by law enforcement merely for commenting in a classroom that the mathematical square root symbol looked like a gun.[276] A high-school student who completed an assignment arguing against gun control was reportedly suspended and forced to undergo mental screening when school officials found his assigned video on a thumb drive.[277] And during research on diagnoses considered for inclusion in the most recent edition of psychiatry's Diagnostic and Statistical Manual, prisoners in the California prison system were "treated" with anti-psychotics, Soviet-style, for "extreme racism" and other perceived prejudices that were considered delusional disorders.[278]

The expansion of SEL and mental screening also implicates issues of political correctness and freedom of conscience.

Neither such examples of political correctness run amok, nor the push towards personality manipulation in CBE, dissuades some SEL enthusiasts from promoting inclusion of SEL (non-cognitive) parameters on high-school transcripts. In fact, there is a national effort underway to do just that. The Mastery Transcript Consortium (MTC) laments that the traditional high-school transcript is "broken," because it "ignores non-cognitive skills, also known as character traits" and "focuses on the acquisition of information instead of the making of meaning"[279] (in other words, mindsets are more important than academic knowledge).

To foment such a "revolution," MTC is attempting to develop a new transcript that "reflects the unique skills, strengths, and interests of each learner."[280] An example transcript on the consortium website contains numerous SEL traits, such as "collaborate in groups," "self-directed learning," and "leveraging diversity."[281] And despite a perfunctory denial that such SEL assessments would be standardized across schools, MTC admits that to foster efficacy with college admissions officers, "the transcript format has to be reasonably consistent across MTC schools."[282]

The MTC project raises the specter of rating students on their personalities and characters according to some institutionally created and standardized scale, with the ratings used to affect real-world outcomes such as college admissions. In a free society that supposedly values individual liberty and genuine diversity, such assessment and sorting of students should be anathema.

Another obvious concern with too-often amateur implementation of SEL is mislabeling children with a psychological condition that needs treatment. A normal, active boy who has trouble sitting still and remaining on task might be labeled ADHD and recommended for medication. Indeed, this type of school-based over-labeling and -medicating was a recognized problem long before SEL became prevalent[283]; dragooning teachers and other personnel into performing off-the-cuff psychological evaluations can only exacerbate the situation.

The problem of labeling and medicating children for perceived psychological conditions has reached extremes in certain situations. For example, because of behavioral issues at school (disciplinary, though not criminal, problems), a Texas middle-school student was forcibly committed to a mental-health facility and administered a total of 12 psychotropic drugs—all against her parents' will.[284] A Detroit mother fought a five-year legal battle against a state agency that insisted on removing her daughter from the home and administering to her a psychotropic drug that caused serious side effects.[285]

Such side effects are not isolated, but rather are widespread and much more dangerous in children due to rapid and extensive brain growth. Dr. Mark Olfson, scientific director of the previously discussed TeenScreen program, which ceased operations as a national program in 2012, testified to the federal School Safety Commission in July 2018 about the over-prescription and serious side effects of such medication. [286] Olfson noted "the overall increase in youth psychotropic medication use occurring among those with less severe or no impairment" (perhaps, though he doesn't admit it, because TeenScreen and similar instruments for which he advocates actually encourage this increase by referring mentally healthy adolescents for psychiatric treatment, with as many as 90 percent in one survey receiving a psychotropic drug prescription).[287] In addition to "the uncertainty over the long-term effects of these drugs on the developing brain," side effects mentioned by Olfson included "weight gain, high cholesterol levels and

Given these and potentially other deadly complications, schools should tread carefully in implementing any programs that might result in more students' being placed on such drugs.

increased risk of diabetes."[288] He didn't mention others that have been observed, such as brain damage, movement disorders, shortened life span, and even suicide.[289] Given these and potentially other deadly complications, schools should tread carefully in implementing any programs that might result in more students' being placed on such drugs.

Obviously, most SEL evaluations in schools won't lead to such dire situations. Even so, consider a more mundane problem: that the known high rates of false positives for SEL assessment and mental screening result in wasting already scarce educational resources. Even the liberal San Francisco school district rejected TeenScreen for that very reason.[290] But especially as political and education officials ramp up calls for more SEL and more mental-health screenings in response to school shootings and student suicides,[291] the opportunities for such abuses will increase.

Beyond the harm resulting from mistaken diagnoses, education commentators have focused on other philosophical objections to SEL. For example, political science professor Nicholas Tampio said of the "grit" concept:

> Democracy requires active citizens who think for themselves and, often enough, challenge authority. Consider, for example, what kind of people participated in the Boston Tea Party, the Seneca Falls Convention, the March on Washington, or the present-day test-refusal movement. In each of these cases, ordinary people demand a say in how they are governed. [Angela] Duckworth celebrates educational models such as Beast at West Point that weed out people who don't obey orders. That is a disastrous model for education in a democracy. US schools ought to protect dreamers, inventors, rebels and entrepreneurs — not crush them in the name of grit.[292]

Clinical psychologist Dr. Megan O'Bryan also expressed concern about pushing "grit" on children: "What happens when you tell the child who is already too hard on himself to 'show more grit'?"[293] Viewed in this light, the dangers of amateur psychological interventions become more apparent.

Former teacher Peter Greene noted the potential benefits but also the great potential harm of SEL:

> At its best… SEL is essential. It is important. It has always been with us under flowery descriptors like "learning how to be fully human in the world" or "becoming your best self" or more mundane labels like "learning to get along with others" or even just "growing up." Teachers, because they are the non-parental adults who spend the most time with children, have always been instrumental in this process. And it has always been bad for the society and the culture as a whole when some folks fail to grow up into healthy, functioning human beings… And education reform, under the guidance of technocrats and data worshippers, has pushed us steadily away from the social and emotional dimensions that are a critical part of the growth and development of every young human…
>
> …At its worst, we are talking about crafting human beings to order and harvesting both them and their data in the service of those with power. We are talking about pushing them to be the people that someone else thinks they should be. This is not just bad policy, inappropriate pedagogy, or culturally toxic—this is evil.[294]

Greene's warning about molding students' personalities via SEL and data mining recalls the views expressed by behavioral eugenicist Paul Popenoe... who wrote in 1926, "The educational system should be a sieve through which all the children of the country are passed."[295]

Greene's warning about molding students' personalities via SEL and data mining recalls the views expressed by behavioral eugenicist Paul Popenoe of the American Eugenics Society and editor of the *Journal of Heredity*, who wrote in 1926, "The educational system should be a sieve through which all the children of the country are passed."[295] If SEL evaluation and categorization become part of that sieve, the heirs to Thorndyke's enthusiasm for behavioral modification can more easily achieve the goal of channeling formerly free individuals into pre-ordained paths.

These ideas, of course, contrast directly with those that fueled the American founding. Along with others of that era who fought to secure freedom of conscience and allow people to pursue their choice of destiny, Samuel Adams envisioned the new United States as a refuge for those seeking genuine liberty:

> Driven from every other corner of the earth, freedom of thought and the right of private judgment in matters of conscience direct [new Americans]… to this happy country as their last asylum.[296]

Unless we stand against this tyranny of the mind as the worst potential outcome of the SEL movement, our country will devolve into one Adams wouldn't recognize, and our children will be sacrificed to achieve the transformation.

Conclusions

This paper has highlighted the following problems with SEL:

1. No expert consensus on the definition of SEL;
2. Contradictory or poor-quality research underlying its efficacy;
3. Mixed or negative research about the supposed benefits with respect to academic achievement, reduced suicide, etc.;
4. Infusion of SEL into Common Core, resulting in psychologically manipulative standards rather than the promised clear, rigorous academic math and English standards;
5. Linking of SEL to violence and suicide prevention via mental-health screening, which can lead to improper diagnosis and over-treatment with potentially harmful medications;
6. Use of SEL and accompanying personality profiling in competency-based education/personalized learning to influence students' post-secondary plans based on government- and business-determined needs, instead of the aspirations and desires of students and their families;
7. Erosion of student data privacy by collection of highly sensitive social-emotional information, in many cases without consent, and resulting in non-consensual exposure of such data to either authorized or unauthorized third parties;
8. Possibility of indoctrination and erosion of freedom of conscience via government-established SEL norms for the attitudes, values, and beliefs of freeborn American citizens.

Recommendations

Based on these concerns, we submit several recommendations:

First, cease expansion of SEL standards, programs, assessments, and data collection, via repeal of federal statutory language and taxpayer funding that encourage such activities (along with encouragement of states to do the same).

First, cease expansion of SEL standards, programs, assessments, and data collection, via repeal of federal statutory language and taxpayer funding that encourage such activities (along with encouragement of states to do the same).

Second, because no government, foundation, or corporate program can substitute for the love and nurture of families, SEL programs should be replaced with policies that encourage two-parent family formation. This would drastically reduce the tragically high rates of student behavior problems, gun use, delinquency, imprisonment,[297] and poor academic performance[298] among fatherless children. Hundreds, if not thousands, of studies have shown the correlation between fatherlessness and these types of problems affecting children and youth,[299] yet SEL proponents, routinely ignore this research.[300]

Finally, because the government and its schools should exercise a degree of humility about what they can reasonably accomplish (not to mention whether their attempts at social engineering could actually exacerbate these problems by further usurping parental roles), schools should return to their roots: instilling traditional academic knowledge. Public schools can thus avoid teaching sterile aphorisms unmoored from any enduring moral or ethical foundations in an increasingly secular world brought about by delving into the vague term "values." Teaching a student to accomplish something academically based on timeless books and disciplines will do wonders for his social-emotional welfare.

Finally, because the government and its schools should exercise a degree of humility about what they can reasonably accomplish... schools should return to their roots: instilling traditional academic knowledge.

Former teacher Niki Hayes[301] proffers the radical suggestion of improving students' social-emotional makeup by instilling high academic expectations:

> There are special people in education who are marvelous at renaming old programs that didn't work. They make a name for themselves and make money to boot. Growth Mindset is Self-Esteem 2.0. We learned from that theory the biggest holders of positive self-esteem were gang members.
>
> As someone who spent 19 of my 28 years in public education with "high risk" students, many of them gang wannabees, and many who figured out I was meaner than they were (which meant I had "self-esteem"), they actually discovered they could learn real math. That success was motivation to risk even more learning. THAT showed the foundation of emotional growth: doing honest, proficient work that transcends your circumstances and shows you're not stupid or a dummy after all.

Focusing on academics rather than on pop psychology would be a good first step toward cultivating genuine social-emotional health and all the benefits that flow from it.

Endnotes

1 *See* https://casel.org/what-is-sel/.

2 *Ibid.*

3 CASEL, "Effective Social and Emotional Learning Programs: Middle and High School Edition" (2015), *available at* http://secondaryguide.casel.org/casel-secondary-guide.pdf.

4 Sara Bartolino Krachman & Bob LaRocca, "The Scale of Our Investment in Social-Emotional Learning," Transforming Education (Sept. 2017), p. 4, *available at* https://www.transformingeducation.org/wp-content/uploads/2017/10/Inspire-Paper-Transforming-Ed-FINAL-2.pdf; Sara Bartolino Krachman & Bob LaRocca, "A Data-Informed Approach to Social-Emotional Learning: Policy Recommendations for State and Local Leaders," Transforming Education (May 2018), p. 5, *available at* https://www.transformingeducation.org/wp-content/uploads/2018/05/TE-April-2018-Paper-April-2018-FINAL-v3.pdf.

5 Emmett McGroarty, Jane Robbins, & Erin Tuttle, *Deconstructing the Administrative State: The Fight for Liberty* (Manchester, NH: Sophia Institute Press, 2017), pp. 71–72.

6 John Dewey, series of articles in *The New Republic* (1928), as quoted in Beverly Eakman, *Cloning of the American Mind: Eradicating Morality Through Education* (Lafayette, LA: Huntington House Publishers, 1998) p. 143.

7 See *Deconstructing the Administrative State: The Fight for Liberty*, pp. 74–75, *supra* note 5.

8 *Ibid.* at p. 75.

9 "Taking Action to Connect Learning & Work," Business Roundtable (Archived content, accessed Oct. 22, 2018), *available at* https://www.businessroundtable.org/archive/resources/taking-action-connect-learning-work.

10 Marc Tucker, "Dear Hillary Letter," National Center on Education and the Economy (Nov. 11, 1992), *available at* https://eagleforum.org/topics/education/marc-tucker-dear-hillary-letter.html.

11 Public Law 103–227 (March 31, 1994) *available at* https://www.congress.gov/103/bills/hr1804/BILLS-103hr1804enr.pdf.

12 "Social and Emotional Learning: A Short History," George Lucas Educational Foundation *Edutopia* (Oct. 6, 2011), *available at* https://www.edutopia.org/social-emotional-learning-history.

13 Nathan Glazer, "A Method to His Mastery: James Comer's Enigmatic Model for School Success," Hoover Institution Press (2005), *available at* https://www.thefreelibrary.com/A+method+to+his+mastery%3a+James+Comer%27s+enigmatic+model+for+school...-a0130276030.

14 "Building Schools as Communities: A Conversation with James Comer," *Educational Leadership* (May 1997), *available at* http://www.ascd.org/publications/educational-leadership/may97/vol54/num08/Building-Schools-as-Communities@-A-Conversation-with-James-Comer.aspx.

15 Thomas D. Cook, Farah-Naaz Habib, Meredith Phillips *et al., Comer's School Development Program in Prince George's County, Maryland: A Theory-Based Evaluation* (Jan. 1, 1999), *available at* http://journals.sagepub.com/doi/abs/10.3102/00028312036003599; Thomas D. Cook, H. David Hunt, & Robert F. Murphy, "Comer's School Development Program in Chicago: Effects on Involvement with the Juvenile Justice System from the Late Elementary Through the High School Years," *American Educational Research Journal* (Summer 2000), *available at* https://eric.ed.gov/?id=EJ624133.

16 *See* "Social and Emotional Learning: A Short History," *supra* note 12.

17 Roger P. Weissberg, Timothy P. Shriver, Sharmistha Bose, & Karol DeFalco, "Creating a Districtwide Social Development Project," *Educational Leadership* (May 1997), *available at* http://www.ascd.org/publications/educational-leadership/may97/vol54/num08/Creating-a-Districtwide-Social-Development-Project.aspx.

18 *See* "Social and Emotional Learning: A Short History," *supra* note 12.

19 Anthony Esolen, Dan Guernsey, Jane Robbins, & Kevin Ryan, *After the Fall: Catholic Education Beyond the Common Core,* Pioneer Institute, No. 153 (Oct. 2016), p. 31–32, *available at* https://pioneerinstitute.org/common_core/study-finds-common-core-incompatible-catholic-education/.

20 William Spady, *Outcome-Based Education: Critical Issues and Answers* (Arlington, VA: American Association of School Administrators, 1994), cited in Roy Killen, "Outcomes-Based Education: Principles and Possibilities" (July 15, 2012), p. 5, *available at* http://members.iinet.net.au/~aamcarthur/4_Mar_2008_files/Outcomes_based_education.pdf.

21 Benjamin Bloom, *All Our Children Learning* (New York: McGraw Hill, 1981), p. 180.

22 Paolo Lionni *The Leipzig Connection* (Sheridan, Oregon: Delphinian Press 1988), pp. 31–32, as quoted in *Cloning of the American Mind: Eradicating Morality Through Education, supra* note 6, p. 120.

23 John O'Neil, "Outcomes-Based Education Comes Under Attack," ASCD Education Update (March 1994), *available at* http://www.ascd.org/publications/newsletters/education_update/mar94/vol36/num03/Outcomes-Based_Education_Comes_Under_Attack.aspx; Peter Schrag, "The New School Wars: How Outcome-Based Education Blew Up," *The American Prospect* (Winter 1995), *available at* http://prospect.org/article/new-school-wars-how-outcome-based-education-blew.

24 *See* "Social and Emotional Learning: A Short History," *supra* note 12.

25 *See* https://casel.org/board-of-directors/.

26 *See* https://casel.org/staff/.

27 Sam Dillon, "Linda Darling-Hammond," *The New York Times* (Dec. 2, 2008), *available at* https://www.nytimes.com/2008/12/02/us/politics/02web-darlinghammond.html.

28 "Content Specifications for the Summative Assessment of the Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects," Smarter Balanced Assessment Consortium (July 2015), *available at* https://portal.smarterbalanced.org/library/en/english-language-artsliteracy-content-specifications.pdf.

29 Daniel Goleman, *Emotional Intelligence: Why It Can Matter More Than IQ* (New York: Random House, 1995).

30 *See* Jordan Peterson, "What Is More Beneficial in All Aspects of Life, a High EQ or a High IQ?", and citations therein (May 16, 2016), *available at* https://www.quora.com/What-is-more-beneficial-in-all-aspects-of-life-a-high-EQ-or-IQ-This-question-is-based-on-the-assumption-that-only-your-EQ-or-IQ-is-high-with-the-other-being-average-or-below-this-average/answer/Jordan-B-Peterson?share=4dd9f059&srid=3ctC.

31 Roy F. Baumeister, Joseph M. Boden, & Laura Smart, "Relation of Threatened Egotism to Violence and Aggression: The Dark Side of High Self-Esteem," *Psychological Review,* Vol. 103, No. 1 (1996), *available at* **http://www.emotionalcompetency.com/papers/baumeistersmartboden1996[1].pdf**. *See also* Chester E. Finn, Jr., "The Social-Emotional-Learning Movement and the Self-Esteem Movement," *Education Next* (July 11, 2017), *available at* **https://www.educationnext.org/social-emotional-learning-movement-self-esteem-movement/**.

32 Anthony Gottlieb, "How We Got to Be So Self-Absorbed: The Long Story," *The New York Times* (June 21, 2018), *available at* **https://www.nytimes.com/2018/06/21/books/review/selfie-will-storr.html**.

33 Jane Meredith Adams, "National Commission Aims to Improve Schools Through Social and Emotional Learning," *EdSource* (Sept. 20, 2016), *available at* **https://edsource.org/2016/national-commission-aims-to-improve-schools-through-social-and-emotional-learning/569663**.

34 *Ibid.*

35 *Ibid.*

36 *Ibid.*

37 The Aspen Institute National Commission on Social, Emotional, and Academic Development, "From a Nation at Risk to a Nation at Hope" (Jan. 15, 2019), *available at* **http://nationathope.org/wp-content/uploads/2018_aspen_final-report_full_webversion.pdf**

38 Pub. Law 103–227.

39 20 U.S.C. § 2701 *et seq.*

40 *See Pierce v. Society of Sisters, Troxel v. Granville,* and *Meyer v. Nebraska,* for example, as discussed in Richard Mast, "Letter to Congress Regarding Proposed Changes to National Assessment of Educational Progress and Potential Student/Parental Rights Violations," Liberty Counsel (June 27, 2016), *available at* **http://edlibertywatch.org/wp-content/uploads/2014/11/Final-Ltr-NAEP-legal-and-privacy-concerns-06272016.pdf**; Karen Effrem, "Comments Submitted Regarding the Joint Family Engagement Policy Framework of the US Departments of Health and Human Services and Education on January 4th, 2016," Education Liberty Watch (Jan. 4, 2016), *available at* **http://edlibertywatch.org/wp-content/uploads/2016/01/Family-Engagement-Policy-Comments.pdf**.

41 20 U.S.C. § 7269a

42 National Center for Infant and Early Childhood Health Policy, "Addressing Social Emotional Development and Infant Mental Health in Early Childhood Systems" (2005), *available at* **http://files.eric.ed.gov/fulltext/ED496853.pdf**.

43 20 U.S.C. § 7261b.

44 20 U.S.C. § 7140.

45 20 U.S.C. § 7454.

46 *See, e.g.,* U.S. Department of Health & Human Services, Office of Planning, Research & Development, *Third Grade Follow-up to the Head Start Impact Study: Final Report* (Dec. 21, 2012), *available at* **https://www.acf.hhs.gov/opre/resource/third-grade-follow-up-to-the-head-start-impact-study-final-report**, and more than a dozen other studies and reports collated and quoted in Karen Effrem, "Head Start Effectiveness Research from the U.S. Department of Health and Human Services," Education Liberty Watch (2017), *available at* **http://edlibertywatch.org/wp-content/uploads/2017/07/Effectiveness-Research-from-the-U.pdf**.

47 42 U.S.C. § 9831 *et seq.*

48 U.S. Department of Health & Human Services, Subchapter B – The Administration for Children and Families, Head Start Program, *available at* **https://eclkc.ohs.acf.hhs.gov/policy/45-cfr-chap-xiii**.

49 Citations were derived from U.S. Department of Health and Human Services Compilation of the Head Start Act, *available at* **https://eclkc.ohs.acf.hhs.gov/policy/head-start-act/sec-642b-head-start-collaboration-state-early-education-care**, and listed in Karen Effrem, "Federal Control of Standards & Curriculum in the Head Start Act," Education Liberty Watch (Sept. 23, 2018), *available at* **http://edlibertywatch.org/wp-content/uploads/2018/10/Federal-Control-of-Standards-Curriculum-in-Head-Start-EF-ELW.pdf**.

50 42 U.S.C. § 9836a.

51 20 U.S.C. § 1232a.

52 42 U.S.C. § 9837b.

53 42 U.S.C. § 9852c.

54 *See* **https://eclkc.ohs.acf.hhs.gov/policy/45-cfr-chap-xiii/1302-32-curricula?language_content_entity=en**.

55 *See* **https://eclkc.ohs.acf.hhs.gov/school-readiness/article/head-start-early-learning-outcomes-framework**.

56 *See* **https://eclkc.ohs.acf.hhs.gov/sites/default/files/pdf/elofohs-framework.pdf**.

57 U.S. Department of Health and Human Services, "The Head Start Child Outcomes Framework" (2003), *available at* **http://leg.state.vt.us/PreKEducationStudyCommittee/Documents/Head%20Start%20Path%20to%20Positive%20Child%20Outcomes.pdf**, p. 8.

58 U.S. Department of Health and Human Services, "Head Start Child Development and Early Learning Framework" (2010), *available at* **http://www.ohcac.org/HeadStart/HS_Revised_Child_Outcomes_Framework(rev-Sept2011).pdf**, p. 20.

59 *Ibid.*

60 U.S. Department of Health and Human Services, "Head Start Early Learning Outcomes Framework" (2015), *available at* **https://eclkc.ohs.acf.hhs.gov/sites/default/files/pdf/elof-ohs-framework.pdf**, p. 13.

61 *Ibid* at p. 27.

62 National Association for the Education of Young Children, Developmentally Appropriate Practices (2009), *available at* **https://www.naeyc.org/sites/default/files/globally-shared/downloads/PDFs/resources/position-statements/PSDAP.pdf**.

63 *Ibid.*

64 Louise Derman-Sparks & the A.B.C. Task Force, *Anti-Bias Curriculum: Tools for Empowering Young Children* (Washington, D.C.: National Association for the Education of Young Children, 1989), p. 3.

65 Louise Derman-Sparks, *Anti-Bias Education for Young Children and Ourselves* (Washington, D.C.: National Association for the Education of Young Children, 2010), p. xiii.

66 National Association for the Education of Young Children, "Advancing Equity and Diversity in Early Childhood Education: A [DRAFT] Position Statement of the National Association for the Education of Young Children," *available at* **https://www.naeyc.org/sites/default/files/globally-shared/downloads/PDFs/resources/position-statements/5-23-18_initial_public_draft_naeyc_equity_statement_0.pdf**.

67 Linda Dusenbury, Jessy Zadrazil, Amy Mart, & Roger Weissberg, "State Learning Standards to Advance Social and Emotional Learning: The State Scan of Social and Emotional Learning Standards, Preschool through High School," CASEL (April 2011), *available at* **https://www.casel.org/wp-content/uploads/2016/01/state-learning-standards-to-advance-social-and-emotional-learning.pdf**.

68 Karen Effrem, "Evidence on Effectiveness of Quality Rating Systems," Education Liberty Watch (March 19, 2011), *available at* **http://edlibertywatch.org/2011/03/evidence-on-effectiveness-of-quality-rating-systems/**.

69 42 U.S.C. § 9801 note and 42 U.S.C. § 9858 note.

70 42. U.S.C. § 9858e.

71 42 U.S.C. § 9858c(b).

72 *See* Karen Effrem, "Early Learning Race to the Top Nationalizes Preschool," Education Liberty Watch (Oct. 20, 2011), *available at* **http://edlibertywatch.org/2011/10/early-learning-race-to-the-top-nationalizes-preschool/**.

73 *See* **https://www2.ed.gov/programs/racetothetop-earlylearningchallenge/index.html**.

74 Minnesota Department of Education "Race to the Top Early Learning Challenge Grant Application" (Oct. 15, 2011), *available at* **https://www2.ed.gov/programs/racetothetop-earlylearningchallenge/applications/minnesota.pdf**, p. 18.

75 Minnesota Department of Education "Early Childhood Indicators of Progress" (2005), *archived at* **http://edlibertywatch.org/wp-content/uploads/2018/10/009530-Early-Childhood-Indicators-of-Progress-Minnesota-Early-Learning-Standards.pdf**.

76 *See* "Head Start Child Outcomes Framework," *supra* note 58.

77 Early Learning Challenge Collaborative, "Stepping Up to the Challenge: Profiles of the 2011 Early Learning Challenge Grant Applications" (Jan. 24,2012), *available at* **http://ffyf.org/wp-content/uploads/2014/04/Stepping_Up_to_the_Challenge.pdf**.

78 Emmett McGroarty & Jane Robbins, *Controlling Education from the Top: Why Common Core Is Bad for America,* Pioneer Institute & American Principles Project, No. 87 (May 2012), *available at* **https://pioneerinstitute.org/education/controlling-education-from-the-top-why-common-core-is-bad-for-america/**.

79 Conservatives for Higher Standards, "What Are the Common Core Standards" (accessed Nov. 2, 2018), *available at* **http://highercorestandards.org/about-common-core/#**.

80 "State Learning Standards to Advance Social and Emotional Learning: The State Scan of Social and Emotional Learning Standards," *Preschool through High School, supra* note 67, p. 7.

81 National Association of State Boards of Education, "Social-Emotional Learning — From Practice to Policy" (Oct. 2013), *available at* **http://www.nasbe.org/wp-content/uploads/FPP-Social-Emotional-Learning.pdf**, p. 6.

82 Karen Effrem, "Comments on the Psychological and Developmental Aspects of Florida's Common Core Standards," The Florida Stop Common Core Coalition (Oct. 31, 2013), *available at* **http://www.flstopcccoalition.org/files/17118850-7282-444A-9A03-98E0B18082A2--885F5547-B1F3-4967-A304-4974D5D0994C/written-fl-standards-testimony.pdf**.

83 The Common Core State Standards Initiative, "English Language Arts & Literacy in History/Social Studies, Science, and Technical Subjects" (June 2, 2010), *available at* **http://www.corestandards.org/wp-content/uploads/ELA_Standards1.pdf**, p. 19, Literacy.W.2.3.

84 Pamela Orme, "Social Emotional Learning in Common Core State Standards" (Nov. 15, 2012), *available at* **http://www.youtube.com/watch?v=ZZMhn-9SRoA**, starting at 1:23.

85 U.S. Department of Education Office of Educational Technology, *Promoting Grit, Tenacity, and Perseverance: Critical Factors for Success in the 21st Century* (Feb. 2013), removed from **http://www.ed.gov/edblogs/technology/files/2013/02/OET-Draft-Grit-Report-2-17-13.pdf**, *archived at* **http://www.flstopcccoalition.org/files/F038A914-6B60-454B-9BA4-93824C875903--DD84DFEE-E1AC-449B-9E68-3F986DE43D34/**.

86 *Ibid* at p. v.

87 The Common Core State Standards Initiative, "Standards for Mathematical Practice" (June 2, 2010), *available at* **http://www.corestandards.org/Math/Practice/**, MP 1.

88 Jill Thompson, "Integrating Social Emotional Curricula and the Common Core," *EduThompson Blog* (July 7, 2013), *available at* **https://insidetheclassroomoutsidethebox.wordpress.com/2013/07/07/integrating-social-emotional-curricula-and-the-common-core/**.

89 For example, a math anchor standard that applies to all grades K–12 requires students to "reason abstractly and quantitatively." *See* Standards for Mathematical Practice, *supra* note 87. Yet, according to the psychologist Jean Piaget, children are not able to reason abstractly until age 11 or 12. Gwen Sharp, Piaget's Stages of Cognitive Development: Experiments with Kids (Sept. 15, 2009), *available at* **https://thesocietypages.org/socimages/2009/09/15/piagets-stages-of-cognitive-development-experiments-with-kids/**. Forcing younger children to do math that they aren't developmentally able to understand creates a significant risk of stress-induced symptoms, which teachers, parents, psychologists, and pediatricians have reported, as well as a loss of aptitude for and enjoyment of mathematics. One New York survey found that six in ten school psychologists agree that "the Common Core learning standards, which includes state exams for students in third through eighth grades each April, has increased students' anxiety." *See* Joseph Spector, "Common Core tests giving kids anxiety, psychologists say" (Nov. 20, 2015), *available at* **https://www.lohud.com/story/news/education/2015/11/20/common-core-anxiety/76114566/**. Rather than solving problems in the SEL realm, this standard and others like it are creating them.

90 *See* "From a Nation at Risk to a Nation at Hope," *supra* note 37, at p. 66.

91 Zaner Bloser, "Integrate Social Emotional Learning Through a Balanced Literacy Framework," *available at* **https://www.zaner-bloser.com/products/pdfs/Voices_Overview_Both.pdf**; Oak Norton, "Indoctrination in Common Core ELA Texts" (May 11, 2013), *available at* **http://www.youtube.com/watch?v=rGph7QHzmo8&feature=youtu.be**.

92 *Ibid.*

93 Brenda Iasevoli, "Harnessing Student Emotions in Service of a Cause," *Education Week* (June 7, 2017), *available at* **https://www.edweek.org/tm/articles/2017/06/07/harnessing-student-emotions-in-service-of-a.html?qs=social+emotional+learning+in+service+of+a+cause**.

94 *Ibid.*

95 In response to negative publicity about such politicization of math classes, the developer of this course changed the name and portions of the content. "Social justice" became "social issues," and some of the more radical language (such as a section on "intersectional mathematics" discussing how math can be used to oppress based on gender, race, class, etc.) was removed. Toni Airaksinen, "EdX No Longer 'Teaching Social Justice Through Mathematics,'" *Campus Reform* (June 6, 2017), *available at* **https://www.campusreform.org/?ID=9269**. However, the course continues to focus on "inequity, poverty, and privilege." *See* **https://www.coursetalk.com/providers/edx/courses/teaching-social-justice-through-secondary-mathematics**.

96 "Harnessing Student Emotions in Service of a Cause,", *supra* note 93.

97 Frederick M. Hess & Grant Addison, "Education as Reeducation," *National Review* (Oct. 25, 2018), *available at* **https://www.nationalreview.com/magazine/2018/11/12/higher-education-junk-science-wokeness/**.

98 *Ibid. I*ronically, just a few weeks after this insightful discussion of the SEL indoctrination present in the Common Core standards and aligned curricula, Hess joined Aspen Commission co-chair Timothy Shriver to laud the Commission's final SEL report (see *supra* note 37), never mentioning Common Core's close connection to SEL and indoctrinating curriculum. He didn't explain why SEL standards and curricula would be able to avoid the traps that swallowed Common Core—inevitable federal control and infiltration by indoctrinating political content. But just one week later, Hess switched yet again by warning of pitfalls presented by widespread SEL implementation. See Frederick Hess, "SEL Is Easy to Love, Which Should Make Us Nervous," *Education Week* (Jan. 21, 2019), *available at* **http://blogs.edweek.org/edweek/rick_hess_straight_up/2019/01/sel_is_easy_to_love_which_should_make_us_nervous.html**. It's difficult to determine Hess's actual position on SEL.

99 *See* **http://www.casel.org/funders/**.

100 *See* **http://www.rwjf.org/en/our-focus-areas/topics/public-and-community-health.html**.

101 *See* **http://1440foundation.org/who-we-support/**.

102 *See* **http://novofoundation.org/advancing-social-and-emotional-learning/strategic-approach/**.

103 *See* **http://novofoundation.org/about-us/faqs/**.

104 *See* **https://www.aspeninstitute.org/programs/national-commission-on-social-emotional-and-academic-development/funders/**.

105 *See* compilation of articles at Henry Burke, "Why ESSA Is Bad for America," *Education Views* (Jan. 11, 2016), *available at* **http://www.educationviews.org/essa-bad-america/**.

106 See "Historic: ESSA Helps States Improve and Expand Early Childhood Education Programs," First Five Years Fund (Dec. 9, 2015), *available at* **https://ffyf.org/historic-essa-helps-states-improve-and-expand-early-childhood-education-programs/**.

107 20 U.S.C. § 6312(c)(7).

108 20 U.S.C. § 6311(a)(1)(B).

109 20 U.S.C. § 6312(a)(1)(B).

110 42 U.S.C. § 9831 note.

111 *Ibid.* as discussed in Karen Effrem, "Summary of Major Issues with the Preschool Development Grants in the Conference Report for the Every Student Succeeds Act (ESSA) – S. 1177," *Truth in American Education* (Dec. 1, 2015*), available at* **https://truthinamericaneducation.com/elementary-and-secondary-education-act/esea-reauthorization-ramming-through-a-bad-deal-for-americas-children/**.

112 *See* "Funding for Social-Emotional Learning in ESSA," Association for Supervision and Curriculum Development, *available at* **http://www.ascd.org/ASCD/pdf/siteASCD/policy/ESSA-Resources_SEL-Funding.pdf**.

113 20 U.S.C. §§ 6314, 6315, 6318, 6401.

114 20 U.S.C. §§ 6611, 6613.

115 20 U.S.C. §§ 7111, 7117, 7118, 7175. *See also* Barbara Hollingsworth, "Senate Bill Would Fund 'Parent Replacement Centers' For 5 More Years," *Cybercast News Service* (Aug. 21, 2015), *available at* **https://www.cnsnews.com/news/article/barbara-hollingsworth/senate-bill-would-fund-parent-replacement-centers-5-more-years**.

116 Karen Effrem, "'PBIS': Behind the Feds' Wacky Scheme to Modify Children's Behavior," *The National Pulse* (Sept. 6, 2017), *available at* **https://thenationalpulse.com/commentary/pbis-behind-feds-wacky-scheme-modify-childrens-behavior/**.

117 OSEP Technical Assistance Center, "SWPBS and Mental Health" (2018), *available at* **https://www.pbis.org/research/swpbs-mental-health**.

118 *Ibid.*

119 "Final Report of the Federal Commission on School Safety," U.S. Department of Education (Dec. 18, 2018), available at **https://www2.ed.gov/documents/school-safety/school-safety-report.pdf**, p.28; School Safety Commission, "Positive Behavioral Interventions and Supports – Field Visit," U.S. Department of Education (May 31, 2018), *available at* **https://www.ed.gov/news/press-releases/readout-federal-commission-school-safetys-field-visit-positive-behavioral-interventions-and-supports**.

120 20 U.S.C. § 6311(c)(4)(B)(v). *See also* Evie Blad, "ESSA Law Broadens Definition of School Success," *Education Week* (Jan. 5, 2016), *available at* **https://www.edweek.org/ew/articles/2016/01/06/essa-law-broadens-definition-of-school-success.html**.

121 Evie Blad, "No State Will Measure Social-Emotional Learning Under ESSA. Will That Slow Its Momentum?" (Oct. 4, 2017), *available at* **https://www.edweek.org/ew/articles/2017/10/04/no-state-will-measure-social-emotional-learning-under.html.**

122 *Ibid.*

123 Sarah D. Sparks, "'Nation's Report Card' to Gather Data on Grit, Mindset," *Education Week* (June 2, 2015), *available at* **https://www.edweek.org/ew/articles/2015/06/03/nations-report-card-to-gather-data-on.html**.

124 NAEP is not a universally administered test but given instead to randomly selected groups of students. Although participation is voluntary, and although participants may skip survey questions, *see* **https://nces.ed.gov/nationsreportcard/bgquest_faq.aspx#a5**, it is questionable whether students understand there is truly no penalty for doing so.

125 *See* Sarah Sparks, *supra* note 123.

126 *Ibid.*

127 Karen Effrem, "Constitutional, Statutory, and Privacy Concerns with Assessing Mindsets in the NAEP," Education Liberty Watch (April 15, 2016), *available at* **http://edlibertywatch.org/2016/04/constitutional-statutory-privacy-concerns-with-assessing-mindsets-in-the-naep/**.

128 *See* Liberty Counsel letter, *supra* note 40.

129 20 U.S.C. § 9622(b)(5)(A). Depending on how the test is administered (for example, whether students understand that they are not required to answer the survey questions), those questions may also violate the Protection of Pupil Rights Amendment, 20 U.S.C. § 1232h, which limits evaluations and surveys containing questions about beliefs and attitudes.

130 *See* **https://www.congress.gov/bill/114th-congress/senate-bill/227**.

131 Karen Effrem, "Jeb Bush's Friends Spend Big to Support Student Data Grab," *The Pulse* 2016 (Feb. 19, 2016), *available at* **http://thepulse2016.com/karen-r-effrem/2016/02/19/jeb-bush-partners-friends-contributors-are-supporting-setra-federalstate-student-data-grab/**.

132 "Senate Passes Strengthening Education Through Research Act," American Educational Research Association (December 2015), *available at* **http://www.aera.net/Newsroom/AERA-Highlights-E-newsletter/AERA-Highlights-December-2015/Senate-Passes-Strengthening-Education-Through-Research-Act**.

133 National Parent Coalition Letter from over 80 organizations to Leadership of the U.S. House Education and Workforce Committee (July 25, 2017), *available at* **http://edlibertywatch.org/wp-content/uploads/2017/07/Final-Letter-to-Committee-chairs-7-17-.pdf**.

134 *See* **http://www.oecd.org/education/ceri/study-on-social-and-emotional-skills-the-study.htm**.

135 Ben Williamson, "Personality Testing – the OECD and the Psychometric Science of Social-Emotional Skills," Code Acts in Education (Jan. 16, 2018), *available at* **https://codeactsineducation.wordpress.com/2018/01/16/pisa-for-personality-testing/**.

136 *Ibid.*

137 *Ibid.*

138 *Ibid.*

139 David Harsanyi, "The Facebook-Cambridge Analytica 'Scandal' Is a Nothingburger," *National Review* (March 23, 2018), *available at* **https://www.nationalreview.com/2018/03/facebook-cambridge-analytica-scandal-melodrama/**.

140 Matthew Rosenberg, Nicholas Confessore & Carole Cadwallader, "How Trump Consultants Exploited the Facebook Data of Millions," *The New York Times* (March 17, 2018), *available at* **https://www.nytimes.com/2018/03/17/us/politics/cambridge-analytica-trump-campaign.html**.

141 Middle East North Africa Financial Network, "Why education is embracing Facebook-style personality profiling for schoolchildren" (March 31, 2018), *available at* **http://menafn.com/1096675550/Why-education-is-embracing-Facebookstyle-personality-profiling-for-schoolchildren**.

142 *Ibid.*

143 U.S. Department of Education, "Agency Information Collection Activities; Comment Request; International Early Learning Study (IELS) 2018 Field Test Recruitment," *Federal Register* (Dec. 12, 2016), *available at* **https://www.federalregister.gov/documents/2016/12/13/2016-29749/agency-information-collection-activities-comment-request-international-early-learning-study-iels**.

144 Organization for Economic Cooperation and Development, "Skills for Social Progress: The Power of Social and Emotional Skills—Executive Summary" (March 10, 2015), *available at* **http://www.oecd.org/education/ceri/skills-for-social-progress-executive-summary.pdf**.

145 "Why education is embracing Facebook-style personality profiling for schoolchildren," *supra* note 141.

146 *Ibid.*

147 *See* **https://en.unesco.org/events/social-and-emotional-skills-and-education-2030-agenda**.

148 *See* **http://www.iiep.unesco.org/en/power-social-and-emotional-skills-4410**. The fourth Sustainable Development Goal reads as follows: "Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all." *See* **https://sustainabledevelopment.un.org/sdg4**.

149 *See* **http://www.iiep.unesco.org/en/power-social-and-emotional-skills-4410**.

150 *See* "From a Nation at Risk to a Nation at Hope", *supra* note 37, at p. 33.

151 "Why education is embracing Facebook-style personality profiling for schoolchildren," *supra* note 141.

152 Mathias Urban & Beth Blue Swadener, "Democratic accountability and contextualised systemic evaluation: A comment on the OECD initiative to launch an International Early Learning Study (IELS)," Reconceptualising Early Childhood Education (2018), *available at* **http://receinternational.org/RECE-comment-on-OECD-ICCPS.html#sthash.ZKDonNO9.dpbs** .

153 Angela Duckworth, *Grit: The Power of Passion and Perseverance* (New York: Scribner, 2016), p. 8.

154 *Promoting Grit, Tenacity, and Perseverance, supra* note 85.

155 *Ibid.*

156 Eric Sparks, "Change Behaviors by Changing Mindsets," American School Counselor Association (Nov. 1, 2014), *available at* **https://www.schoolcounselor.org/magazine/blogs/november-december-2014/change-behaviors-by-changing-mindsets**.

157 Peter Greene, "Why CCSS Can't be Decoupled," *Curmudgucation* (March 24, 2014), *available at* **https://curmudgucation.blogspot.com/2014/03/why-ccss-cant-be-decoupled.html**.

158 Jose Ferreira, "Education Datapalooza," U.S. Office of Education Technology (Nov. 3, 2102), *available at* **https://www.youtube.com/watch?time_continue=107&v=Lr7Z7ysDluQ at 1:45**.

159 *See* **https://casel.org/core-competencies/**.

160 Caralee Adams, "ACT to Roll Out Career and College Readiness Tests for 3rd–10th Grades," *Education Week* (July 2, 2012) *available at* **http://blogs.edweek.org/edweek/college_bound/2012/07/act_plans_to_roll_out_career_and_college_readiness_tests_for_3rd-10th_grades.html**.

161 Joseph Durlak, Roger Weissberg, Allison Dymnicki, Rebecca D.

Taylor, & Kriston Schellinger, "The Impact of Enhancing Students' Social and Emotional Learning: A Meta-Analysis of School-Based Universal Interventions," *Child Development* (2011, 82(1)), *available at* **https://casel.org/wp-content/uploads/2016/06/meta-analysis-child-development-1.pdf**.

162 *Ibid*. at p. 15.

163 Greg Duncan, et al., "School Readiness and Later Achievement," Developmental Psychology (2007, Volume 43, No. 6), *available at* **https://www.apa.org/pubs/journals/releases/dev-4361428.pdf, p. 1428**.

164 Moshe Zeidner, Richard Roberts, & Gerald Matthews, "Can emotional intelligence be schooled? A critical review" (2002, Volume 37, No. 4), pp. 215–231.

165 Victoria Sisk, Alexander Burgoyne, Jingze Sun, Jennifer Butler, & Brooke Macnamara, "To What Extent and Under Which Circumstances Are Growth Mind-Sets Important to Academic Achievement? Two Meta-Analyses," *Psychological Science* (2018; 29 (4)), *available at* **https://journals.sagepub.com/doi/abs/10.1177/0956797617739704?journalCode=pssa&%3e=**, p. 549, as discussed in Jane Robbins, "Will Altering Growth Mindsets Improve Student Performance? Research Says No." *Truth in American Education* (May 29, 2018), *available at* **https://truthinamericaneducation.com/education-reform/will-altering-growth-mindsets-improve-student-performance-research-says-no/**.

166 *See* **https://www.mindsetworks.com/science/**.

167 "To What Extent and Under Which Circumstances Are Growth Mind-Sets Important to Academic Achievement? Two Meta-Analyses," *supra* note 165.

168 Clark McKown, "Social-Emotional Assessment, Performance, and Standards," *The Future of Children* (Princeton-Brookings: Spring, 2017), *available at* **https://futureofchildren.princeton.edu/sites/futureofchildren/files/media/foc_spring_vol27_no1_for_web_0_0.pdf**, p. 157.

169 *Ibid*, p. 160.

170 Oregon State University, "Social emotional learning interventions show promise, warrant further study," Science Daily (May 31, 2017), *available at* **https://www.sciencedaily.com/releases/2017/05/170531133232.htm**.

171 Megan McClelland, Shauna Tominey, Sara Schmitt, & Robert Duncan, "SEL Interventions in Early Childhood," *The Future of Children* (Princeton-Brookings: Spring, 2017), *available at* **https://futureofchildren.princeton.edu/sites/futureofchildren/files/media/foc_spring_vol27_no1_for_web_0_0.pdf**, p. 33.

172 Mary Helen Immordino-Yang, Linda Darling-Hammond, & Christina Krone, "The Brain Basis for Integrated Social, Emotional, and Academic Development," The Aspen Institute National Commission on Social, Emotional and Academic Development (2018), *available at* **https://assets.aspeninstitute.org/content/uploads/2018/09/Aspen_research_FINAL_web.pdf?_ga=2.110422918.242214960.1539567345-732080178.1515769926**.

173 "From a Nation at Risk to a Nation at Hope," *supra* note 37, cites the Immordino-Yang study (*ibid*) in its endnote 17.

174 Karen Effrem, "Flawed Report Uses Pseudoscience to Promote 'Social Emotional Learning,'" *The National Pulse (Oct. 17, 2018), available at* **https://thenationalpulse.com/commentary/flawed-report-uses-pseudoscience-promote-social-emotional-learning/**.

175 Immordino-Yang, et al., *supra* note 172.

176 Anders Eklund, Thomas E. Nichols, & Hans Knutsson, "Cluster failure: Why fMRI inferences for spatial extent have inflated false-positive rates," *Proceedings of the National Academies of Science* (June 28, 2016), *available at* **http://www.pnas.org/content/early/2016/06/27/1602413113**, as discussed in BEC Crew, "A Bug in fMRI Software Could Invalidate 15 Years of Brain Research," *Science Alert* (July 6, 2016), *available at* **https://www.sciencealert.com/a-bug-in-fmri-software-could-invalidate-decades-of-brain-research-scientists-discover**, and Vera Sharav, "A Bug in fMRI Software Could Invalidate 15 Years of Brain Research," Alliance for Human Research Protection (Aug. 30, 2016), *available at* **http://ahrp.org/a-bug-in-fmri-software-could-invalidate-15-years-of-brain-research/**.

177 Open Science Collaboration, "Estimating the reproducibility of psychological science," *Science*, Vol. 349, Issue 6251 (Aug. 28, 2015), *available at* **http://science.sciencemag.org/content/349/6251/aac4716**.

178 David Cyranoski, "Replications, ridicule and a recluse: the controversy over NgAgo gene-editing intensifies," *Nature* (Aug. 8, 2016), *available at* **https://www.nature.com/news/replications-ridicule-and-a-recluse-the-controversy-over-ngago-gene-editing-intensifies-1.20387**.

179 S.V. Faraone, J.W. Smoller, C.N. Pato, P. Sullivan, & M.T. Tsuang; "The new neuropsychiatric genetics," *American Journal of Medical Genetics Part B* (Neuropsychiatric Genetics) (Dec. 3, 2007), *available at* **https://onlinelibrary.wiley.com/doi/epdf/10.1002/ajmg.b.30691**, Vol. 147 B, pp. 1-2.

180 "Nicholas Wade of *The New York Times,* whose reporting on genetics is if anything excessively positive, said in 2010: 'Ten years after President Bill Clinton announced that the first draft of the human genome was complete, medicine has yet to see any large part of the promised benefits. For biologists, the genome has yielded one insightful surprise after another. But the primary goal of the $3 billion Human Genome Project--to ferret out the genetic roots of common diseases like cancer and Alzheimer's and then generate treatments--remains largely elusive. Indeed, after 10 years of effort, geneticists are almost back to square one in knowing where to look for the roots of common disease,'" quoted by John Horgan from Nicholas Wade, "A Decade Later, Genetic Map Yields Few Clues," *The New York Times* (June 13, 2010), *available at* **https://www.nytimes.com/2010/06/13/health/research/13genome.html**.

See also John Horgan, "Do Big New Brain Projects Make Sense When We Don't Even Know the 'Neural Code'?" *Scientific American* (March 23, 2013), *available at* **https://blogs.scientificamerican.com/cross-check/do-big-new-brain-projects-make-sense-when-we-dont-even-know-the-neural-code/**.

181 Dillip Jeste, "The New DSM Reaches the Finish Line," *Huffington Post* (Dec. 12, 2012,) *available at* **https://www.huffpost.com/entry/dsm-5_b_2280155**

182 Steven Hyman, "Psychiatric Drug Development: Diagnosing a Crisis," *The Dana Foundation* (April 2, 2013), *available at* **http://dana.org/news/cerebrum/detail.aspx?id=41290**.

183 See "From a Nation at Risk to a Nation at Hope," *supra* note 37, p. 33.

184 Stephanie M. Jones & Emily J. Doolittle, "Social and Emotional Learning: Introducing the Issue," *The Future of Children* (Princeton-Brookings: Spring, 2017), *available at* **https://futureofchildren.princeton.edu/sites/futureofchildren/files/media/foc_spring_vol27_no1_for_web_0_0.pdf**, p. 4.

185 Peter DeWitt, "Are We Asking Too Much of Our Schools?" *Education Week* (April 18, 2018), *available at* **https://blogs.edweek.org/edweek/finding_common_ground/2018/04/are_we_asking_too_much_of_our_schools.html**.

186 U.S. Department of Health and Human Services, Administration of Children and Families, Office of Research and Evaluation; "Head Start Impact Study: Final Report – Executive Summary" (Jan. 2010), *available at* **https://www.acf.hhs.gov/sites/default/files/opre/executive_summary_final.pdf**, p. xv,

187 U.S. Department of Health and Human Services, "Third Grade Follow-up to the Head Start Impact Study: Final Report," (2012), *available at* https://www.acf.hhs.gov/sites/default/files/opre/head_start_report.pdf.

188 Yvonne B. Reedy, "A Comparison of Long Range Effects of Participation in Project Head Start and Impact of Three Differing Delivery Models," Pennsylvania State University (State College, Pennsylvania), as cited in U.S. General Accounting Office, "Report to the Chairman of the Committee on the Budget, U.S. House of Representatives: Head Start" (April, 1997), *available at* **http://bit.ly/26fU3RH**.

189 *See, e.g.,* U. S. Department of Health and Human Services, Administration of Children and Families, Office of Research and Evaluation, "Head Start Impact Study and Follow-up, 2000–2015," *available at* **https://www.acf.hhs.gov/opre/research/project/head-start-impact-study-and-follow-up**, and GAO research, *ibid.*

190 M. Lipsey, Dale Farran, & K. Hofer, "A Randomized Control Trial of the Effects of a Statewide Voluntary Prekindergarten Program on Children's Skills and Behaviors through Third Grade Research Report" (Nashville, TN: Vanderbilt University, Peabody Research Institute, 2015), *available at* **http://peabody.vanderbilt.edu/research/pri/VPKthrough3rd_final_withcover.pdf**, p. 5.

191 Evie Blad, "Schools Should Teach (and Measure) 'Soft Skills,' Parents and Educators Agree," *Education Week* (Aug. 21, 2018), *available at* **http://blogs.edweek.org/edweek/rulesforengagement/2018/08/schools_should_teach_and_measure_soft_skills_parents_and_educators_agree.html**.

192 "Childhood and adolescence being developmental phases, it is difficult to draw clear boundaries between phenomena that are part of normal development and others that are abnormal." Quoted from the World Health Organization (2001) *World Health Report, Chapter 2, available at* **http://www.who.int/whr/2001/en/whr01_ch2_en.pdf?ua=1 p. 36**.

193 Dr. Megan O'Bryan, in an email to the authors (Feb. 1, 2019).

194 Susanne Denham, "Tools to Assess Social and Emotional Learning in Schools," George Lucas Educational Foundation *Edutopia* (June 17, 2016), *available at* **https://www.edutopia.org/blog/tools-assess-sel-in-schools-susanne-a-denham**.

195 *SpringBoard English Textual Power Level 5* (Princeton, NJ: College Board, 2011), p. 256.

196 Saul McLeod, "Kohlberg's Stages of Moral Development," *Simply Psychology* (2013), *available at* **https://www.simplypsychology.org/kohlberg.html**.

197 Angela Duckworth & David Scott Yeager, "Measurement Matters: Assessing Personal Qualities Other Than Cognitive Ability for Educational Purposes," Educational Researcher (May 1, 2015), *available at* **http://journals.sagepub.com/doi/full/10.3102/0013189X15584327**.

198 *Grit: The Power of Passion and Perseverance, supra* note 153.

199 *Ibid.*

200 Martin R. West, Katie Buckley, Sara Bartolino Krachman, & Noah Bookman, "Development and Implementation of Student Social-Emotional Surveys in the CORE Districts," Journal of Applied Developmental Psychology, Vol. 55 (March–April 2018), pp. 119–129, *available at* **https://www.sciencedirect.com/science/article/pii/S0193397316301290**, and sources cited therein.

201 *Ibid.*

202 *Ibid.*

203 *See* Evie Blad, "Accountability Measures for Traits Like 'Grit' Questioned: Researchers Warn of Unreliable Results," *Education Week* (May 19, 2015), *available at* **https://www.edweek.org/ew/articles/2015/05/20/accountability-measures-for-traits-like-grit-questioned.html**.

204 "Measurement Matters: Assessing Personal Qualities Other Than Cognitive Ability for Educational Purposes," *supra* note 197.

205 *Ibid.*

206 Angela Duckworth, "Don't Grade Schools on Grit," *The New York Times* (March 26, 2016), *available at* **https://www.nytimes.com/2016/03/27/opinion/sunday/dont-grade-schools-on-grit.html?_r=0**.

207 Kate Zernike, "Testing for Joy and Grit? Schools Nationwide Push to Measure Students' Emotional Skills" (Feb. 29, 2016), *available at* **https://www.nytimes.com/2016/03/01/us/testing-for-joy-and-grit-schools-nationwide-push-to-measure-students-emotional-skills.html?_r=0**.

208 John Fensterwald, "Rating Schools by Students Social-Emotional Skills Worth Trying, Evaluator Says," *EdSource* (March 17, 2016), *available at* **https://edsource.org/2016/rating-schools-by-social-emotional-learning-worth-trying-evaluator-says-grit-core-districts/562018**.

209 David Shaffer, Michelle Scott, Holly Wilcox, Carey Maslow, Roger Hicks, Christopher P. Lucas, Robin Garfinkel, & Steven Greenwald, "The Columbia Suicide Screen: Validity and Reliability of a Screen for Youth Suicide and Depression," *Journal of the American Academy of Child and Adolescent Psychiatry* (Jan. 2004 Vol. 43(1)), *available at* **http://edlibertywatch.org/wp-content/uploads/2019/02/Shaffer-Validity-Reliability-2004.pdf**.

210 Karen Effrem, "Expert Witness Report in the Rutherford Institute Lawsuit Against Penn Harris Madison School District and TeenScreen" (2005), *available at* **http://edlibertywatch.org/wp-content/uploads/2014/11/Rutherford-Report-Final-Redacted.pdf**.

211 *See* **http://www.amchp.org/programsandtopics/CYSHCN/projects/spharc/peer-to-peer-exchange/Documents/ASQ.ASQSE2.pdf**.

212 Sheldon Berman, Sydney Chaffee, & Julia Sarmiento, *The Practice Base for How We Learn: Supporting Students' Social, Emotional, and Academic Development*, National Commission on Social, Emotional, and Academic Development, The Aspen Institute

(March 3, 2018), p. 12, *available at* https://assets.aspeninstitute.org/content/uploads/2018/03/CDE-Practice-Base_FINAL.pdf.

213 *See* "From a Nation at Risk to a Nation at Hope," *supra* note 37, at p. 41.

214 *See* https://casel.org/assessment-work-group/.

215 *See* http://measuringsel.casel.org/design-challenge/.

216 *Ibid.*

217 *See* https://www.washoeschools.net/Page/10932.

218 Peter Greene, "The New Standardized Morality Test. Really," *Forbes* (Sept. 13, 2018), *available at* https://www.forbes.com/sites/petergreene/2018/09/13/the-new-standardized-morality-test-really/#1987acfdc159.

219 *See* https://www.moraleducation.ae/what-is-moral-education/.

220 *See* "The New Standardized Morality Test. Really," *supra* note 218.

221 Benjamin Herold, "How (and Why) Ed-Tech Companies Are Tracking Students' Feelings," *Education Week* (June 12, 2018), *available at* https://www.edweek.org/ew/articles/2018/06/12/how-and-why-ed-tech-companies-are-tracking.html.

222 James Gee & Angela Duckworth, "Using Video Games to Assess Students' Noncognitive Skills," *EdWeek webinar, available at* https://www.edweek.org/media/130927-videogames.pdf.

223 Jane McGonigal, "Gaming Can Make a Better World" (2010), *available at* https://www.ted.com/talks/jane_mcgonigal_gaming_can_make_a_better_world.

224 Maurice J. Elias, "Using Digital Games for SEL Assessments and Skill Building," George Lucas Educational Foundation, *Edutopia* (Oct. 20, 2015), *available at* https://www.edutopia.org/blog/using-digital-games-sel-assessment-and-skill-building-maurice-elias; see also https://rippleeffects.com/.

225 *Ibid.*

226 Lee Banville, "Education Gamification Markets Expected to Grow Globally," *Games & Learning* (Dec. 14, 2016), *available at* http://www.gamesandlearning.org/2016/12/14/gamification-elements-continue-to-draw-dollars/.

227 *Ibid. See also* https://fociai.com/.

228 "How (and Why) Ed-Tech Companies Are Tracking Students' Feelings," *supra* note 221.

229 *Ibid* at p. 41–45 as discussed in Jane Robbins, "Common Core & Data Collection," *Truth in American Education* (April 7, 2014), *available at* https://truthinamericaneducation.com/privacy-issues-state-longitudinal-data-systems/common-core-data-collection/.

230 Karen Effrem, "The Dark Side of Student Data Mining," *The Pulse 2016* (June 3, 2016), *available at* https://thenationalpulse.com/common-core/response-to-us-news-educational-data-mining-harms-privacy-without-evidence-of-effectiveness/.

231 Janice Gobert, "Op Ed: Educational Data Mining Can Enhance Science Education," *U.S. News & World Report* (May 13, 2016), *available at* http://www.usnews.com/news/articles/2016-05-13/op-ed-educational-data-mining-can-enhance-science-education.

232 *Promoting Grit, Tenacity, and Perseverance, supra* note 85.

233 Emmett McGroarty, Joy Pullmann, & Jane Robbins, *Cogs in the Machine: Big Data, Common Core, and National Testing*, Pioneer Institute, no. 114 (May 2014), *available at* http://pioneerinstitute.org/wp-content/uploads/dlm_uploads/Cogs-in-the-Machine_new.pdf, pp. 11–14.

234 *Ibid.*

235 Rebecca Alber, "3 Ways Student Data Can Inform Your Teaching," George Lucas Educational Foundation *Edutopia* (Dec. 6, 2011), *available at* https://www.edutopia.org/blog/using-student-data-inform-teaching-rebecca-alber.

236 Leonie Haimson & Cheri Kiesecker, "The Astonishing Amount of Data Being Collected About Your Children," *Washington Post* (Nov. 12, 2015), *available at* https://www.washingtonpost.com/news/answer-sheet/wp/2015/11/12/the-astonishing-amount-of-data-being-collected-about-your-children/?utm_term=.cead4edf6db5.

237 *See* https://ceds.ed.gov/FAQ.aspx.

238 *See* https://nces.ed.gov/about/.

239 *See* https://ceds.ed.gov/pdf/ceds-in-the-field-wiche.pdf.

240 Benjamin Herold, "Linking Children's Personal Records Shows Promise, Raises Questions," *Education Week* (Oct. 19, 2015), *available at* https://www.edweek.org/ew/articles/2015/10/21/schools-government-agencies-move-to-share-student.html.

241 20 U.S.C. § 1232g; 34 C.F.R. Part 99.

242 *See* comments of American Association of Collegiate Registrars and Admissions Officers re April 8, 2011 Notice of Proposed Rulemaking (May 23, 2011), *available at* https://www.scribd.com/document/217174726/Ferpa-Aacrao-Comments.

243 *See* https://www.congress.gov/bill/115th-congress/house-bill/4174/text; https://www.govtrack.us/congress/bills/115/s2046/text.

244 See National Coalition Letter to Congress on FEPA, CTA, & FERPA (Nov. 15, 2017), *available at* http://edlibertywatch.org/wp-content/uploads/2017/11/Privacy-assault-letter-final-Nov-13.pdf.

245 *See* Invited Testimony of Jane Robbins before the U.S. House Committee on Education and the Workforce (Jan. 30, 2018), *available at* https://edlabor.house.gov/imo/media/doc/Jane%20Robbins%20Written%20Testimony%20FINAL.PDF.

246 *See* "From a Nation at Risk to a Nation at Hope," *supra* note 37, at p. 62.

247 *Ibid* at p. 33.

248 Karen Effrem and Jane Robbins, "Goodbye, Privacy? How New EdTech Is Turning Students Into Lab Rats," *The American Spectator* (June 29, 2018), available at https://spectator.org/goodbye-privacy-how-new-edtech-is-turning-students-into-lab-rats/.

249 *See* "From a Nation at Risk to a Nation at Hope," *supra* note 37, at p. 63.

250 U.S. House Oversight and Government Reform Committee, "U.S. Department of Education: Information Security Review," (Nov. 17, 2015), *available at* https://oversight.house.gov/legislation/hearings/full-committee-hearing-us-department-of-education-information-security-review; "U.S. Department of Education: Investigation of the CIO," (Feb. 2, 2016), *available at* https://oversight.house.gov/legislation/hearings/full-committee-hearing-us-department-of-education-investigation-of-the-cio.

251 *See* Scott Shane, "New N.S.A. Breach Linked to Popular Russian Antivirus Software," nytimes.com (Oct. 5, 2017), *available at* https://www.nytimes.com/2017/10/05/us/politics/russia-nsa-

hackers-kaspersky.html; Elinor Mills, "Bad Flash Drive Caused Worst U.S. Military Breach," cnet.com (Aug. 25, 2010), *available at* https://www.cnet.com/news/bad-flash-drive-caused-worst-u-s-military-breach/; "Congressional Report Slams OPM on Data Breach," krebsonsecurity.com (Sept. 16, 2016), *available at* https://krebsonsecurity.com/2016/09/congressional-report-slams-opm-on-data-breach/; Robert Hackett, "SEC Discloses Breach That May Have Enabled Insider Trading," fortune.com (Sept. 21, 2017), *available at* http://fortune.com/2017/09/20/sec-breach-insider-trading/.

252 Laura Vanderkam, *Blended Learning: A Wise Giver's Guide to Supporting Tech-assisted Teaching* (Washington D.C.: Philanthropy Roundtable, 2013), p.32.

253 "The Astonishing Amount of Data Being Collected About Your Children," *supra* note 236.

254 Public Service Announcement, "Education Technologies: Data Collection and Unsecured Systems Could Pose Risks to Students," Federal Bureau of Investigation (Sept. 13, 2018), *available at* https://www.ic3.gov/media/2018/180913.aspx.

255 Jane Robbins, "It's Not Sci-Fi: China Is Developing Tech That Can Mold U.S. Kids' Minds," *The Federalist* (May 10, 2018), *available at* http://thefederalist.com/2018/05/10/not-sci-fi-china-developing-tech-can-mold-u-s-kids-minds/.

256 Jenny Abamu, "What Happens to Student Data Privacy When Chinese Firms Acquire U.S. Edtech Companies?" *EdSurge* (April 24, 2018), as quoted in *ibid.*

257 "Personality Testing – the OECD and the Psychometric Science of Social-Emotional Skills," *supra* note 135.

258 *Ibid.*

259 *Ibid.*

260 Anthony Carnevale, "The Education and Labor departments were made for each other," *Washington Post* (June 22, 2018), *available at* https://www.washingtonpost.com/news/grade-point/wp/2018/06/22/the-education-and-labor-departments-were-made-for-each-other/?utm_term=.05c2731486de.

261 "Dear Hillary Letter," *supra* note 10.

262 *See* "From a Nation at Risk to a Nation at Hope," *supra* note 37, at p. 66.

263 *Ibid*, at p. 33.

264 *Ibid*, at p. 32.

265 Karen Effrem, "DeVos' Swiss Agreement Overlooks Deep Problems with School-to-Work Model," *The National Pulse* (Dec. 12, 2018), *available at* https://thenationalpulse.com/commentary/devos-swiss-agreement-overlooks-deep-problems-school-to-work-model/.

266 Jane Robbins, "Opinion: In Pushing Kids Into Career Pathways, Georgia's on Wrong Track," *Atlanta Journal-Constitution* (March 19, 2018), *available at* https://www.myajc.com/blog/get-schooled/opinion-pushing-kids-into-career-pathways-georgia-wrong-track/mHU7iL8arZYA9vu77g8SSK/.

267 U.S. Department of Education Office of Educational Technology, *Expanding Evidence: Approaches to Learning in a Digital World* (2013), *available at* https://tech.ed.gov/wp-content/uploads/2014/11/Expanding-Evidence.pdf.

268 *Ibid* at p. 44.

269 Benjamin Herold, "Pearson Tested 'Social-Psychological' Messages in Learning Software, With Mixed Results," *Education Week* (April 17, 2018), *available at* http://blogs.edweek.org/edweek/DigitalEducation/2018/04/pearson_growth_mindset_software.html, as discussed in Karen Effrem and Jane Robbins, "The Latest Creepy Orwellian Education Tactic," *American Spectator* (April 20, 2018), *available at* https://spectator.org/the-latest-creepy-orwellian-education-tactic/.

270 Gary Thompson, "A Mental Health Professional's Perspective on the Common Core," *Truth in American Education* (March 25, 2013), *available at* https://truthinamericaneducation.com/common-core-state-standards/a-mental-health-professionals-perspective-on-the-common-core/.

271 The Marjory Stoneman Douglas High School Public Safety Act (SB 7026, signed on March 9, 2018), *available at* http://www.flsenate.gov/Session/Bill/2018/7026/BillText/er/PDF.

272 Governor Greg Abbott, "School and Firearm Safety Action Plan," The State of Texas (May 30, 2018), *available at* https://gov.texas.gov/uploads/files/press/School_Safety_Action_Plan_05302018.pdf.

273 David Brown, "Predicting violence is a work in progress," *Washington Post* (Jan. 3, 2013), *available at* https://www.washingtonpost.com/national/health-science/predicting-violence-is-a-work-in-progress/2013/01/03/2e8955b8-5371-11e2-a613-ec8d394535c6_story.html?utm_term=.a7518434c583.

274 *Ibid.*

275 Melissa Healy, "What the Florida school shooting reveals about the gaps in our mental health system," *Los Angeles Times* (Feb. 26, 2018), *available at* http://www.latimes.com/science/sciencenow/la-sci-sn-florida-shooter-psychology-20180226-htmlstory.html.

276 Emily Zanotti, "Louisiana Student Investigated After Suggesting Square Root Symbol 'Looked Like a Gun,'" *The Daily Wire* (Feb. 25, 2018), *available at* https://www.dailywire.com/news/27551/louisiana-student-investigated-after-suggesting-emily-zanotti.

277 William Goldman, "Anti-gun-control video project gets H.S. student suspended," *NJ.com* (Sept. 29, 2016), *available at* https://www.nj.com/somerset/index.ssf/2016/09/high_school_student_reportedly_suspended_for_anti-.html.

278 Shankar Vedantam, "Psychiatry Ponders Whether Extreme Bias Can Be an Illness," *Washington Post* (Dec. 10, 2005), *available at* http://www.washingtonpost.com/wp-dyn/content/article/2005/12/09/AR2005120901938.html?referrer=emailarticle.

279 Mastery Transcript Consortium, "A Broken Tool" (accessed Dec. 5, 2018), *available at* http://mastery.org/a-broken-tool/.

280 Mastery Transcript Consortium, "Home Page" (accessed Dec. 5, 2018), *available at* http://mastery.org.

281 Mastery Transcript Consortium, "A New Model" (accessed Dec. 5, 2018), *available at* http://mastery.org/a-new-model/.

282 *Ibid.*

283 Nicole Beurkens, "Taking a Stand: Educators and Medication Recommendations" (May 11, 2015), *available at* https://www.drbeurkens.com/taking-a-stand-educators-and-medication-recommendations/.

284 Alliance for Human Research Protection, "Mental Health Screening: A Form of Child Abuse – Children Drugged Without Parental Consent" (April 19, 2005), *available at* **http://ahrp.org/mental-health-screening-a-form-of-child-abuse-children-drugged-without-parental-consent/**.

285 Derick Hutchinson, "Charges Dismissed Against Detroit Mother Maryanne Godboldo Due to Aneurysm," *Click on Detroit* (Jan. 27, 2017), *available at* **https://www.clickondetroit.com/news/charges-dismissed-against-detroit-mother-maryanne-godboldo-due-to-aneurysm**.

286 Federal School Safety Commission Hearing Transcript (July 11, 2018), *available at* **https://www2.ed.gov/documents/school-safety/transcript-07-11-2018.pdf**, pp. 38–40.

287 Dorothy Stubbe and W. John Thomas, "Survey of Early-Career Child and Adolescent Psychiatrists: Professional Activities and Perceptions," *Journal of the American Academy of Child and Adolescent Psychiatrists* (Feb, 2002), abstract available at **https://jaacap.org/article/S0890-8567(09)60654-7/fulltext**, pp. 123–130.

288 Federal School Safety Commission Hearing Transcript, *supra* note 286.

289 Dozens of books compile the voluminous research showing the harms of psychiatric drugs. Several written by psychiatrists include David Healy, *Let Them Eat Prozac,* (New York: New York University Press, 2006); Peter Breggin, *Medication Madness* (New York: St. Martin's Press, 2009); Grace E. Jackson, *Rethinking Psychiatric Drugs* (Grace E. Jackson, 2005). See also FDA label information on antipsychotics *available at* **https://www.washingtonpost.com/national/health-science/predicting-violence-is-a-work-in-progress/2013/01/03/2e8955b8-5371-11e2-a613-ec8d394535c6_story.html?utm_term=.a7518434c583**.

290 Ilene Lelchuk and Erin Allday, "Parents reflect, schools mobilize to curb suicide," *San Francisco Chronicle* (Jan. 22, 2007), *available at* **https://www.sfgate.com/bayarea/article/Parents-reflect-schools-mobilize-to-curb-suicide-2655417.php**.

291 Final Report of the Federal Commission on School Safety," *supra* note 119 at p. 44; Brendan Borrell, "Pros and Cons of Screening Teens for Depression," *The Los Angeles Times* (Sept. 16, 2014), *available at* **http://www.latimes.com/health/la-hew-depression-screening-pro-con3-2009aug03-story.html**.

292 Nicholas Tampio, "Teaching 'grit' is bad for children, and bad for democracy," *Aeon* (June 2, 2016), *available at* **https://aeon.co/ideas/teaching-grit-is-bad-for-children-and-bad-for-democracy**.

293 Email from O'Bryan, *supra* note 193.

294 Peter Greene, "Does Social and Emotional Learning Belong in School?" *Curmudgucation* (Jan. 24, 2018), *available at* **https://curmudgucation.blogspot.com/2018/01/does-social-and-emotional-learning.html**.

295 Paul Popenoe & Roswell Hill Johnson, *Applied Eugenics* (New York, NY: Macmillan, 1926), p. 370, as quoted in *The Cloning of the American Mind: Eradicating Morality Through Education, supra* note 6, p. 174.

296 Samuel Adams, "American Independence," Speech to the State House in Philadelphia (Aug.1, 1776), *available at* **http://www.revolutionary-war-and-beyond.com/samuel-adams-quotes-2.html**.

297 For statistics on fatherlessness and crimes rates, see "Effects of Fatherless Families on Crime Rates" (Accessed Jan. 20, 2019), *available at* **http://marripedia.org/effects_of_family_structure_on_crime**. For citations showing that fatherless youth are 1) 279 percent increased more likely to carry a gun; 2) have externalizing behavior problems as early as one year of age; 3) have a four-fold greater poverty rate; and a four-fold greater infant-mortality rate; see Fatherhood Factor, "Stats" (Accessed Jan. 13, 2019), *available at* **https://fatherhoodfactor.com/us-fatherless-statistics/**.

298 The importance of family structure was illuminated by Professor William Jeynes of the University of California at Santa Barbara, in his review of data from more than 20,000 African-American and Hispanic high-school students via the National Educational Longitudinal Survey. Jeynes found the spectacular result that two-parent families and religious observance actually erase the achievement gap. African-American and Hispanic students from intact families with high levels of religiosity scored as well as all white students on most achievement measures, and higher than their African-American and Hispanic counterparts without intact families or high religiosity. is is something that more than $2 trillion dollars and 50 years of federal education interference have never come close to achieving. [See William Jeynes, "The Effects of Black and Hispanic 12th Graders Living in Intact Families and Being Religious on Their Academic Achievement," *Urban Education* (Jan. 2003), *abstract available at* **https://eric.ed.gov/?q=%22Jeynes+William+H.%22&pg=2&id=EJ663866**

299 There is a wealth of other research on this subject at **http://Marripedia.org**

300 As shown by multiple searches using related phrases, neither the Commission final report (at all) nor the CASEL website (except in rare instances) mentions the issue of fatherlessness. This is a serious deficiency in the scholarship of both groups, given how critical the issue is to the social, emotional, and academic development and success of children. Both organizations apparently assume that government and progressive foundations can substitute for what two parents provide to children. Research and common sense disprove that idea.

301 Hayes, a former math teacher, now works to restore effective math education in schools. "My ultimate goal," she says, "is to get the original math warrior, John Saxon, the national recognition he deserves for proving that results win over fuzzy processes every time. Lord, how the math 'leadership' hated him. They still do." Read more at **http://saxonmathwarrior.com/.**

Authors

Karen Effrem, M.D. is president of Education Liberty Watch and executive director of the Florida Stop Common Core Coalition. She also serves as national education issues chairman for Eagle Forum and on the board of the Alliance for Human Research Protection. Dr. Effrem's undergraduate degree is in pharmacy from Purdue University, her medical degree is from Johns Hopkins University, and her pediatric training is from the University of Minnesota. She has provided testimony and analysis on children's education and health issues for Congress, numerous state legislatures, and for a federal lawsuit regarding unconsented mental screening. She has been interviewed by many local and national media outlets. Her writing on these topics has appeared in *The Federalist*, *Townhall.com*, *The American Spectator*, and *Truth in American Education*, among others.

Jane Robbins, J.D., is an attorney and independent researcher. She has written extensively about the deficiencies of progressive education and the Common Core, and about threats to student and family privacy posed by government policies such as training students with technology. She has testified about these issues before the legislatures of 12 states and the U.S. Congress. Jane earned an undergraduate degree from Clemson University and a J.D. from Harvard Law School.

Kevin Ryan, Ph.D. is an *emeritus* professor of education at Boston University. He is the founder and director *emeritus* of the Center for Character and Social Responsibility. He is a former high-school English teacher and taught on the faculties of Stanford University, the University of Chicago, Harvard University, Ohio State University, and the University of Lisbon. Dr. Ryan was appointed to the Pontifical Academy for the Social Sciences by Pope John Paul II in 2003. He has authored and edited 22 books, primarily on moral education and the education of teachers, and written over 100 articles.

About Pioneer

Pioneer Institute is an independent, non-partisan, privately funded research organization that seeks to improve the quality of life in Massachusetts through civic discourse and intellectually rigorous, data-driven public policy solutions based on free market principles, individual liberty and responsibility, and the ideal of effective, limited and accountable government.

PIONEER INSTITUTE
PUBLIC POLICY RESEARCH

185 Devonshire Street, Suite 1101 Boston MA 02110 617.723.2277 617.723.1880
www.pioneerinstitute.org Facebook.com/PioneerInstitute Twitter.com/PioneerBoston