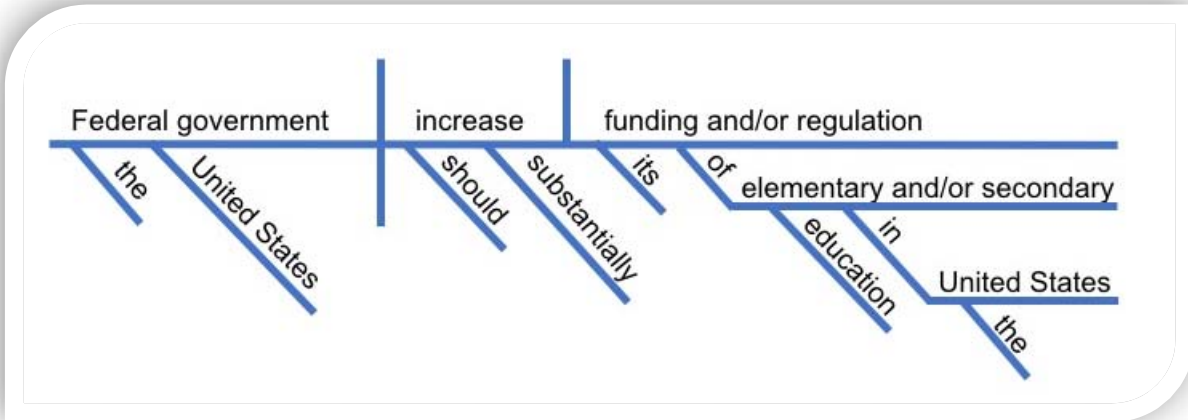


DEFINITIONS OF TERMS ON THE EDUCATION TOPIC

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The 2017-17 Interscholastic Debate Resolution: *Resolved: The United States federal government should substantially increase its funding and/or regulation of elementary and/or secondary education in the United States.*



The resolution on the Education topic originated with a proposal submitted by Jennifer LeSieur of Clackamas High School in Clackamas, Oregon. Ms. LeSieur and the members of the Topic Selection Committee Wording Committee jointly wrote a topic paragraph for inclusion on the ballot. The paragraph for the Education topic follows:

TOPIC PARAGRAPH AS INCLUDED ON THE 2017-18 BALLOT: United States students do not rank well compared to their peers from other countries. Achievement gaps also exist between children from different ethnic groups and between affluent and low-income students. Are the schools at fault or are other issues to blame? What changes in funding, regulations, standards or support for our schools will bring better results? Do we need more teachers, higher teacher pay, uniform teacher standards, and/or smaller class sizes? Will more money for technology improve teaching? Do we need more flexibility to employ and develop different types of schools? Do we need more flexibility within our public schools? What will bring up graduation rates and help United States students compete internationally? How can we prepare and train the future United States workforce? This resolution will provide a balanced field to discuss these important education issues. The affirmative teams will have the ability to critically examine everything from charter schools to online programs to for-profit schools. There is flexibility to argue for or against K-12 in traditional schools versus more specialized schools. Each area of the country has substantially different standards and rules. This topic allows students to examine those differences and how the federal government can improve education across the board. Negative ground includes arguments from traditional policy options such as federalism, states counterplans, other agent counterplans, solvency deficits as to whether the affirmative is affecting a large enough scope to solve, spending disadvantages, politics scenarios, etc. Critical literature is also applicable to the wide variety of presumptions within our government and education systems.

Usually, the topic paragraph has very little influence on topicality debates – such matters are typically left to the arguments made by debaters in each individual round of policy debate.

TOPICALITY VIOLATIONS THAT SHOULD BE ANTICIPATED:

Note: Below is the list of topicality violations supported with evidence and argument in Volume 3 of the Baylor Briefs “Topicality Casebook” prepared by Dr. Ryan Galloway of Samford University.

1. Regulation means to increase control over—cases that de-regulate schools are not topical.

This topicality argument states that the affirmative plan must increase control over elementary or secondary schools and not decrease requirements those schools already have in place. Teams may be tempted to “regulate” schools by removing a requirement schools already have in place—for example to remove standardized testing requirements, Title I requirements, special education requirements, English as a second language requirements, etc. Regulation is the opposite of deregulation—and teams should not be allowed to circumvent the topic by de-regulating schools.

2. Regulations cannot prohibit. Cases that ban an activity are not topical.

This topicality argument states that the affirmative plan must regulate, but not prohibit behavior by schools. Teams may be tempted to eliminate standard testing requirements, eliminate ESL programs, eliminate bilingual education, etc. However, regulation is distinct from a prohibition, so such affirmatives are not topical.

3. Regulation means administrative agency action.

This topicality argument states that the affirmative plan must act through an administrative agency, mostly likely the Department of Education (DOE). Many teams may be tempted to operate through other actors of the federal government, the Supreme Court in particular. Such affirmatives would avoid disadvantages specific to agency action, such as the politics disadvantage or regulatory trade-offs within the department of justice. However, regulations are promulgated by executive agencies, and not the courts.

4. Funding refers to money and not other resources.

This topicality argument states that the affirmative plan must increase the amount of money available for schools, and not provide more services like teacher education and training or more equipment like technology. The affirmative team must provide more funding for schools, not other resources.

5. Elementary and/or secondary education refers to the k-12 school system.

This topicality argument states that the affirmative plan must deal with the K-12 school system, and not preschool or college. The topic is referring to primary schooling for children, and not training before school or after students complete their high school education.

6. Increase: The affirmative plan must increase existing funding or regulation of education.

This argument states that the affirmative plan must increase presently existing regulations and/or funding for education, and not come up with a new regulation or funding for a new activity. Many affirmative teams may argue that existing programs are inadequate for reasons that have nothing to do with the size or funding of the program itself. These affirmatives do not “increase” funding and/or regulation of education.

7. Increase means a “net increase.” Plans that improve funding and/or regulation are not topical.

This argument states that the affirmative plan must increase the overall funding and/or regulation of education, not merely trade-off with existing funding or regulation. For example, the affirmative team might claim that the amount of funding for education is fine, it just must be distributed equitably among students. Alternatively, the affirmative team may claim that overall funding for schools is fine, it is just that more funding must come for STEM programs and less for art education. However, this violation is designed to argue that increase means to make a net increase in funding, to deny the affirmative team the ability to make such an argument.

8. Its funding and/or regulation: Cases involving block grants are not topical.

This topicality argument states that the affirmative plan must deal with funding and/or regulation by the federal government, and not funding and/or regulation controlled by the states or localities. To get around the federalism disadvantage, the affirmative team may wish to provide block grants to states or localities to spend as they wish. However, this puts control of the affirmative policy in the hands of the states or localities and not the federal government, therefore running afoul of the resolution.

9. Substantially means to increase by at least six percent. Plans which increase funding and/or regulation by less than six percent are not topical.

This topicality argument states that the Affirmative plan must increase funding and/or regulation by more than six percent. One fear on this topic is that it will devolve quickly into affirmative teams increasing education funding by a tiny amount, such as increasing funding for fine arts, for music, or even debate! Such “squirrel cases” will be difficult to defeat, as the negative team is unlikely to have specific evidence on this small facet of education policy, and the affirmative will attempt to argue that negative disadvantages do not apply because the increase is so small. This violation attempts to rectify such situations by setting a standard by which the Affirmative must increase funding and/or regulation of education.

10. Substantially: Without material qualification—plans which condition the increase in funding and/or regulation of education are not topical.

This topicality argument states that the affirmative plan must unconditionally increase funding and/or regulation of education. Many affirmative teams may attempt to “condition” the increase of education funding or regulations on a particular response from states and localities—most likely whether or not they agree with the funding increase or regulation. However, such “qualifications” on the increase of funding and/or regulation of education are not topical according to this interpretation.

11. Federal government: The central government in Washington, not the state governments or interstate compacts.

This topicality argument states that the Affirmative plan must use the central government in Washington, D.C. to adopt their plan. Many teams may be tempted to use the state governments or an “inter-state compact” between states to implement their plan, due to education being traditionally a state and locally controlled issue. However, this violation draws a distinction between “federal forms of government” (defined as those which divide power between levels of government) and the “federal government” which is the central government in Washington, D.C.

12. Framework: The affirmative must defend topical action by the United States federal government.

The final violation in this volume is designed to answer the growing tendency for teams to ignore the resolution altogether by advocating for personal politics or performance outside the resolution. The violation itself is fairly simple: The affirmative team by offering a kritik does not propose an action by the federal government in order to address the resolution.

UNITED STATES FEDERAL GOVERNMENT

Federal government means the central government in Washington, D.C.

Amy Blackwell, (J.D., Staff, U. Virginia Law Library), THE ESSENTIAL LAW DICTIONARY, 2008, 187. Federal: Relating to the central government of a union of states, such as the national government of the United States.

Carol-June Cassidy, (Editor), CAMBRIDGE DICTIONARY OF AMERICAN ENGLISH, 2nd Ed., 2008, 308. Federal government: of or connected with the central government

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 377. Federal government: relating to the central government of a federation.

Michael Agnes, (Editor), WEBSTER’S NEW WORLD DICTIONARY, 4th College Edition, 2007, 290. Federal government: Of the central government.

Susan Spitz, (Sr. Editor), AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE, 4th Ed., 2006, 647. Federal: The central government of the United States.

Federal government is distinct from state governments.

Daniel Oran, (Assistant Dir., National Paralegal Institute & J.D., Yale Law School), ORAN’S DICTIONARY OF THE LAW, 4th Ed., 2008, 206. Federal government: The U.S. federal government is the national, as opposed to state, government.

James Clapp, (Member of the New York Bar, Editor), RANDOM HOUSE WEBSTER’S POCKET LEGAL DICTIONARY, 3rd Ed., 2007, 103. Federal government: Relating to the government and law of the United States, as distinguished from a state.

Federal government refers to a system of government that includes a central government as well as individual state governments.

Carol-June Cassidy, (Editor), CAMBRIDGE DICTIONARY OF AMERICAN ENGLISH, 2nd Ed., 2008, 308. Federal government: a system of government in which states unite and give up some of their powers to a central authority

Michael Agnes, (Editor), WEBSTER’S NEW WORLD DICTIONARY, 4th College Edition, 2007, 290. Federal government: Of a union of states under a central government.

SUBSTANTIALLY

“Substantial” means the “essential” part of something.

Christine Lindberg, (Editor), OXFORD COLLEGE DICTIONARY, 2nd Ed., 2007, 1369. Substantially: Concerning the essentials of something.

Elizabeth Jewell, (Editor), THE OXFORD DESK DICTIONARY AND THESAURUS, 2nd Ed., 2007, 835. Substantially: Essentially, at bottom, fundamentally, basically, in essence, intrinsically.

Elizabeth Jewell, (Editor), THE OXFORD DESK DICTIONARY AND THESAURUS, 2nd Ed., 2007, 835. Substantially: Essential; true in large part.

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 1032. Substantially: in essence, basically, fundamentally.

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 1032. Substantially: concerning the essential points of something

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 1032. Substantially: fundamental, essential, basic.

Michael Agnes, (Editor), WEBSTER'S NEW WORLD DICTIONARY, 4th College Edition, 2007, 780. Substantial: In essentials.

“Substantial” means “valuable.”

Christopher Leonesio, (Managing Editor), AMERICAN HERITAGE HIGH SCHOOL DICTIONARY, 4th Ed., 2007, 1376. Substantial: Considerable in importance, value, degree, amount, or extent.

Daniel Oran, (Assitant Dir., National Paralegal Institute & J.D., Yale Law School), ORAN'S DICTIONARY OF THE LAW, 4th Ed., 2008, 510. Substantial: Valuable, real, worthwhile.

“Substantial” means permanent as opposed to temporary.

Richard Bowyer, (Editor), DICTIONARY OF MILITARY TERMS, 3rd Ed. 2004, 235. Substantive: Permanent (as opposed to acting or temporary).

“Substantial” means relating to the “fundamental substance” of a thing.

Sandra Anderson, (Editor), COLLINS ENGLISH DICTIONARY, 8th Ed., 2006, 1606. Substantial: Of or relating to the basic or fundamental substance or aspects of a thing.

Christopher Leonesio, (Managing Editor), AMERICAN HERITAGE HIGH SCHOOL DICTIONARY, 4th Ed., 2007, 1376. Substantial: Of, relating to, or having substance.

“Substantial” means of a “corporeal or material nature.”

Stuart Flexner, (Editor-in-chief), RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE, UNABRIDGED, 2nd Ed., 1987, 1897. Substantial: Of a corporeal or material nature; tangible; real.

“Substantially” means more than 25%.

Federal Tax Regulation, Section 1.409A-3(j)6, INCOME TAX REGULATIONS (Wolters Kluwer Business Publication), 2008, 723. For this purpose, a reduction that is less than 25% of the deferred amount in dispute is not a substantial reduction.”

“Substantially” means “without material qualification.”

BLACK'S LAW DICTIONARY, Feb. 5, 2014. Retrieved May 10, 2017 from <https://www.novoco.com/notes-from-novogradac/close-enough-how-measure-substantially-similar-under-fasbs-new-lihtc-investment-guidance>. Substantially: Essentially; without material qualification; in the main; in substance, materially; in a substantial manner

A reduction of less than 15% is not substantial.

WORDS AND PHRASES, Vol. 40B, 2002, 326. Where debtor-jewelry retailers historically obtained 15-25% of the inventory of their two divisions through consignments, they were not, as a matter of law, substantially engaged in selling the goods of others. In re Wedlo Holdings, Inc. (North Dakota case)

“Substantial” means “important.”

Amy Blackwell, (J.D., Staff, U. Virginia Law Library), THE ESSENTIAL LAW DICTIONARY, 2008, 477. Substantial: Important, large, considerable, valuable.

Carol-June Cassidy, (Editor), CAMBRIDGE DICTIONARY OF AMERICAN ENGLISH, 2nd Ed., 2008, 873. Substantially: large in size, value, or importance

Christine Lindberg, (Editor), OXFORD COLLEGE DICTIONARY, 2nd Ed., 2007, 1369. Substantially: Of considerable importance, size, or worth.

Elizabeth Jewell, (Editor), THE OXFORD DESK DICTIONARY AND THESAURUS, 2nd Ed., 2007, 835. Substantially: Of real importance, value, or validity.

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 1032. Substantially: real, significant, important, major, valuable.

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 1032. Substantially: of great importance, size, or value.

“Substantial” means “mainly.”

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 1032. Substantially: for the most part; mainly.

“Substantial” means “markedly.”

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 1032. Substantially: greatly, markedly, appreciably.

“Substantial” is an inexact term.

Daniel Oran, (Assitant Dir., National Paralegal Institute & J.D., Yale Law School), ORAN’S DICTIONARY OF THE LAW, 4th Ed., 2008, 510. Substantial: “A lot,” when it’s hard to pin down just how much “a lot” really is. For example, substantial evidence is more than a mere scintilla of evidence but less than a full preponderance of evidence.

“Substantial” means “to a great extent.”

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 1032. Substantially: to a great extent.

Carol-June Cassidy, (Editor), CAMBRIDGE DICTIONARY OF AMERICAN ENGLISH, 2nd Ed., 2008, 873. Substantially: to a large degree.

“Substantial” means “large.”

Michael Agnes, (Editor), WEBSTER’S NEW WORLD DICTIONARY, 4th College Edition, 2007, 780. Substantial: Material, strong, large.

“Substantial” means “socially important.”

Christine Lindberg, (Editor), OXFORD COLLEGE DICTIONARY, 2nd Ed., 2007, 1369. Substantially: Important in material or social terms.

“Substantial” means “not imaginary.”

Christopher Leonesio, (Managing Editor), AMERICAN HERITAGE HIGH SCHOOL DICTIONARY, 4th Ed., 2007, 1376. Substantial: True or real; not imaginary.

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 1032. Substantially: real and tangible rather than imaginary.

SUBSTANTIALLY IS CONTEXTUALLY DEFINED

Use of the PATHS program for classroom discipline will have substantial impact.

Brian P. Daly, (Prof., Psychology, Drexel U.), HANDBOOK OF SCHOOL MENTAL HEALTH, 2014, 136. The use of the PAX-GBG promotes a calm atmosphere in the school and minimizes classroom disruptions, which, in turn, allows teachers to present the PATHS curriculum fostering children's socio-emotional competencies. Preliminary data indicate that a majority of teachers utilizing the PATHS to PAX system report ease of use as well as substantial impacts on students' self-control and attention to lessons.

Mental health screening will substantially improve mental health treatment.

Tessa Heller, (J.D. Case Western Reserve U. School of Law), HEALTH MATRIX: JOURNAL OF LAW-MEDICINE, 2014, 315. As stated by the National Association of School Psychologists, "children are remarkably resilient when they get the help they need." In order to give children this help regarding mental illness, we need legal mandates. The benefits that this model law could provide for the mental health of children and eventually adults in America are substantial. The most notable benefit would be the decrease in school violence. The lives taken in the massive school shooting tragedies perpetrated by allegedly mentally ill gunmen are reason enough to implement improved mental health care services in schools.

In the education context, a 5% increase is a substantial increase.

Ernest Zarra, (Education Consultant), THE WRONG DIRECTION FOR TODAY’S SCHOOLS: THE IMPACT OF COMMON CORE ON AMERICAN EDUCATION, 2015, 5. Ironically, despite the proclamation that American education remains substandard, high school students are graduating in record numbers. "During the 2009-10 school year, 78.2 percent of high school students nationwide graduated on time, which is a substantial increase from the 73.4 percent recorded in 2005-6."

Eight percent is substantial.

Kara Kerwin, (Pres., Center for Education Reform), RAISING THE BAR: THE ROLE OF CHARTER SCHOOLS IN K-12 EDUCATION, House Hearing, Mar. 12, 2014, 68. In addition to providing education for underserved students, charter schools emphasize strong, challenging academic programs. The most popular educational approach is college preparatory (30 percent), and a substantial number (8 percent) focus on the demanding Science, Technology, Engineering, and Mathematics (STEM) area.

An education spending increase of \$222 million is substantial.

Brandon Larrabee, (Staff), THE ST. AUGUSTINE RECORD, SEPT. 24, 2016. Retrieved Apr. 21, 2017 from <http://staugustine.com/news/2016-09-22/board-request-more-school-funds>. On a per-student basis, the figure would grow from \$7,183.92 in the current budget year to \$7,359.85 next year. That represents growth of almost 2.5 percent. That is slightly above the amount that state economists project would flow to schools based on increased tax dollars from local property values if the state invested nothing more. That could allow state budget-writers to substantially increase funding for education with only a portion of the new funding — about \$222.2 million — coming from a state budget already expected to be stretched thin.

A 4% spending increase in education is a substantial increase.

THE IOWA STATESMAN, Feb. 10, 2015. Retrieved Apr. 21, 2017 from <http://www.theiowastatesman.com/966/senate-democrats-pass-school-spending-increases>. The Iowa Senate passed six bills today to substantially increase education spending for preK-12 school districts in fiscal years 2016 and 2017, while also shifting some of the burden away from property tax payers in those years. [Senate File 171](#), [Senate File 172](#), [Senate File 174](#), and [Senate File 175](#), collectively increase preK-12 spending by 4 percent in both FY 2016 and FY 2017.

A 44% increase in education funding is substantial.

Lawrence Miller, (Staff, Reinventing Public Education), GETTING DOWN TO DOLLARS AND CENTS: WHAT DO SCHOOL DISTRICTS SPEND TO DELIVER STUDENT-CENTERED LEARNING?, Nov. 2012. Retrieved Apr. 21, 2017 from https://www.crpe.org/sites/default/files/pub_scl_dollarsandcents_nov12.pdf. All but one of the SCL [student centered-learning] schools in our sample spent between 16 percent less and 13 percent more than district spending on comparison schools. Three spent less than their comparison schools, while one SCL school in Cleveland, spent substantially more—44 percent.

In the education context, a 4-5% change is not substantial.

Alaska Policy Forum, ALASKA SHOULD FOLLOW FLORIDA'S LEAD IN EDUCATION, Dec. 16, 2015. Retrieved Apr. 21, 2017 from <http://alaskapolicyforum.org/2015/12/is-alaska-getting-bang-for-the-buck-with-its-education-funding/>. As the State looks at a more than four billion dollar shortfall in revenue, a four percent cut in education funding is not substantial.

Claire Walla, (Staff), SAG HARBOR EXPRESS, Jan. 27, 2011. Retrieved Apr. 21, 2017 from <http://sagharborexpress.com/school-news-1-27-11/>. According to budget figures presented last Monday, January 24 by Montgomery Granger, Sag Harbor School District Supervisor of Buildings and Grounds, taxpayers are looking at an increase of about five percent for the portion of the budget related to his department. Though this increase is not substantial — and the proposed budget increase to athletics is even skimpier — both price tags are higher than last year's budget.

In the education context, an expenditure of \$200 million is not substantial.

Keshia Clukey, (Staff), OBSERVER-DISPATCH, Jan. 22, 2013. Retrieved Apr. 21, 2017 from <http://www.uticaod.com/x1578913589/For-local-districts-state-schools-aid-may-be-too-little-too-late>. The proposed budget also includes \$203 million in fiscal stabilization funds to help [school] districts with fixed costs such as pension growth. State Sen. Joseph Griffo, R-Rome, said the budget is unfortunately a reflection of the fiscal condition of the state. "There isn't a lot of money. We're going to close the deficit without any new taxes, but he's still making an effort to increase in education and healthcare. It's not substantial but still important."

In the education context, an expenditure of \$500,000 is not substantial.

Tony Gicas, (Staff), NORTH JERSEY NEWS, Mar. 8, 2013. Retrieved Apr. 21, 2017 from <http://archive.northjersey.com/news/clifton-s-district-doesn-t-foresee-big-federal-impact-1.550157>. Jim Daley said the board's finance committee met on Monday to discuss the district's financial plan in lieu of the \$500,000 increase in state aid from this year's funding. Daley said the increase was not substantial enough to alter the Board's budget plan very much, if at all.

Teach for America teachers fail to substantially increase achievement.

Laura Owens, (Prof., Education, Elmira College), THE ORIGINS OF THE COMMON CORE: HOW THE FREE MARKET BECAME PUBLIC EDUCATION POLICY, 2015, 201. TFA critics claim that not only do TFA teachers fail to substantially improve student achievement, but the nature of a program that becomes a revolving door of young inadequately trained and inexperienced teachers is disruptive to schools and students.

INCREASE

“Increase” means to make something greater or larger.

Carol-June Cassidy, (Editor), CAMBRIDGE DICTIONARY OF AMERICAN ENGLISH, 2nd Ed., 2008, 441. Increase: to become or make something larger or greater.

Christopher Leonesio, (Managing Editor), AMERICAN HERITAGE HIGH SCHOOL DICTIONARY, 4th Ed., 2007, 702. Increase: To become greater or larger.

“Increase” means to make greater in size.

Maurice Waite, (Editor), OXFORD DICTIONARY & THESAURUS, 2007, 526. Increase: Become or make greater in size, amount, or intensity.

“Increase” means to advance in quality.

Erin McKean, (Sr. Editor), THE OXFORD AMERICAN DICTIONARY AND THESAURUS, 2003, 751. Increase: Advance in quality, attainment, etc.

Erin McKean, (Sr. Editor), THE OXFORD AMERICAN DICTIONARY AND THESAURUS, 2003, 751. Increase: Intensify a quality.

“Increase” can mean to start from zero.

WORDS AND PHRASES, Vol. 20B, 2008, 265. Increase: Salary change of from zero to \$12,000 and \$1,200 annually for mayor and councilmen respectively was an "increase" in salary, and not merely the "fixing" of salary; thus, in absence of compliance with Home Rule Act provisions concerning increase in compensation of elected members of governing authority, mayor and councilmen were properly enjoined from receiving further compensation. Code, § 69-1019; Laws 1967, p. 3323. —King v. Herron, 243 S.E.2d 36, 241 Ga. 5.

“Increase” refers to the quantity of something.

Bryan Garner, (Editor), BLACK’S LAW DICTIONARY, 2009, 835. Increase: The extent of growth or enlargement.

Sidney Landau, (Sr. Editor), CAMBRIDGE DICTIONARY OF AMERICAN ENGLISH, 2nd ed., 2008, 440. Increase: To become or make something larger or greater.

“Increase” refers to that which already exists.

Ian Brookes, (Sr. Editor), THE CHAMBERS DICTIONARY, 10th ed., 2006, 754. Increase: Growth; increment; addition to the original stock.

ITS

“Its” means belonging to the thing previously mentioned.

Augustus Stevenson, (Editor), NEW OXFORD AMERICAN DICTIONARY, 3rd Ed., 2010, 924. Its: Belonging to or associated with a thing previously mentioned or easily identified.

“Its” means “relating to itself” or “possessing” something.

Frederick Mish, (Editor-in-chief), WEBSTER’S COLLEGIATE DICTIONARY, 10th ed., 1993, 623. Its: Of or relating to it or itself, esp. as possessor.

“Its” means “belonging to.”

Justin Crozier, (Editor), COLLINS DICTIONARY AND THESAURUS, 2005, 448. Its: Of or belonging to it.

Jean McKechnie, (Sr. Editor), WEBSTER’S NEW TWENTIETH CENTURY DICTIONARY, UNABRIDGED, 2nd Ed., 1979, 977. Its: Of, or belonging to, or done by it.

Erin McKean, (Sr. Editor), THE OXFORD AMERICAN DICTIONARY AND THESAURUS, 2003, 798. Its: Of itself.

Carol-June Cassidy, (Managing Editor), CAMBRIDGE DICTIONARY OF AMERICAN ENGLISH, 2nd Ed., 2008, 464. Its: Belonging to or connected with the thing or animal mentioned; the possessive form of it.

Stuart Flexner, (Editor-in-chief), RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE, UNABRIDGED, 2nd Ed., 1987, 1017. Its: The possessive form of it.

“Its” can mean simply “relating to” or “associated with.”

Frederick Mish, (Editor-in-chief), WEBSTER’S COLLEGIATE DICTIONARY, 10th ed., 1993, 623. Its: Of or relating to it or itself, esp. as possessor.

Sandra Anderson, (Editor), COLLINS ENGLISH DICTIONARY, 8th Ed., 2006, 867. Its: Belonging to, or associated in some way with.

Carol-June Cassidy, (Managing Editor), CAMBRIDGE DICTIONARY OF AMERICAN ENGLISH, 2nd Ed., 2008, 464. Its: Belonging to or connected with the thing or animal mentioned; the possessive form of it.

FUNDING

“Funding” is money.

Carol-June Cassidy, (Editor), CAMBRIDGE DICTIONARY OF AMERICAN ENGLISH, 2nd Ed., 2008, 349. Funding: Money made available for a particular purpose.

Stephen Bullon, (Editor), LONGMAN DICTIONARY OF CONTEMPORARY ENGLISH, 2005, 855. Funding: Money that is provided by an organization for a particular purpose.

“Funding” can mean resources other than money.

Frederick Mish, (Editor), MERRIAM-WEBSTER’S COLLEGIATE DICTIONARY, 10th Ed., 1998, 472. Funding: A sum of money or other resources whose principal or interest is set apart for a specific objective.

Sandra Anderson, (Editor), COLLINS ENGLISH DICTIONARY, 2006, 657. Funding: A reserve of money, etc., set aside for a certain purpose.

AND/OR

“And/Or” means either one or both.

Carol-June Cassidy, (Editor), CAMBRIDGE DICTIONARY OF AMERICAN ENGLISH, 2nd Ed., 2008, 27. And/Or: Used to refer to both things, or either one of the two mentioned.

Frederick Mish, (Editor), MERRIAM-WEBSTER’S COLLEGIATE DICTIONARY, 10th Ed., 1998, 43. And/Or: Used as a function word to indicate that two words or expressions are to be taken together or individually.

S. Stephenson Smith, (Editor), THE NEW INTERNATIONAL WEBSTER’S COMPREHENSIVE DICTIONARY OF THE ENGLISH LANGUAGE, 2004, 54. And/Or: Either “and” or “or,” depending on the meaning intended.

Sandra Anderson, (Editor), COLLINS ENGLISH DICTIONARY, 2006, 59. `Or: Used to join terms when either or the other or both is indicated.

Stuart Flexner, (Editor), RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE, 2nd Ed., UNABRIDGED, 1987, 77. And/Or: Used to imply that either or both of the things mentioned may be affected or involved.

REGULATION

“Regulation” is bi-directional: it means to adjust something in either direction.

WORDS & PHRASES, Vol. 36B, 2002, 278. “Regulation” is not confined to the imposition of restrictions, but includes all directions by rule of the subject matter. — Orme v. Atlas Gas & Oil Co., 13 N.W.2d 757, 217 Minn. 27.

“Regulation” means the restriction of some activity.

Bryan Garner, (Editor), BLACK’S LAW DICTIONARY, 10th Ed., 2014, 1475. Regulation: Control over something by rule or restriction.

“Regulation” is something other than a prohibition.

WORDS & PHRASES, Vol. 36B, 2002, 279. “Regulation” contemplates the continuance of the subject matter in existence or in activity. — City of Meadville v. Caselman, 227 S.W.2d 77, 240 Mo.App. 1220.

WORDS & PHRASES, Vol. 36B, 2002, 273. “Regulation” and “prohibition” are distinct and incongruous subjects of legislation. The prohibitory act is not unconstitutional on the ground that the exceptions created by the act provide the methods whereby those exceptions may be availed of without violating the major purposes of the act, and contains the subject of regulations as well as the subject of prohibition of dealings in intoxicants foreshadowed by the title, for while, in a sense, regulation is accomplished by the act, it is only a method by which the universal prohibition is bereft of its penalizing qualities by affording exceptions to those who comply with the act.—State v. Skeggs, 46 So. 268, 154 Ala. 249.

All regulations are, in a sense, prohibitions of something.

WORDS & PHRASES, Vol. 36B, 2002, 273. There is a distinction between "prohibition" and "regulation" of liquor traffic. Words, however, always have an historical meaning. We speak of prohibition of the traffic in alcoholic liquors. In strictness, there has never been such a prohibition and in the nature of things can never be. Prohibition is never absolute but qualified as in its sale and use for beverage purposes. On the other hand, all regulating laws are prohibition laws.

"Regulation" is more than just an agency practice.

WORDS & PHRASES, Vol. 36B, 2002, 274. While definition of "regulation" under Administrative Procedure Act (APA) is broad, it does not encompass every agency practice or decision; indicia of "regulation" include: whether practice implements, interprets or makes specific law enforced or administered by agency, and whether practice affects public or is used by agency in dealing with public. *Kachemak Bay Watch, Inc. v. Noah*, 935 P.2d 816.—Admin Law 381.

"Regulation" must have an impact on rights and obligations.

WORDS & PHRASES, Vol. 36B, 2002, 274. Criteria that determine whether administrative action is a "regulation" are neither linguistic nor formalistic; test is, rather, whether rule has substantial impact on rights and obligations of parties who may appear before agency in the future. *Sweetman v. State Elections Enforcement Commission*, 732 A.2d 144, Conn. 296.

WORDS & PHRASES, Vol. 36B, 2002, 276. Whether administrative action is a "regulation" does not depend on the label the agency attaches to it or on the procedure giving rise to it; the test is whether a rule has a substantial impact on the rights and obligations of parties who may appear before the agency in the future.—*Eagle Hill Corp. v. Commission on Hospitals and Health Care*, 477 A.2d 660, 2 Conn.App. 68.

"Regulation" has the effect of law.

WORDS & PHRASES, Vol. 36B, 2002, 277-278. "Rule" or "regulation" is statement of policy of general application which has the effect of law.—*Bruns v. State Bd. of Technical Professions*, 864 P.2d 1212, 19 Kan.App.2d 83.

"Regulation" can mean an action of the courts.

Daniel Schwarcz, (Prof., Law, U. Minnesota Law Review), *WILLIAM & MARY LAW REVIEW*, Mar. 2007, 1393. The most common guide for the judicial regulation of insurance policies is the "reasonable expectations doctrine," which requires courts to disregard coverage restrictions that are beyond insureds' reasonable expectations unless the insurer specifically informed the insured about the restriction at the time of purchase.

Margo Schlanger, (Prof., Law, Washington U., St. Louis), *NEW YORK LAW REVIEW*, May 2006, 574. Four times, then, between 1983 and 2000, every state prison and nearly every local jail answered a set of federal-government-posed questions about its regulation by court order. Because orders nearly always last at least several years, almost every order entered against a jail or state prison by a court after about 1980 (and many of the prior orders as well) ought to be included in the resulting tally. The information gathered is not detailed, but it is extremely useful nonetheless.

Stephen Sheppard, (Editor), *BOUVIER LAW DICTIONARY*, 2011, 927. More broadly, regulation as a matter of jurisprudence signifies the creation and enforcement of rules by the legal system governing all conduct, regardless of the rules' source within the legal system. Thus, it is sensible to speak of the regulation of interstate commerce by statute, the regulation of state conduct by the constitution, the regulation of trade by the World Trade Organization, or even the regulation of criminal conduct by law.

Victor Schwartz, (Attorney), *CONNECTICUT LAW REVIEW*, Summer 2001, 1216. A paradigm example of regulation through litigation is the \$ 1.2 billion judgment against State Farm Mutual Insurance Company in *Avery v. State Farm*. The case was brought as a nationwide class action covering 4.7 million State Farm policyholders in forty-eight states and the District of Columbia. Fundamental class action rules require that facts in common to the class predominate over facts that were not in common. This clearly was not the situation in *Avery*. Each repair was different. Nevertheless, the Court knew that class action certification was a fundamental weapon toward the path of regulation through litigation and held that a nationwide class action was proper.

WORDS & PHRASES CUMULATIVE POCKET PART, Vol. 36B, 2016, 96. As used in provision of Federal Power Act (FPA) giving federal courts exclusive jurisdiction over violations of FPA and rules, regulations, and orders thereunder, term "regulation" includes tariffs approved by Federal Energy Regulatory Commission (FERC) and filed by public utilities. *T & E Pastornio Nursery v. Duke Energy Trading and Marketing, L.L.C.*, 268 F.Supp.2d 1240.

Stephen Sheppard, (Editor), *BOUVIER LAW DICTIONARY*, 2011, 927. Regulation, particularly governing the rules affecting attorneys and parties to judicial proceedings, may be created by courts through the promulgation of court rules, including the rules of procedure, the rules of evidence, and local rules.

“Regulation” refers to an administrative action.

Bryan Garner, (Editor), BLACK’S LAW DICTIONARY, 10th Ed., 2014, 1475. Regulation: An official rule or order, having legal force, usually issued by an administrative agency.

Stephen Sheppard, (Editor), BOUVIER LAW DICTIONARY, 2011, 927. Regulation: The rules issued by agencies, or the rules governing any conduct. Regulation, in the United States, usually refers to the issuance of rules by the agencies of the executive branch, according to the legislative power delegated to those agencies by a legislature. In the federal government, such power is delegated by the Congress, which has established broad legislative guidelines to be interpreted by the President and the department or agency to which authority is delegated.

Steven Gifis, (Prof., Law, Rutgers U. School of Law), A DICTIONARY OF MODERN LEGAL USAGE, 4th Ed., 2010, 451-452. Regulation: Rules or other directives issued by administrative agencies that must have specific authorization to issue directives and upon such authorization must usually follow prescribed conditions, such as prior notification of the proposed action in a public record and an invitation for public comment.

WORDS & PHRASES CUMULATIVE POCKET PART, Vol. 36B, 2016, 96. A “regulation” is defined as a rule or order, having legal force, usually issued by an administrative agency. *Providence Yakima Medical Center v. Sebelius*, 611 F.3d 1181.

WORDS & PHRASES CUMULATIVE POCKET PART, Vol. 36B, 2016, 97. A "regulation" is a fixed, general principle to be applied by an administrative agency without regard to other facts and circumstances relevant to the regulatory scheme of a statute. —*Livingston Parkway Men, Inc. v. Town of Amherst Zoning Bd. of Appeals*, 980 N.Y.S.2d 206, 114 A.D.3d 1219.

“Regulation” means an action that has supremacy over state law.

Stephen Sheppard, (Editor), BOUVIER LAW DICTIONARY, 2011, 927. A valid federal regulation has the force of law and is subject to the supremacy of federal law over contrary state law.

“Regulation” means the act of regulating.

Frederick Mish, (Editor), MERRIAM-WEBSTER’S COLLEGIATE DICTIONARY, 10th Ed., 1998, 985. Regulation: The act of regulating; the state of being regulated.

“Regulation” means to establish an authoritative rule.

Carol-June Cassidy, (Editor), CAMBRIDGE DICTIONARY OF AMERICAN ENGLISH, 2nd Ed., 2008, 723. Regulation: To control an activity or process by rules or a system.

Erin McKean, (Editor), OXFORD AMERICAN DICTIONARY AND THESAURUS, 2003, 1266. Regulation: Rule, ruling, law, edict, order, ordinance, statute, decree.

Erin McKean, (Editor), OXFORD AMERICAN DICTIONARY AND THESAURUS, 2003, 1266. Regulation: A prescribed rule; an authoritative direction.

Frederick Mish, (Editor), MERRIAM-WEBSTER’S COLLEGIATE DICTIONARY, 10th Ed., 1998, 985. Regulation: An authoritative rule dealing with details or procedures.

S. Stephenson Smith, (Editor), THE NEW INTERNATIONAL WEBSTER’S COMPREHENSIVE DICTIONARY OF THE ENGLISH LANGUAGE, 2004,1062. Regulation: A rule proscribed for conduct.

Stephen Bullon, (Editor), LONGMAN DICTIONARY OF CONTEMPORARY ENGLISH, 2005, 1382. Regulation: An official rule or order.

Stephen Bullon, (Editor), LONGMAN DICTIONARY OF CONTEMPORARY ENGLISH, 2005, 1382. Regulation: Control over something, especially by rules.

Stuart Flexner, (Editor), RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE, 2nd Ed., UNABRIDGED, 1987, 1624. Regulation: A law, rule, or other order prescribed by authority.

“Regulation” means an Executive agency action.

Frederick Mish, (Editor), MERRIAM-WEBSTER’S COLLEGIATE DICTIONARY, 10th Ed., 1998, 985. Regulation: A rule or order issued by executive authority or regulatory agency of a government and having the force of law.

“Regulation” means to regulate conduct.

Carol Braham, (Editor), RANDOM HOUSE WEBSTER’S COLLEGE DICTIONARY, 2000, 1113. Regulation: A law, rule, or other order prescribed by authority, especially to regulate conduct.

“Regulation” is a ministerial order having the force of law.

Sandra Anderson, (Editor), COLLINS ENGLISH DICTIONARY, 2006, 1363. Regulation: A governmental or ministerial order having the force of law.

“Regulation” means more than merely affecting commerce.

WORDS & PHRASES, Vol. 36B, 2002, 272. Every local law that affects commerce is not a "regulation" of it in a constitutional sense. *Kentucky Natural Gas Corporation v. Public Service Commission of Kentucky*, 28 F.Supp. 509.

“Regulation” means more than the mere issuance of guidelines.

WORDS & PHRASES, Vol. 36B, 2002, 272. Court of Appeal decision setting guidelines for school desegregation was neither a "statute" nor a "regulation," and three-judge court was not necessary to consider its "unconstitutionality." *Parker v. Tangipahoa Parish School Bd.*, 299 F.Supp. 421.—Fed Cts 993.1.

“Regulation” refers to an act of the legislature that is carried out by an administering agency.

WORDS & PHRASES, Vol. 36B, 2002, 279. "Regulation" is governmental agency's exercise of delegated legislative power to create mandatory standard of behavior. 45 P.S. § 1102.—*Chimenti v. Pennsylvania Dept. of Corrections*, 720 A.2d 205.

ELEMENTARY EDUCATION

“Elementary Education” is distinct from pre-K or early childhood education.

Brianna Flavin, (Education Specialist, Rasmussen College), EARLY CHILDHOOD EDUCATION VS. ELEMENTARY EDUCATION, May 23, 2016. Retrieved Jan. 27, 2017 from <http://www.rasmussen.edu/degrees/education/blog/early-childhood-education-vs-elementary-education/>. There are definite distinctions between the two sectors that are important to understand. We're here to help you make an informed decision about early childhood education versus elementary education.

Brianna Flavin, (Education Specialist, Rasmussen College), EARLY CHILDHOOD EDUCATION VS. ELEMENTARY EDUCATION, May 23, 2016. Retrieved Jan. 27, 2017 from <http://www.rasmussen.edu/degrees/education/blog/early-childhood-education-vs-elementary-education/>. Early childhood education (ECE) focuses on the academic, social and cognitive skills that develop in children from birth through preschool. Elementary education refers to the primary education that comes after preschool but before middle school (typically kindergarten through fifth or sixth grade.)

“Elementary education” includes the first 6 or 8 grades, including kindergarten.

Carol Braham, (Editor), RANDOM HOUSE WEBSTER'S COLLEGE DICTIONARY, 2000, 427. Elementary School: A school giving instructions in rudimentary subjects in six to eight grades, often including kindergarten.

Frederick Mish, (Editor), MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY, 10th Ed., 1998, 374. Elementary School: A school including esp. the first four to the first eight grades, and often a kindergarten.

Sandra Anderson, (Editor), COLLINS ENGLISH DICTIONARY, 2006, 532. Elementary School: A state school in which instruction is given for the first six to eight years of a child's education.

Stephen Bullon, (Editor), LONGMAN DICTIONARY OF CONTEMPORARY ENGLISH, 2005, 508. Elementary School: A school in the US where basic subjects are taught for the first six years of a child's education.

THE CYCLOPEDIA OF EDUCATION DICTIONARY, 1998, 91. Elementary school: An education setting/institution/private facility for children in grades (sometimes K) 1-6 or (sometimes K) 1-8.

Gary McCullough, (Editor), ROUTLEDGE INTERNATIONAL ENCYCLOPEDIA OF EDUCATION, 2008, 220. An elementary school is where children receive their first stage of compulsory schooling. Thus, in the North American 'K-12' -- i.e. kindergarten to twelfth grade -- public school system, children enroll in the first grade of their elementary school at the age of six. The American elementary school normally caters for the first six grades, after which students normally proceed to a junior high school or 'middle school' for grades seven, eight and sometimes nine. High schools educate children in the upper grades.

“Elementary education” applies when children are entering at about age 6.

S. Stephenson Smith, (Editor), THE NEW INTERNATIONAL WEBSTER'S COMPREHENSIVE DICTIONARY OF THE ENGLISH LANGUAGE, 2004, 1126. Elementary School: A school giving a course of education of from six to nine years, pupils usually entering at about six years of age.

“Elementary education” refers to the lowest level of formal instruction – could include preschool.

Jay Shafritz, (Prof., Education, U. Pittsburgh), THE FACTS ON FILE DICTIONARY OF EDUCATION, 1988, 173. Elementary school: A school classified as elementary by state and local practice and composed of any span of grades not above grade eight. A preschool or kindergarten school is included under this heading only if it is an integral part of an elementary school or a regularly established school system.

Stuart Flexner, (Editor), RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE, 2nd Ed., UNABRIDGED, 1987, 631. Elementary School: The lowest school giving formal instruction, teaching the rudiments of learning and extending usually from six to eight years.

Erin McKean, (Editor), OXFORD AMERICAN DICTIONARY AND THESAURUS, 2003, 465. Elementary School: A school in which elementary subjects are taught to young children.

SECONDARY EDUCATION

“Secondary Education” covers the space between primary or middle school and college.

Carol Braham, (Editor), RANDOM HOUSE WEBSTER’S COLLEGE DICTIONARY, 2000, 1188. Secondary School: A high school or a school of corresponding grade ranking between a primary school and a college or university.

Frederick Mish, (Editor), MERRIAM-WEBSTER’S COLLEGIATE DICTIONARY, 10th Ed., 1998, 1055. Secondary School: A school intermediate between elementary school and college, usually offering general, technical, vocational, or college-preparatory courses.

Gary McCullough, (Editor), ROUTLEDGE INTERNATIONAL ENCYCLOPEDIA OF EDUCATION, 2008, 531. Secondary education forms an intermediate stage between primary or elementary education and higher or university education. It is also a distinctive phase of schooling with its own set of aims and ideals and a characteristic set of problems and tensions. These derive from the long history and traditions of the secondary school, which originate in notions of liberal education and in elite provision for the middle classes and professions.

THE CYCLOPEDIA OF EDUCATION, 1998, 251. Secondary school: A school that may encompass grade levels beginning at the end of elementary or middle school education, such as grades 7-12 following an elementary setting of K-6 or grades 9-12 following a middle school arrangement of grades 5-8. In some systems, it includes junior high school, 7-9, and senior high school, 10-12.

Secondary education refers to high school.

Stuart Flexner, (Editor), RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE, 2nd Ed., UNABRIDGED, 1987, 1729. Secondary School: A high school or school of corresponding grade, ranking between a primary school and a college or university.

Secondary education does from middle school through 12th grade.

Jay Shafritz, (Prof., Education, U. Pittsburgh), THE FACTS ON FILE DICTIONARY OF EDUCATION, 1988, 422. Secondary school: A school comprising any span of grades beginning with the next grade following an elementary or middle school and ending with or below grade 12.

Secondary education covers for students between ages 11 and 18.

Sandra Anderson, (Editor), COLLINS ENGLISH DICTIONARY, 2006, 1458. Secondary School: A school for young people, usually between the ages of 11 and 18.

Stephen Bullon, (Editor), LONGMAN DICTIONARY OF CONTEMPORARY ENGLISH, 2005, 1479. Secondary School: A school for children between the ages of 11 and 16 or 18.

S. Stephenson Smith, (Editor), THE NEW INTERNATIONAL WEBSTER’S COMPREHENSIVE DICTIONARY OF THE ENGLISH LANGUAGE, 2004, 1126. Secondary school: A high school or preparatory school intermediate between the grammar school and college.