# \*\*Topicality File\*\*

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# File Notes

### The 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.

### How to make a Topicality violation:

Glad to see that you have taken an interest in one of the most beneficial, but easily overlooked stock issues: Topicality. Here is some helpful advice when making a violation:

**You need to have 4 parts to a violation:**

1. A definition: Just take one from the list given in the packet.

2. Violation: Why the Aff team violates or doesn’t fit your definition. Go over their case before the tournament, and find out why their case fails to meet what your definition is.

3. Standards: Why your definition is better, basically you want to have two to three standards to tell the judge why he or she should vote for your argument. Those are included in the packet.

4. Voter: Why the judge should vote for topicality. These are also included in the packet and you should have two or three of these as well. You want to argue how important this argument is to debate and how the affirmative should defend their case.

**On the aff side…..**

You want to have a Topicality block that will answer the Negative topicality violation. Much like the Violation, the block has four parts…

1. Counterdefinition; use a definition that fits your case.

2. Now explain how you meet your own defintion and/or theirs.

3. Counterstandards: Two or three Standards that show why your defintion is better

4. Non-Voter; You now want to explain why topicality is not important and why you win it.

**Below, in the section on “funding” you will find examples of negative topicality violations and affirmative responses.**

#  “Funding”

## Negative

### T-Funding – 1NC (1/2)

#### Definition - “Funding” refers solely to money

Butler 5 – Louis B. Butler, Jr., Judge on the Supreme Court of Wisconsin, “Joan Solie and Ann Baxter, Plaintiffs-Respondents, v. Employee Trust Funds Board and The Department of Employee Trust Funds, Defendants-Appellants”, 2005 WI 42; 279 Wis. 2d 615; 695 N.W.2d 463; 2005 Wisc. LEXIS 150, 4-19, Lexis

The pertinent statutes do not define the terms "fund" or "credit." However, if these terms are accorded their common, ordinary meaning when read in the context in which they appear in chapter 42, it is clear that the retirement deposit "fund" is comprised solely of money and that a "credit" refers to a positive balance in a teacher's retirement deposit fund account. See Wis. Citizens Concerned for Cranes and Doves, 2004 WI 40, 270 Wis. 2d 318, P6, [\*\*649] 677 N.W.2d 612 (unless specifically defined, nontechnical words in a statute are accorded their common everyday meaning and are read in the context of the statute in which they appear) (citing Wis. Stat. § 990.01(1) (1999-2000)).

 [\*P60] The ordinary definition of "fund" is "[a] sum of money or other resources set aside for a specific purpose: a pension fund." The American Heritage Dictionary of the English Language 735 (3d. ed. 1992)(emphasis in original). See also Black's Law Dictionary 682 (7th ed. 1999)(defining "fund" as "[a] sum of money or other liquid assets established for a specific purpose"). This definition of "fund" comports with the context in which the term is utilized in chapter 42. The retirement deposit fund is a sum of money set aside for teachers' retirement.

 [\*\*\*480] [\*P61] Chapter 42 indicates that the term "fund" is utilized in a financial context. Wisconsin Stat. § 42.33(1) provides, in pertinent part: "The state teachers retirement board shall at all times maintain assets: . . . (b) In the 'Retirement Deposit Fund' equal to the liabilities for member deposits and for state deposits for members of the separate group and the combined group and interest accretions[.]" See also Wis. Stat. § 42.243(5)(c); Wis. Stat. § 42.243(6)(c); Wis. Stat. § 42.45(1)(d); Wis. Stat. § 42.46(1); Wis. Stat. § 42.475 (all describing a member's account in the state retirement fund being credited with member contributions, state deposits, and interest and discussing the withdrawal, payment, and maintenance of such monies).

 [\*P62] In addition, Schmidt, 153 Wis. 2d at 46, explicitly stated that a teacher who signed a combined group waiver "only waived his right to money which accumulated in his retirement fund through state deposits." (Emphasis added.) Likewise, Wis. Admin. Code § TR 4.01 [\*\*650] (Sept., 1964) specifically distinguishes between "years of teaching experience" being "counted as within the system" and "required deposits" being "paid into the fund," by stating that years of teaching experience are not to be counted within the system until any required deposits plus interest are paid into the fund.

 [\*P63] In short, the "retirement deposit fund" is a fund comprised of monetary deposits established for the purpose of teacher retirement.

 [\*P64] Given that § 42.33(1) specifically states that the retirement deposit fund's assets are teacher deposits, state deposits, and accrued interest, the majority's conclusion that "it is reasonable to construe the retirement deposit fund as encompassing more than simply a lockbox for money[]" is entirely unfounded and anything but reasonable. Majority op., P36. The majority's conclusion that a repository of money earmarked for a particular purpose (a fund) can be comprised of something other than money is inexplicable in light of the statutory language. Notably, the majority cites to no statute, administrative rule, or case for the proposition that the "retirement deposit fund" may contain something other than money. It simply declares it to be so. Simply put, nowhere does chapter 42 speak of the retirement deposit fund being credited with, consisting of, or containing anything other than money.

#### Violation - the plan provides non-monetary resources

#### Standards -

#### Limits – only by defining funding as money can we put a clear limit (bright line) on what is topical – any other definition widens the topic to include transfers of any kind---exponentially multiplying each Aff by thousands of types of mechanisms

#### **Legal definitions should be preferred as they are the real world determinants of how policy is enforced**

### T-Funding – 1NC (2/2)

#### Voters –

#### Education – We learn he most by debating a topical plan. If the aff’s aren’t topical we lose out on important knowledge about education reform.

#### Fairness – It is only fair that the affirmative is held to the topical bounds of the resolution or else negative teams would never be prepared to debate.

### Link – Tax credits aren’t funding

#### “Funding” refers to money in hand – this excludes tax credits and exemptions

Spector 69 – Spector, Judge, Court of Appeal of Florida, First District, “Ruth F. SEAMAN, Appellant, v. STATE of Florida, Appellee”, 225 So. 2d 418; 1969 Fla. App. LEXIS 5419, 8-5, Lexis

The sufficiency of the evidence is also questioned by appellant's contention that no showing of conversion was made nor that there was proof the property taken was in cash or checks. We think this contention is amply refuted by appellant's own written statement by which she admitted she took funds and spent them for her own purpose. The indictment charges that appellant took "dollars, currency of the United States of America" as was the case in Craig v. State, 95 Fla. 374, 116 So. 272 (Fla.1928). In Craig the court held that evidence of embezzled dollars was the equivalent of evidence of embezzled currency of the United States. The court there simply took judicial notice that currency of this country is expressed in dollars. In the instant case, appellant raises the [\*\*8] point because the witnesses could not tell whether the missing funds were in cash or checks. We do not consider this to be a fatal defect because the appellant supplied the missing description, if any, of the property taken by referring to it in her statement as being "funds" which she took and spent. The word "funds" is defined as including money in hand and pecuniary resources. Random House Dictionary of the English Language, Unabridged Edition. We think the proofs submitted to the jury were sufficient to make a prima facie case of embezzlement under Section 812.10, Florida Statutes, F.S.A., particularly as such proof was enhanced by appellant's own written admissions.

### 2NC/1NR – Limits

#### The affirmative’s broad definition of “funding” ruins the limits placed on the topic by including all kinds of transfers

Connecticut 79 – Superior Court of Connecticut, Judicial District of New Haven, “Knights of Columbus v. City of New Haven”, 36 Conn. Supp. 63; 1979 Conn. Super. LEXIS 182; 411 A.2d 50, 11-6, Lexis

The word "funds" has been defined as a generic term which is all embracing and which in its broad meaning includes property of every kind. Thus, under Conn. Gen. Stat. § 38-215 all property of every kind of a fraternal benefit society is exempt from all state and municipal taxation with two exceptions -- real estate and office equipment. Since no courts have defined "office equipment" as used in § 38-215, it is necessary to look to other areas of the law to ascertain whether the courts distinguish equipment from other similar fungible items consumed in the course of operation.

#### Even if “funding” is commonly defined broadly, restricting it to only “money” places an appropriate limit on the topic

Speer 2k – Richard L. Speer, Chief Bankruptcy Judge, United States Bankruptcy Court for the Northern District of Ohio, “In Re: Walter Collins, Jr., Debtor(s); MPC Cash-Way Lumber Co., Plaintiff(s) v. Walter E. Collins, Jr., Defendant(s)”, 266 B.R. 123; 2000 Bankr. LEXIS 1834, 10-25, Lexis

The term "fund," is, in its common legal usage, given a broad interpretation. For example, it is sometimes defined as a generic term and all-embracing as compared with the term "money," etc., which is specific.

## Affirmative

### T-Funding – 2AC (1/2)

#### We Meet the negative definition – our case spends money directly on the plan

#### Counter-interpretation - “Funding” is a broad term that includes all money and financial resources given---attempting to arbitrarily limit it wrecks predictability

Casper 17 – Denise J. Casper, United States District Judge, “TERUMO AMERICAS HOLDING, INC. V. TURESKI”, Civil Action No. 14-13838-DJC (D. Mass. May. 1, 2017), https://casetext.com/case/terumo-americas-holding-inc-v-tureski-1

The term "funding" as used in Section 1.6—or otherwise—is not defined in the Agreement. "Under well-settled case law, Delaware courts look to dictionaries for assistance in determining the plain meaning of terms which are not defined in a contract." Lorillard Tobacco Co. v. Am. Legacy Found., 903 A.2d 728, 738 (Del. 2006). "This is because dictionaries are the customary reference source that a reasonable person in the position of a party to a contract would use to ascertain the ordinary meaning of words not defined in the contract." Id. "There may be more than one dictionary definition, and parties may disagree on the meaning of the definition as applied to their case, but if merely applying a definition in the dictionary suffices to create ambiguity, no term would be unambiguous." Id. at 740 (internal quotation marks and citation omitted). Neither party asserts that "funding" has a "'gloss' in the [relevant] industry" and thus under Delaware law the term "should be construed in accordance with its ordinary dictionary meaning." See Lorillard Tobacco Co., 903 A.2d at 740 (internal quotation mark and citation omitted). While Tureski argues that he and "others were well aware, through personal experience and general industry knowledge, that the total all-inclusive costs for a clinical trial from start to completion was typically tens (or even hundreds) of millions of dollars," D. 140 at 17-18, this does indicate that the term "funding," as used in the Agreement, has a specific meaning in the industry. According to Black's Law Dictionary, funding is defined as "3. The provision or allocation of money for a specific purpose, such as for a pension plan, by putting the money into a reserve fund or investments" and "4. The provision of financial resources to finance a particular activity or project, such as a research study." Funding, Black's Law Dictionary (10th ed. 2014). The Oxford English Dictionary defines funding as "1. Money provided, especially by an organization or government, for a particular purpose." Funding, Oxford English Dictionary, https://en.oxforddictionaries.com/definition/funding (last accessed on May 1, 2016). The Cambridge American Content Dictionary defines funding as "money made available for a particular purpose," funding, Cambridge American Content Dictionary, http://dictionary.cambridge.org/us/dictionary/english/funding (last accessed on May 1, 2017) and the Cambridge Business English Dictionary defines it to mean "money given by an organization or a government for a particular purpose," funding, Cambridge Business English Dictionary, http://dictionary.cambridge.org/us/dictionary/english/funding (last accessed on May 1, 2017). Likewise, the Business Dictionary, defines funding as "1. Providing financial resources to finance a need, program, or project. In general, this term is used when a firm fills the need for cash from its own internal reserves, and the term 'financing' is used when the need is filled from external or borrowed money." Funding, Business Dictionary, http://www.businessdictionary.com/definition/funding.html (last accessed on May 1, 2017). The Supreme Court has considered and described this source as a "colloquial business authorit[y]." See Vance v. Ball State Univ., \_\_\_ U.S. \_\_\_, 133 S. Ct. 2434, 2444 & n.5 (2013); see also In re Filene's Basement, No. 11-13511-KJC, 2014 WL 172137, at \*5 (Bankr. D. Del. Jan. 15, 2014) (considering the source). These broad definitions lead the Court to conclude that an objective, reasonable third party would read the term "funding" in the clause "funding for the CLI Development Plan" as including the monies and financial resources Terumo expended for, or made in provision of, the CLI Developmental Plan. That is, considering the dictionary definitions of "funding," those monies and financial resources—whether in the form of the salaries of Harvest personnel working full-time on the CLI Pivotal Clinical Trial and their incurred travel and entertainment expenses, or the costs of "external" third parties such as InVentiv and their expenses, see, e.g., D. 127 ¶¶ 78-83, 118-22; D. 131 ¶¶ 78-83, 118-22—are properly included towards Terumo's $6 million funding obligation as "funding for" the CLI Developmental Plan. Notably, Tureski's proposed interpretation—the four categories of funding—is not supported by any of the dictionary definitions and, therefore, it is difficult to conclude, as he urges, that a reasonable third party would not read the term in such a way. Cf. Seaford Golf & Country Club v. E.I. duPont de Nemours & Co., 925 A.2d 1255, 1261-62 (Del. 2007) (finding term ambiguous where dictionary definitions supported both parties' respective interpretations). Reading the Agreement as a whole, see In re Viking Pump, Inc., 2016 WL 4771312, at \*8, Tureski's interpretation of "funding" is also not reasonable given that there is no part of the Agreement that includes or alludes to the four categories of funding he proposes such that an objective third party would not read them into the term. The parties otherwise defined the scope or excluded specific costs and expenses where certain broad terms are used in the Agreement. D. 128-1 (e.g., Sections 1.6(b)(x), 5.7(a), 8.2(a)); 128-2 (e.g., Schedule 3.9 ¶ 195); D. 126 at 17-18; see 2009 Caiola Family Trust v. PWA, LLC, No. C.A. 8028-VCP, 2014 WL 1813174, at \*11 (Del. Ch. Apr. 30, 2014) (rejecting plaintiff's interpretation of the section at issue where, among other things, it was inconsistent with other sections of the agreement). As such, if the parties had intended to limit "funding," they could have done so as they had in other parts of the Agreement.

### T-Funding – 2AC (2/2)

#### Standards – Prefer our interpretation

#### Ground – Only allowing other funding mechanisms provides the affirmative with equitable ground by being able to debate those funding mechanisms.

#### Limits – Our definition still provides a reasonable limit by still ensuring payment transfers go to schools.

#### Topicality isn’t a voting issue –

#### Education – Our affirmative is pertinent knowledge to the core of the resolution. We learn by debating the policy presented – not by debating the minutia of the words in the resolution.

#### Jurisdiction – Debate judges are supposed to determine the desirability of a policy, not the meaning of words in a dictionary.

### Answer to – doesn’t include tax credits

#### “Funding” includes tax credits

Maryland 11 – Maryland General Assembly, Department of Legislative Services, “FISCAL AND POLICY NOTE – HB 1282”, 3-16, http://mgaleg.maryland.gov/2011rs/fnotes/bil\_0002/hb1282.pdf

This bill requires a vehicle parking facility to allow a motorcycle to park in the facility on payment of any applicable charges if the facility is owned, operated, leased, or receives funding from the State or a political subdivision. The bill defines “funding” as any form of assurance, guarantee, grant payment, credit, tax credit, or other assistance.

### “Funding” includes other assets

#### “Funding” includes the provision of valuable assets---it’s not limited to only monetary instruments

Cote 15 – Denise Cote, United States District Judge, United States District Court for the Southern District of New York, “UNITED STATES OF AMERICA -v- ARTHUR BUDOVSKY, Defendant”, 2015 U.S. Dist. LEXIS 127717, 9-23, Lexis

Budovsky's argument fails for several reasons. First, he argues that virtual currencies are not "monetary instruments" and thus transactions in virtual currencies are not "financial transactions." This argument ignores the statutory definition of "financial transaction," which includes not only monetary instruments, but also "funds." Giving effect to every clause in the statutory definition, the term funds has a separate meaning and is not coterminous with the term monetary instrument. See In re Barnet, 737 F.3d 238, 247 (2d Cir. 2013) ("Statutory enactments should . . . be read so as to give effect, if possible, to every clause and word of a statute." (citation omitted)).

Next, Budovsky appears to argue that virtual currencies cannot [\*36] be included within the term "funds." This precise argument was rejected recently in a case applying § 1956 to the owner and operator of the website Silk Road, a marketplace for illegal drugs that used the virtual currency Bitcoin. United States v. Ulbricht, 31 F. Supp. 3d 540, 568-70 (S.D.N.Y. 2014). Addressing a pretrial motion to dismiss an indictment, the Ulbricht court found that since the term "funds" is not defined under § 1956, it must be given its ordinary meaning: assets that "can be used to pay for things in the colloquial sense." Id. at 570; see also United States v. Day, 700 F.3d 713, 725 (4th Cir. 2012) (defining funds under § 1956 to include gold since it is an asset of monetary value that is susceptible to ready financial use). The Ulbricht court's reasoning is adopted here.

# Education

## Negative

### Definition - “Education” is only in classrooms

#### The plan must regulate subject-matter in classrooms---anything broader includes all socialization

Ikonen 99 – PhD, faculty of education (Risto, “What is this Thing called Education? - An Attempt to reveal the True Nature of the Science of Education,” http://www.leeds.ac.uk/educol/documents/00001354.htm)//BB

[3] Michael Naish (1984, 151) argues that ‘education’ is a legitimatizing word: "the teaching of a particular subject or range of topics may be the more legitimated the more widely it is believed to fall under that term [i.e. education]". This is exactly what I mean with the manifesto-like character of the word ‘education’: it is not just a name, it is an ultimately concentrated piece of information. [4] Actually, the same idea can be found in Frankena (1973, 73), when he writes that education must foster disposition and use methods "that are desirable and morally unobjectionable, or at least regarded as such, otherwise it is not education" (emphasis mine). - Obviously this notion should lead to a conclusion that the characteristics of the phenomenon of ‘education’ have to be sought from the name-giving process, not from the things that are named as education. [5] Frankena (1973, 75) writes that Plato, Kant, Dewey or Chinese ---"all mean by ‘education’ (or its equivalents in their languages) the same thing, i.e. a process, involving an educator and an educated, of forming ’desirable dispositions by desirable methods’" (emphasis mine). [6] In The New Encyclopaedia Britannica (15th edition, Vol. 4) ‘education’ is defined as a discipline that is concerned --- "mainly with methods of teaching and learning in schools or schoollike environments as opposed to various informal means of socialization". - The connection to schooling is obvious.

#### “Education” is limited to only formal instruction in schools---expanding beyond that makes any experience topical

Kumar 17 – Satish Kumar, Deputy Dean at the University Information Centre, et al., “MEANING, AIMS AND PROCESS OF EDUCATION”, https://sol.du.ac.in/mod/book/view.php?id=1448&chapterid=1321

Narrower and Broader Meaning of Education Education in the Narrower Sense In its narrow sense, school instruction is called education. In this process, the elders of society strive to attain predetermined aims during a specified time by providing pre-structured knowledge to children through set methods of teaching. The purpose is to achieve mental development of children entering school. To make of narrow meaning of education more clear, the following opinions of some other educationists are being given- · The culture which each generation purposefully gives to those who are to be its successors, in order to qualify them for at least keeping up, and if possible for raising the level of improvement which has been attained. John Stuart Mill · In narrow sense, education may be taken to mean any consciously directed effort to develop and cultivate our powers. S. S. Mackenzie · Education is a process in which and by which knowledge, character and behaviour of the young are shaped and moulded. Prof. Drever · The influence of the environment of the individual with a view to producing a permanent change in his habits of behaviour, or thought and attitude. G. H. Thompson Education, in the narrower sense, is regarded as equivalent to instruction. It consists of the “specific influences” consciously designed in a school or in a college or in an institution to bring in the development and growth of the child. The word school includes the whole machinery of education from Kindergarten to the University. The education of the child begins with his admission in the school and ends with his departure from the University. The amount of education received by the child is measured in terms of degrees and diplomas awarded to him. The school represents formal education as it imparts education directly and systematically. There is deliberate effort on the part of the educator to inculcate certain habits, skills, attitudes or influences in the learner, which are considered to be essential and useful to him. According to John Dewey: “The school exists to provide a special environment for the formative period of human life. School is a consciously designed institution, the sole concern of which is to educate the child. This special environment is essential to explain our complex society and civilization”. The influences or modes of influences in the school are deliberately planned, chosen and employed by the community for the welfare of the members of the rising generation. The purpose of these influences is to modify the behaviour of the child in such a way that he may become different from what he would have been without education. It makes possible a better adjustment of human nature to surroundings. According to Mackenzie, education, in the narrower sense, is conscious effort to develop and cultivate our innate powers. Education, in the narrow sense, is also regarded as acquisition of knowledge. According to it education is a process by which knowledge or information on a subject is acquired. But many sensible educationists have criticized this view. They argue that emphasis on the knowledge is likely to reduce all schools to mere knowledge-shops. The acquisition of knowledge is not the only or supreme aim of education, yet it is one of the important aims of education. Education in the Broader Sense In its wider sense, education is the total development of the personality. In this sense. Education consists of all those experiences, which affect the individual from birth till death. Thus, education is that process by which an individual freely develops his self according to his nature in a free and uncontrolled environment. In this way, education is a life long process of growth environment.

### Definition - “Education” is only in classrooms

#### Limiting “education” to schooling is necessary to narrow the topic, otherwise its scope has no limit

Maheshwari 12 – Dr. V.K. Maheshwari, Former Principal, K.L.D.A.V(P.G) College, Roorkee, India, “Concept of Education”, 10-2, http://www.vkmaheshwari.com/WP/?p=558

There are a lot of contradictions regarding the meaning of education. The fact responsible for this contradiction is lack of uniformity in the meaning of education. Every debater looks at its meaning in a unique form, because its sense has underwent such a massive change since earliest times that its very assumption has become quite misleading. Therefore, it is essential that the assumption of education should be explained at the very outset. Webster defines education as the process of educating or teaching. Educate is further defined as “to develop the knowledge, skill, or character of …” Thus, from these definitions, we might assume that the purpose of education is to develop the knowledge, skill, or character of students. Unfortunately, this definition offers little unless we further define words such as develop, knowledge, and character. Etymologically the term EDUCATION has been derived from different sources- Educate means the art of teaching of teaching or training The other way of explaining the term of Latin E means to ‘lead forth out of and duco means I lead, ; thus; education may be interpreted to means to ‘lead forth’ Etymological Meaning from etymological point of view, the Hindi word ‘shiksha’ has been derived from the Sanskrit verb ‘shiksh’ which mean ‘to learn’. Thus, education mend both learning and teaching. In the Raghuvansh, the term ‘education’ has been used in these two senses. In India languages, the terms ‘vidya’ and jnana’ have been used as synonyms to the term ‘shiksha’. The term ‘vidya’ has been derived from the verb ‘vid’ which means ‘to’ know, to find out, to learn’, but later, this was fixed for ‘curriculum’. In the beginning, four subjects were included under viday, but later, Manu added the fifth, called Atma Vidya, and gradually, this number rose to fourteen, which included Vedas, Vedangas, Dharma, Nyaya, Mimansa etc. Thus, ‘vidya’ means both curriculum and learning. 4 .The term ‘janja’ means the same as education in its wide sense in Indian philosophy. In Indian philosophies, the term ‘jnana’ is not used for only information or facts, though in the west, this sense is The term ‘janja’ means the same as education in its wide sense in Indian philosophy. In Indian philosophies, the term ‘jnana’ is not used for only information or facts, though in the west, this sense is quite prevalent. In the Amarkosha, the terms ‘jnana’ and ‘vijnana’ have been distinguished saying that is reated with emancipation while ‘vijnana’ is reated with crafts. In other words, jnana or knowledge is that which develops man and illuminates his path to emancipation, while whatever is learnt and known in practical life is called vijnana or science. On the other hand, his the English term ‘education’ has been derived from the Latin word ‘education’. On analysis, it gives out the following meaning: English-education Latin-education k=e+duco Meaning-to lead=from within+to lead out Assumption of education: To bring out inherent capabilities of a child Some scholars opine that the term ‘education’ has been derived from the Latin words ‘educere’ or ; however, from etymological sense, all three to these are no different in meaning. The definition of education in an act or process of imparting or acquiring general knowledge, and generally of preparing oneself or other intellectually for mature like. It It could be a certain degree, level or kind of schooling. It is a training imply a discipline and development by means of the special and general abilities of the mind or a training by which people learn to develop and use their mental, moral, and physical power or skill. It is a gaining experience, either improving or regressing. Actually Education is a deliberate and organized activity though which the physical, intellectual, aesthetic, moral and spiritual potentialities of the child are developed, both in the intellectual, aesthetic, moral and spiritual potentialities of the child are developed, both in the individual as an individual and also as a member of society so that he may lead the fullest and richest life possible in this world and finally attain his ultimate end in the world to come. Education is very essential in everyday to be able to cope and survive whatever the difficulties and complication may experience. Without education, life can be so hard and frustrating in every aspect. The instances of education can be from school, society or home Internet, or anywhere. It is necessary that everyone needs to go to school, to learn academically and socially. If help build up confidence in every person, if gives a high self-esteem as well. Also, we need to educate oneself in the society, so that we are aware in catastrophic situation. To know what’s going on around us, it is an advantage to be one of the biggest technologies that revolve around the word, from researching or communicating. It is a big help to explore and educate our self to the word of technology. It is a big help discipline, patient, time hard-work and effort. With these important behavioral qualities, it will be easier ot deal with life. Education doesn’t require a perfect physical appearance but it requires attention and focus. Having the knowledge in everything, it refers to a high intellect power, a power that ready for anything. The skills to educate our self is something that we couldn’t share to anyone but we could extend if is some ways. Technically, education is really important and it is a necessity for us, to have a better life and a better future. We need to get the best of education that we want to, it is worth it to have the knowledge, and intellect the capacity to participate in the word and it can change our life tremendously. Mostly education is accepted as a learning and training process which is applied in school. In the past few years, another sense of education has come to be applied, according to which education is looked at as an or a science of guidance and teacher-training departments. The above point of view is clear to a great extent, but there is an element of ambiguity in it. When the meaning of education is analyzed in the context of the time spent in school, refined form for behavior and other points of view, a need for developing a clearer meaning of education is felt. Thus, the environment in which education is imparted, and the form of for giving a distinct meaning of education, on the above basis, it become essential in the context of its meaning, nature and scope. Assumption of Education In fact, man continues to learn lifelong and he evolves on its basis. School provides a definite direction to this evolution, but school education in included under the wide form of education Every living being takes birth in the universe in one or the other species, and he learns certain activities during his existence. These activities are not limited to only adjustment with the prevailing circumstances; rather they also cultivate a capability to concept of hedonism. This capability of construct is called education. The term ‘Education’ is applied for knowledge, for a process in physiological and psychological behavioral change and for studying as a subject under the curriculum. When the term ‘education’ is applied for knowledge, its scope is pervasive all through the universe. Each element of the universe becomes its component. In this form, the scope of education has no limit. The term ‘education’ is applied as a process for bringing about behavioral change in man. In this form too, ,it is used in two senses: in wider sense and in narrow sense. In its wider sense, educational process has education three components: teacher, student and social environment. All these three education elements are equally important. As a subject, under education are studied different components of education process, like teacher, student, social sentiment and curriculum. Meaning and Nature of Education For a common man, education is synonym to literacy in which a person is supposed to elicit a specific behavior. In his view, a literate of education person should necessarily have specific civil living style, conversation style. Manners, clothing language etc. Education is biologically and philosophically evolved, psychologically developed and socially based. It has various dimensions. It will be interesting to see it different perspectives. Education in social Perspective In social context, the meaning of education can be taken only on one basis, that is whither to attach importance to man’s happiness or society happiness. In the wider perspective, education encompasses not only individual but also the whole universe. As education process is adopted in each society for its development during a period under consideration, which is a replanted individual. Each society places before itself certain human ideals which determine an individual intellectual physical and moral behavior. This idealism is the basis of education. A society can live when its members are quite uniform. The basic manners or norms of norms of behavior which are necessary for community life are made uniform by education, it also strengthens these manners. It is education but the uniformity is relative. Thus, education is that process which is imparted to those generations which are not yet ready for social life. It is aimed for creating and expected by political society. Thus the above standpoint means that the systematic socialization of young generation is inherent in education. Education in Moral perspective The moral context comprises many aspects, such as guidance, direction, rules, codes of conduct and behaviors etc. Morality is analyzed in the context of three eternal values: Satya (truth), Shiv (goodness) and Sundar is (beauty ). Satya, shiv and sunder cannot be explained, they are eternal for all ages. What is morality? It is the highest aim of humanity What objective is it that which creates bliss. Whose crates bliss. whose bliss is it? That of individual or universe. Education is an effort to explain these contexts. Therefore, from moral point of view, education can be called a novel synthesis of certain characteristics, attitudes, aptitude and habits in objective way. Thus education can be called the establishment of this type of thinking by which values can become meaningful only when both means and end are sacred, the doe and the soon are good , and which does good of both individual and universe. Education in Biological Perspective When a child is born, he is no different from an animal biologically. Later, his social personally undergoes a change according to the social assumptions. In fact it is behavior of an animal or a man is governed as per the by innate disposition, while that of a social individual is governed as per the social assumptions. The society has assigned this responsibility of behavioral modification to schools. This behavior medication is called education, which is realized through interaction between teacher and students. Education in Spiritual Perspective In spiritual context, education is looked in three forms: knowledge, learning and science. Knowing the truth is dependent on methods. Science is based on matter. Philosophy is based on thought. All that knowledge which is based on spiritual field is called learning, and is accepted as the only means of attaining emancipation. Sa Vidya Ya Vimuktaye. (Education is that which emancipates.) Therefore, is spiritual context, education means the attainment of learning, which prepares for the future. In the context of science, the attainment of knowledge based on matter can be called education, and it is related to the present situation. In both its wide and narrow senses, education is a social process. Man is born with certain faculties. These facilities are developed and refined in the physical and social environment, and human behavior and thinking too undergo specific changes. The development of entire human civilization and culture occurs in the social environment itself. Educational process cannot exist in the absence of social environment. In its narrow sense, education is limited to school life, but in its actual sense, it continues lifelong, from birth till death. Man begins to learn right from his birth and he keeps acquiring some learning with every experience of life. Thus, continuity is one of its characteristics.

### Link – Title I

#### Title I covers more than just pure instruction

**Dynarski, 15** - Mark Dynarski, Nonresident Senior Fellow - Economic Studies, Center on Children and Families at Brookings AND Kirsten Kainz (“Why federal spending on disadvantaged students (Title I) doesn’t work” 11/20, <https://www.brookings.edu/research/why-federal-spending-on-disadvantaged-students-title-i-doesnt-work/>

In 2010, the Government Accountability Office visited 12 school districts in four states to explore what happened to the money. The nation’s ‘watchdog’ agency could not simply check a database or spreadsheet to determine how Title I money was spent. They had to send investigators into the field. This is not a criticism of the GAO. There is no database they could have referenced, so they went to the field to learn what they could. They did note in their report that Education Department officials ‘want to allow schools to spend the money to meet their unique needs and to be free to spend the money creatively.’ The money might be spent creatively but what the GAO reported is not much cause for thinking the money is spent effectively.[vi] Most of the money—84 percent—is spent on ‘instruction,’ which is not surprising for a program that operates in schools. Some districts used funds for teacher professional development in the form of workshops or by hiring coaches to support regular classroom teachers, or funded smaller class sizes, provided after-school programs and summer-school programs, or bought technology hardware or software.

### Link – Desegregation

#### The plan is a civil rights remedy that does things beyond the classroom

Epperson, 12 --- Associate Professor of Law, American University Washington College of Law (Winter 2012, Lia, Harvard Law & Policy Review, “SYMPOSIUM: EDUCATION: EQUALITY OF OPPORTUNITY: Legislating Inclusion,” 6 Harv. L. & Pol'y Rev. 91, Lexis-Nexis Academic, JMP)

Such proposed legislation should also further the principle of "shared burden"--combining flexibility and choice to maximize benefits and decrease burdens for all. For example, models that foster increased racial and economic integration between city and suburban districts may include structures to minimize inner-city fiscal burdens and potential overcrowding in suburban schools. Policies might include the provision of transportation and construction funding to suburban schools, while also increasing magnet school funding for inner-city schools. n160 Such programs work best when implemented in the earliest years of education. The flexibility of these programs might include increased funding for transportation and creation of experimental districts. Obviously, there are myriad considerations regarding the scope of legislation of this kind. For instance, placing a premium on choice and flexibility in this context may raise concerns regarding the effectiveness of the proposed requirements. In addition, specific attention to racial, socioeconomic and spatial characteristics of school districts and regions is critical to facilitating truly effective reform. The key factor in such policy considerations is grounding them in the tenets of structural disparities rather than focusing on intentional racial discrimination. In this vein, one might look to examples of existing measures used to identify sources of intractable racial inequality and lack of opportunity. Such examples include "racial impact statements" conducted by some state governments prior to engaging in new construction projects or social initiatives. Similar to fiscal and environmental impact statements, such assessments are viewed as responsible measures to minimize the burden of new initiatives. n161 [\*114] CONCLUSION Given its unique position in our national landscape, it is no wonder that scholars have long argued about the essential role of Congress in constitutional interpretations of civil rights norms. The complicated tapestry of systemic racial, economic, and demographic factors that have contributed to sustained racial isolation in education necessitate effective and nuanced solutions that emanate from policy reform rather than court-ordered redress. Congressional enforcement power is, at its core, a mechanism for ensuring that the promise of equality is realized for all. One of the more hopeful and substantive paths for addressing racial segregation and isolation in American schools and their attendant inequities may be in capitalizing on Congress's significant enforcement power under Section 5 of the Fourteenth Amendment to consciously create a remedy for twenty-first century structural ills.

## Affirmative

### Answer to – “Education” is only in classrooms

#### Education refers to the total school system, not just the classroom

Jung and Lippitt 96 Charles Jung is acting project director at the Center for Research on Utilization of Specific Knowledge at UMich’s Institute for Social Research. Ronald Lippitt is Program Director the Center for Research on Utilization of Specific Knowledge at UMich’s Institute for Social Research. (“The Study of Change as a Concept in Research Utilization,” Theory Into Practice Vol. 5, No. 1, Planning for Educational Change (Feb., 1966), pp. 25-29 Taylor & Francis, [JSTOR](https://www.jstor.org/stable/1475873?seq=1#page_scan_tab_contents)) AAB

Education is defined here as creating and maintain- ing good learning experiences for children. This must be considered in the context of the total school sys- tem, not just the classroom. The primary objective of the system is to support the child's motivation and perception of himself as a learner so he will be active in learning experiences. This is seen as the major responsibility of the teacher. The instrumental means require creating an organizational system which supports the teacher's efforts and providing the classroom with materials and curriculum designs which are up to date and appropriate in content and method. The structure of the school system is a coordination of educational process at five levels of human phenomena-the pupil as a functioning, unique self; the classroom peer group; direct workers with the pupils (e.g., teacher, counselor, etc.); those who directly facilitate or inhibit the efforts of the direct workers; and persons who influence the policy and structure of the school system as a total com- munity organization. Persons at these levels need to have three kinds of awareness and knowledge in order to help improve educational activities: (1) a diagnosis of the priority needs for change; (2) an awareness of existing innovations as alternatives for action toward change; (3) knowledge of the re- sources available to work toward change.

#### Education is about the outcome, not the process – education policy refers to a deliberate attempt to control the learning outcome

Laska 84 instructor in Comparative Education at the University of Syracuse (“The Relationship Between Instruction And Curriculum: A Conceptual Clarification,” College of Education, Department of Curriculum and Instruction, University of Texas at Austin, JSTOR) AAB

 Since the deliberate attempt to control a learning situation represents a basic type of human activity, a distinctive label has been applied to it. The term "education," it is generally agreed, refers to a deliberate attempt by the learner or by someone else to control (or direct, or manage, or influence, or structure, or provide access to) a learning situation for the purpose of bringing about the attainment of a desired learning outcome (Laska, 1976).

#### No topical affirmatives would meet their interpretation

**Martin, 12** – Benton, “An Increased Role for the Department of Education in Addressing Federalism Concerns” B.Y.U. EDUCATION AND LAW JOURNAL [2012, SSRN)

Initial enforcement by the DOE proved a bumpy road. For example, although President Bush and Congress instructed the DOE to strictly enforce the Reading First program, allegations soon arose that the agency, by influencing school reading curriculum, had violated a federal law85 that prohibits it from supervising or controlling local curriculum.86 This provision puts the DOE in a tough spot: entrusted with enforcing federal policy in local schools but prohibited from influencing their curriculum.87 The backlash from the Reading First program undermined one of the keys for NCLB's success—strict state accountability—contributing to NCLB's failure to live up to its promise of improving academic achievement.88

### Answer to – Title I violates

#### Title I is the core of the topic

Liu, 2008 – Assistant Professor of Law at the Boalt Hall School of Law of University of California, Berkeley. (Goodwin Liu, “Improving Title I Funding Equity Across States, Districts, and Schools,” 93 Iowa L. Rev. 973, HeinOnline, SRA)

In evaluating federal policy against this principle, I will focus on Title I of the Elementary and Secondary Education Act (now NCLB).8 Although the federal role in K-12 education encompasses more than Title I,9 this focus is important for several reasons. Title I has long been the single largest federal investment in public schools, totaling $12.7 billion, or one-third of federal K-12 spending, in 2006.0 Title I also dictates federal aid allocations under several other education programs totaling $1.6 billion in 2006.1' While these amounts are small within a combined local, state, and federal education budget of $400 billion, Title I provided 5% to 10% of total revenue in more than 1,200 school districts in 2003-2004.I2 Moreover, Title I will serve for the foreseeable future as the policy vehicle for expanding federal aid to public schools. Congress has authorized almost twice the current level of spending for Title I, leaving ample room for appropriations to grow.' Finally, as a component of NCLB, Title I is the principal federal program with the purpose of driving systemic education reform and narrowing achievement gaps by race and income. The allocation of Title I aid should bear a close relation to these policy goals.

#### Title I is only about instruction

**Department of Education, 15** (“Improving Basic Programs Operated by Local Educational Agencies (Title I, Part A)” <https://www2.ed.gov/programs/titleiparta/index.html>

Title I is designed to help students served by the program to achieve proficiency on challenging State academic achievement standards. Title I schools with percentages of students from low-income families of at least 40 percent may use Title I funds, along with other Federal, State, and local funds, to operate a "schoolwide program" to upgrade the instructional program for the whole school. Title I schools with less than the 40 percent schoolwide threshold or that choose not to operate a schoolwide program offer a "targeted assistance program" in which the school identifies students who are failing, or most at risk of failing, to meet the State's challenging academic achievement standards. Targeted assistance schools design, in consultation with parents, staff, and district staff, an instructional program to meet the needs of those students. Both schoolwide and targeted assistance programs must use instructional strategies based on scientifically based research and implement parental involvement activities.

### Answer to – Desegregation violates

#### Education regulation governs school inputs

**CPRE, 92 –** Consortium for Policy Research in Education (“Ten Lessons About Regulation and Schooling”, <http://www.cpre.org/sites/default/files/policybrief/850_rb09.pdf>

State education regulation can be classified into three types, depending on whether the focus is school inputs, school processes, or school outputs. The input category includes requirements about resources, such as rules about certain levels of expenditure or necessary teacher qualifications. School process regulations concern the organization and delivery of instruction. They set parameters for school practice by specifying the subjects to be offered, class sizes or grade-level organization. Regulations that focus on outputs or outcomes set levels of student performance or school completion, for example.

#### Desegregation directly determines school inputs

Johnson 11 — Associate Professor at the Goldman School of Public Policy, UC Berkeley (Rucker C. Johnson, “Long-Run Impacts of School Desegregation & School Quality on Adult Attainments”, NATIONAL BUREAU OF ECONOMIC RESEARCH, Working Paper 16664, January 2011, accessed 7/10/17, [http://socrates.berkeley.edu/~ruckerj/johnson\_schooldesegregation\_NBERw16664.pdf)//DGV](http://socrates.berkeley.edu/~ruckerj/johnson_schooldesegregation_NBERw16664.pdf%29//DGV)

Racial segregation that results in race differences in access to school quality has often been cited as perpetuating inequality in attainment outcomes. Since the landmark 1954 Supreme Court Brown v. Board of Education decision and subsequent court-ordered implementation of school desegregation plans during the 1960s, 70s and 80s, scholars have investigated the consequences of school desegregation on socioeconomic attainment outcomes of black children (Clotfelter, 2004; Rivkin & Welch, 2006). However, few large-scale data collection efforts were undertaken to investigate school desegregation program effects, particularly on longer-run outcomes. A recent, but growing body of evidence indicates that school desegregation improved black students’ educational attainment (Guryan, 2004; Reber, 2010; Hanushek et al., 2009), increased blacks’ subsequent adult incomes (Ashenfelter et al., 2005), and decreased rates of criminal offending by black youth (Weiner, Lutz, Ludwig, 2009). This paper contributes to the literature a unified evaluation of the long-run impacts of school desegregation on adult outcomes across several domains using a more compelling research design and more comprehensive data. I investigate the extent and mechanisms by which school desegregation and resultant changes in school inputs causally influence subsequent adult socioeconomic and health outcomes. The primary difficulty in disentangling the relative importance of childhood family, neighborhood, and school quality factors is isolating variation in school quality characteristics that are unrelated to family and neighborhood factors.

# Other Definitions

## Regulation

### Regulation – Binding Control – Neg

#### “Regulation” is direct, binding control---broadening it makes the entire field of law topical

Koop 17 – Christel Koop, Department of Political Economy, King’s College London, and Martin Lodge, Department of Government & Centre for Analysis of Risk and Regulation, London School of Economics and Political Science, “What is Regulation? An Interdisciplinary Concept Analysis”, Regulation & Governance, Volume 11, Issue 1, Wiley Online Library

2.2 Scope and distinctiveness of the intervention

While regulation is viewed as a type of intervention, there is disagreement over what the scope of regulation is, with a particular focus on direct and indirect intervention. Authors often agree that regulation is about direct intervention, which can be defined as the introduction and/or implementation of standards that directly apply to the target behavior or characteristics of a specified population. There is less agreement on whether regulation also includes indirect intervention – that is, the introduction and/or implementation of standards that apply to the context in which the target behavior or characteristics of a specified population are generated. This may include incentive-based tools, such as taxation, subsidization, and the imposition of disclosure requirements. It may also include the whole range of measures that are aimed at stabilizing capitalism – the focus of the French régulation literature (Boyer 2002).8

These narrow and broad conceptions are reflected in the distinction between regulation as “the promulgation of an authoritative set of rules” and as “all the efforts of state agencies to steer the economy” (Baldwin et al. 1998, p. 3). Whereas the former only includes direct intervention, the latter incorporates both direct and indirect forms of intervention. The authors indicate that if we use a broad conception, we can no longer view regulation as a distinctive form of governance (Baldwin et al. 1998, p. 4). The advantage is that “a variety of tools are considered as possible alternatives to traditional ‘command and control’ type regulation […] so that where rulemaking seems to be inappropriate as a means for achieving policy objectives, other tools may be used” (Baldwin et al. 1998, p. 3). A broad conception can, for instance, be found in the work of Breyer, who distinguishes between “classical regulation” – which is of a command-and-control nature – and “alternatives to classical regulation,” which include less restrictive interventions, such as taxation and the use of disclosure requirements (Breyer 1982, Ch. 8). For Breyer, distinguishing between “ ‘regulatory’ action” and “the entire realm of governmental activity” is both difficult and subject to controversy (1982, p. 7).

Stigler (1971) and Mitnick (1980) also advance broad conceptions. Stigler uses the term regulation to refer to a range of policy instruments that can be used to affect business behavior, including market entry control, price setting, taxes, and tariffs (1971, pp. 3–6). Mitnick is primarily concerned with regulation as “the public administrative policing of a private activity with respect to a rule prescribed in the public interest” (1980, p. 7), but emphasizes that “it is possible to distinguish both directive and incentive means, e.g. administrative standards vs. effluent charges or subsidies as means or regulation” (1980, p. 6).

According to Noll, however, such a broad conception makes scholars, government officials, and business people uncomfortable (Noll 1980, p. 14). Emphasizing the importance of conceptual familiarity, Noll conceives regulation as only one of the methods that governments use to control private-sector economic activities (1985, p. 9). As “regulation is not just what regulators do, it is also how they do it,” regulation is characterized by the role of administrative law and procedural rules (Noll 1980, pp. 16–17). Hence, regulation is a method of control where a government agency is assigned the task of “writing rules constraining certain kinds of private economic decisions, using a quasi-judicial administrative process to develop these rules” (Noll 1985, p. 9).

This view of regulation as a distinct mode of governance can also be found in other influential contributions. For example, Lowi argues that regulation – or regulatory policy – refers to a specific type of policy intervention that differs from other types. Policies vary on two main dimensions: (i) the form of the intended impact – that is, whether policies work through individual conduct or the environment of conduct – and (ii) the form of expressed intention – whether policies impose obligations or positions (primary rules) or confer powers or privileges (secondary rules) (1985, pp. 73–75).9 Regulatory policy involves primary rules which work through individual conduct, “where identities and questions of compliance and noncompliance must be involved” (Lowi 1985, p. 73). <<card continues>>

### Regulation – Binding Control – Neg

<<card continues>> Although the implementation of such policy may lead to an environment which is conducive of certain conduct, this is “a behavioral hypothesis about the political or societal impact and has nothing to do with the definition of the legal rule itself” (Lowi 1985, p. 73). While rejecting Lowi's suggestion that policy types can easily be separated, the more recent literature on “regulatory governance” emphasizes the difference between regulation and other modes of governance (Braithwaite 2000; Levi-Faur 2005), where regulation is about “steering the flow of events and behavior, as opposed to providing and distributing” (Braithwaite et al. 2007, p. 3; cf. Braithwaite 2008). At the same time, for Levi-Faur (2013, p. 30), the regulatory state, “the application of informal and formal rule making, rule monitoring, rule enforcement,” has to be understood as one “morph” that interacts with other “morphs” characterizing statehood, such as the redistributional welfare state (cf. Levi-Faur 2014). On the basis of this distinction, we may expect to find differences in terms of the political behavior of regulatory agencies and other types of government agencies (see Dunleavy 1991, Ch. 7).

Narrow conceptions often characterize regulation as constituting a legal mandate backed by the possibility of sanctions. Some authors have further specified the nature of this legal or official mandate. For Hood et al. (Hood et al. 1999, p. 8; Hood et al. 2004), regulation involves a “control system” that requires the existence (and functioning) of three components, namely standard-setting (the statement of the desired state of the world), information-gathering (the tools used to detect how the actual state of the world differs from the desired one), and behavior-modification (the tools used to align actual with desired states of the world).10 These three components are also explicitly included in Black's aforementioned definition (2002, p. 26), and in texts that build on that definition, including Parker and Braithwaite (2005, p. 120), Morgan and Yeung (2007, p. 3), and Lodge and Wegrich (2012, pp. 12–16). Similarly, Levi-Faur defines regulation as “ex-ante bureaucratic legalisation of prescriptive rules and the monitoring and enforcement of these rules by social, business, and political actors on other social, business, and political actors (2011, p. 6).

#### The test is whether there’s explicit punishment for non-compliance

Poutziouris 3 – Panikkos Poutziouris, Professor of Entrepreneurship and Family Business at the University of Central Lancashire, Cyprus, “Impact of Regulation on SMEs”, Environment and Planning C: Government and Policy, Volume 21, p. 475

Defining regulation

Regulations relate to fiscal and tax issues, employment legislation, environmental policy, etc. The OECD (1994) defines `regulation' as:

``...A set of `incentives' established either by the legislature, Government, or public administration that mandates or prohibits actions of citizens and enter- prises ... .Regulations are supported by the explicit threat of punishment for non-compliance.''

### Regulation – Binding Control – Neg

#### “Restriction” means binding control---expanding it to all government influence explodes the topic

Costamagna 15 – Francesco Costamagna, Associate Professor of European Union law and Lecturer in International Public Law at the Law Department of University of Turin, Services of General Interest Beyond the Single Market, Ed. Krajewski, p. 80

Especially in those cases where public services have been liberalized or privatized, regulation represents the main instrument at the disposal of public authorities to achieve this aim. Before proceeding with the analysis, it is worth observing that the notion of 'regulation’ has an uncertain legal meaning, at least under international law. This chapter will use the term in a broad sense, encompassing all the measures taken by public authorities in order to "influenc[e], control[...] and guide economic or other private activities with impact on others".- with the aim of achieving specific socio-economic policy objectives.3 It must be highlighted that the term "public authorities' is meant to cover not just central authorities, but also independent agencies or bodies, as well as local authorities, which, as it will be seen later on, play a major role in the regulation of public services.

A distinction is often made between economic and social regulation, depending on the objectives it pursues.4 Economic regulation mainly aims at correcting market failures\* that, according to the neo-classical economic theory, may lead to an inefficient allocation of resources if not properly regulated. Some of these failures6 are particularly relevant with regard to public services, as it is the case of natural monopolies. Indeed, the supply of public services often require the existence of expensive network infrastructure that cannot be duplicated so to allow the entry of new competitors. Therefore, there is the need to avoid that the provider could exploit its monopolistic power, by. for instance, charging excessive fees to end-users.

Regulation performs functions that go beyond the correction of market failures, as it may address distortions that occur even in cases where the market works properly. Indeed, economic efficiency does not ensure a fair distribution of costs and benefits and. consequently, there is the need for the Stale to intervene in order to ensure that public services might contribute to the achievement of fundamental social objectives. This may occur through the imposition of public service obligations upon the provider or the providers. These obligations, which may take different forms and which may have different scopes, are generally geared toward ensuring uffordabilily, geographical coverage and quality of public services' supply.8

The Glossary of Industrial Organisation Economics and Competition Law, compiled by R.S. Khcmuni and D.M. Shapiro, commissioned by the Directorate for Financial, Fiscal and Enterprise Affairs. OIZCD. 1993 defines regulation as the "imposition of rules by government, backed by the use of penalties that are intended specifically to modify the economic behaviour of individuals and firms in the private sector". An equally broad definition is used by Mitnick 1980, I. The A. defines regulation as \*\*[...] the intentional restriction of a subject's choice of activity by an entity not directly party or involved in that activity".

### Regulation – Binding Control – Neg

#### Expanding “regulation” beyond control to anything that influences behavior makes the topic endless

Luff 11 – Patrick Luff, Visiting Professor of Law, Washington and Lee University School of Law; Candidate for D. Phil., University of Oxford, Faculty of Law; J.D., University of Michigan Law School, “Risk Regulation and Regulatory Litigation”, Rutgers Law Review, Fall, 64 Rutgers L. Rev. 73, Lexis

A. Difficulties in Defining Regulation

The label of "regulation" can be applied to a wide spectrum of governmental and private activity. Definitions of regulation in the wider field of regulatory theory have spanned the gamut from state-sponsored efforts to command and control individual behavior through the use of targeted rules n63 to any form of social control, regardless of the actors involved. n64 A narrow definition of regulation might be some formulation along the lines of "any governmental effort to control behavior by other entities, including business firms, subordinate levels of government, or individuals." n65 We might therefore take as our starting-point definition of regulation some variation of the following: "the promulgation of an authoritative set of rules, accompanied by some mechanism, typically a public agency, for monitoring and promoting compliance with these rules." n66 This basic definition places the locus of behavioral changes squarely within the state by presenting the set of rules as authoritative. n67 We might modify this basic formulation by adding the phrase "by federal administrative agencies that govern interstate economic behavior" to restrict our definition to those governmental activities relating to agency regulation of interstate commerce, n68 based on the observation that "[governmental] capacity is not exhausted by the actions of state [\*90] personnel or the expenditure of state resources" n69 and a desire to limit the scope of what we consider to be regulation. Under either formulation, however, the definition seems deficient because the words "monitoring" and "compliance" limit the world of regulation to restriction n70 and "an important aspect of regulation may be enablement - the creation not merely of incentives but those conditions that allow activities to take place," such as radio-frequency allocation. n71 Moreover, these definitions ignore governmental attempts to influence behavior by encouraging desired behavior, such as tax credits for first-time home buyers, n72 rather than deterring undesired behavior.

However, "it has become widely accepted that regulation can be carried out by numerous mechanisms other than those commonly typified as "command and control.' Thus, scholars of regulation will see emissions trading mechanisms or "name and shame' devices as being well within the province of their concerns." n73 These latter conceptions of regulation draw into its definition attempts at social control coming from nonstate actors. n74 In light of this realization, we might therefore want to broaden our definition of regulation. It is tempting say that regulation is simply "the promulgation of some set of norms, with the purpose of influencing behavior." This revision captures a wide range of circumstances that can be thought of as regulation. It captures not just rules (governmental expressions of norms with legal consequences) but also trade union actions, parenting, peer pressure, and a seemingly endless list of other activities. Note that "authoritative set of rules" is omitted, which allows us to conceive of regulation that occurs through the acts of nonstate actors. But note also that this definition of regulation ignores both facilitative regulation and regulation that is meant to encourage activity. n75

### Regulation – Binding Control – Aff

#### “Regulation” are standards that influence conduct

Orbach 12 – Barak Orbach, Professor of Law at the University of Arizona College of Law, “What Is Regulation?”, Yale Journal on Regulation, http://yalejreg.com/what-is-regulation/

The legal concept of “regulation” is often perceived as control or constraint. For example, the definitive legal dictionary, Black’s Law Dictionary, defines “regulation” as “the act or process of controlling by rule or restriction.”11 Similarly, The Oxford English Dictionary defines “regulation” as “the action or fact of regulating,” and “to regulate” as “to control, govern, or direct.”12 To many people, “control” connotes “restrictions,” although control may have other meanings.

Regulation often imposes no restrictions, but enables, facilitates, or adjusts activities, with no restrictions. Examples of such regulations include the supply of roads, health and emergency services, public education and public libraries, welfare benefits, reliefs to victims of natural disasters and bailouts to failed institutions. Such services directly influence (or “adjust”) conduct of individuals and firms. In the abstract, all government actions supposedly influence conduct of individuals and firms, but not necessarily directly. For example, activities related to national defense and foreign policy tend to have only indirect influence on conduct of individuals and firms.13

### Regulation – Binding Control – Aff

#### “Regulation” is the setting standards---it doesn’t have to be binding

Abbott 9 – Kenneth W. Abbott\* and Duncan Snidal+, \* Professor of Law and Global Studies, Willard H. Pedrick Distinguished Research Scholar, Arizona State University, + Associate Professor of Political Science, University of Chicago, “Strengthening International Regulation Through Transnational New Governance: Overcoming the Orchestration Deficit”, Vanderbilt Journal of Transnational Law, March, 42 Vand. J. Transnat'l L. 501, Lexis

I. Introduction

Regulation of transnational business has become a dynamic area of international governance. n1 Nongovernmental organizations (NGOs) have demanded stricter regulation of international firms and their suppliers, n2 especially with regard to worker rights, human rights, and the environment - the areas addressed in this Article. n3 Revelations of politically salient problems such as sweatshops and child labor, and high-profile crises such as the Bhopal disaster and Exxon Valdez oil spill, n4 have stimulated significant public support for [\*504] these demands. Yet business has, for the most part, vigorously resisted mandatory (and even less than mandatory n5) regulation in these areas, even as an increasing number of large firms n6 have responded to public demand, reputational concerns, and the possibility of "win-win" innovations n7 to embrace corporate social responsibility, n8 self-regulation, n9 and stronger requirements for suppliers. n10 In addition, the evolving structures of global [\*505] production - multinational enterprises and global supply chains n11 - pose major challenges for conventional "regulation": action by the state or, at the international level, by groups of states, acting primarily through treaty-based intergovernmental organizations (IGOs) to control the conduct of economic actors through mandatory legal rules with monitoring and coercive enforcement. n12 As these opposing forces have collided, actors on all sides have established a plethora of innovative institutions, n13 with the expressed goal of controlling global production n14 through transnational norms n15 that apply directly to firms and other economic operators. n16

The new regulatory initiatives have two particularly striking features. n17 The first is the central role of private actors, operating singly and through novel collaborations, and the correspondingly modest and largely indirect role of "the state." n18 Unlike traditional inter-state treaties and IGOs, n19 and unlike transgovernmental networks of state officials, n20 most of these arrangements are governed by (1) firms and industry groups whose own practices or those of supplier firms are the targets of regulation; (2) NGOs and other civil society groups, including labor unions and socially responsible [\*506] investors; n21 and (3) combinations of actors from these two categories. n22 States and IGOs support and even participate in some largely private schemes, yet the state is not central to their governance or operations. n23 Other arrangements resemble public-private partnerships, with states or IGOs collaborating on a more or less equal footing with private actors. Finally, a few IGOs - including the United Nations, through its Global Compact, and the Organization for Economic Cooperation and Development (OECD), through its Guidelines for Multinational Enterprises - have adopted norms for business conduct that aim to influence firms directly (as opposed to indirectly, through rules governing states). n24 Many of these initiatives also engage private actors in the regulatory process. Thus, even traditional international regulatory modalities have begun to take new forms.

The second striking feature is the voluntary rather than state-mandated nature of the new regulatory norms. n25 It is natural for private institutions formed by firms or NGOs to adopt voluntary norms, as they lack the authority to promulgate binding law. But even the new public-private arrangements and IGO initiatives such as the UN Global Compact operate through "soft law" approaches rather than the traditional "hard law" of treaties.

We refer to these novel private, public-private, and IGO initiatives as forms of "regulatory standard-setting" (RSS), n26 defined [\*507] as the promulgation and implementation of nonbinding, voluntary standards of business conduct in situations that reflect "prisoner's dilemma" externality incentives (the normal realm of regulation), rather than coordination network externality incentives n27 (the realm of voluntary technical "standards" such as those set by the International Organization for Standardization). n28 RSS potentially involves all of the functions of administrative regulation in domestic legal systems: rule making, rule promotion and implementation, monitoring, adjudication of compliance, and the imposition of sanctions. n29 The rapid multiplication of RSS schemes is creating a new kind of transnational regulatory system, one that demands a broader view of regulation and a more nuanced view of the state as regulator. n30

[FOOTNOTE 30]

n30. Some definitions of "regulation" attempt to encompass such developments. For example, Errol Meidinger, Beyond Westphalia: Competitive Legalization in Emerging Transnational Regulatory Systems, in Law and Legalization in Emerging Transnational Relations 121, 121 (Christian Brutsch & Dirk Lehmkuhl eds., 2007) [hereinafter Meidinger, Beyond Westphalia], defines "regulation" as "a purposive, organized and sustained effort to establish a general and consistent order in a field of human activity." It "typically centres on rules defined in terms of rights and duties, with differentiated official roles and normative justifications ... characterized by a reliance on credentialed experts." Id. Similarly, Julia Black, Enrolling Actors in Regulatory Systems: Examples from UK Financial Services Regulation, Pub. L., Spring 2003, at 63, 65, defines "regulation" as "the sustained and focused attempt to alter the behaviour of others according to defined standards or purposes with the intention of producing a broadly identified outcome or outcomes, and which may involve mechanisms of standard-setting, information-gathering and behaviour-modification." Even more broadly, Stepan Wood defines "regulation" as "all calculated efforts at social control, whether undertaken by state agents or not." Wood, supra note 15, at 229.

### Regulation – Binding Control – Aff

#### “Regulation” is broader than restriction and includes policies that influence or guide actors

Krajewski 3 – Markus Krajewski, Associate Professor of Media History of Science at the Faculty of Media at Bauhaus University Weimar, National Regulation and Trade Liberalization In Services : The Legal Impact of the General Agreement on Trade in Services (GATS) on National Regulatory Autonomy, p. 4

More fundamentally, in some situations regulation enhances all choices or even enables choice in the lira place, for example, a market economy cannot function without the provision of a legal or monetary system or without basic infrastructure. Unless the law defines and allocates property rights, exchange activities are not possible. As JtinJit points out. an understanding of regulation can be based on the notion that "regulation could be designed to enable and assure the existence of a market rather than to impede its natural operation".12 A definition of regulation should therefore not focus solely on the concept of restricting private choices for a collective good. Regulation is more adequately understood as a process of guiding and influencing economic actors. Regan defines regulation as "a process or activity in which government requires or proscribes certain activities or behaviour on the parit of individuals and institutions, mostly private, but sometimes public"." This definition is a useful approach to the concept of regulation, which is broad enough to include regulation in most systems. Regulation in its broadest sense should be understood as the process of influencing, controlling and guiding economic or other private activities with impacts on others through various governmental policies and measures. This raises the question, why and how governments regulate, i.e. which regulatory goals are pursued and which instruments are used. Both questions will be analyzed in chapter 2.

## Elementary/Secondary

### Elementary

#### “Elementary” education is K-8

Education Degree 17 – “Elementary Education Programs”, http://www.educationdegree.com/programs/elementary-education/

Elementary Education Degrees Online

Are you a generalist or a specialist?

The term "elementary education" broadly refers to the teaching of students in grades K-8. But, within the field, there is opportunity for a wide variety of specialization in areas such as reading, special education, English as a second language and more.

#### First 6-8 years of education

Collins 17 – Collins English Dictionary, “elementary education”, https://www.collinsdictionary.com/dictionary/english/elementary-education

noun

education

the first six to eight years of a child's education

#### It excludes early childhood education

Flavin 16 – Brianna Flavin, MFA, Freelance Writer for Collegis Education, “Early Childhood Education vs. Elementary Education: Which Environment is Right for You?”, Rasmussen 5-23, 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.)

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. We combined government information, real-time job market data and expert insight to provide you a side-by-side comparison below.

#### Prefer U.S.-specific definitions---the term varies by country

Salceda 14 – Juan C. Ripoll Salceda, Universidad de Navarra, Departamento de Educación, Pamplona, Spain, “The Simple View of Reading in Elementary School: A Systematic Review”, Revista de Logopedia, Foniatría y Audiología, Vol. 34. Núm. 1. Enero - Marzo 2014, http://www.elsevier.es/es-revista-revista-logopedia-foniatria-audiologia-309-articulo-the-simple-view-reading-in-S0214460313000557

Method

This systematic review will examine elementary school pupils whose mother tongue is English. The term “elementary education” is not equal in all countries, so for the purposes of this systematic review we defined elementary education as a stage in which the first grade begins when the students are 6 years old and the last grade ends when they are 11 years old. Although the process of learning to read began in the preschool years, we chose the elementary education stage for this meta-analysis to avoid the effect of low competence in decoding for younger readers, which would otherwise make it difficult to assess actual reading comprehension ability. We limited the study to English-speaking students for two reasons. First, decoding in English seems to place higher importance on reading comprehension than decoding in languages with shallower orthographies (Florit & Cain, 2011; Share, 2008). Second, most research on the SVR model has been conducted in English. Subsequent research might benefit from the results on English-speaking children in cross-linguistic investigations. It is assumed that educational research frequently assesses whole classes, and so studies were ruled out if the description of the sample allowed us to establish or suspect that the proportion of children with a mother tongue other than English exceeded 5% of the sample.

### Secondary

#### “Secondary education” is schooling in grade levels 6-12

Laws 17 – “Secondary Education Explained”, http://education.laws.com/secondary-education

In the most basic sense, education refers to any act or experience that yields a formative effect on the character, mind or physical ability of an individual, particularly a child. In a technical sense, education refers to the process by which social functions deliberately transmit an accumulated knowledge, skill-set and system of values from one generation to another.

The foundation of the educational system is built by teaching professionals. Teachers in educational institutions are responsible for directing the education of students through the delivery of various educational resources as well as knowledge concerning a wide array of subjects including: reading, writing, science, history, health, mathematics etc.

The process of teaching a particular subject, which is commonly found at the non-elementary levels of education and carried-out by teachers or professors at institutions of higher learning, is referred to as schooling. Furthermore, there are also educational fields and institutions for those who want a more specific vocational skill-set or who would like to be educated in an informal setting. These institutions, such as museums, libraries and the Internet space can be an effective and more personal experience regarding the ability to obtain knowledge.

What is Secondary Education?

Secondary education refers to a specific stage of education; although the definitions vary regarding location, in the most general of definitions, secondary education refers to the stage of learning that directly follows primary school. In the majority of jurisdictions throughout the world, secondary education is the final stage of compulsory education. That being said, in some developed nations, secondary education can also refer to a period of compulsory and a period of non-compulsory (college or university work) education.

This level of education is typically characterized by the transition from the compulsory, comprehensive educational system offered to minors, to the optional or selective tertiary “higher” education for adults. With that in mind, secondary education, in the majority of developed nations, will include university and vocational schools, but depending on the systems, high schools, middle schools and prepatory schools may also be grouped in the secondary classification.

Secondary Education in the United States of America:

Based on the education program of the United States, secondary education is formally defined and comprised of grades 6, 7, 8, and 9 through 12. As a result of this classification system, secondary education will typically denote high school learning—although many jurisdictions will offer grades 6-8 in a middle school and 9-12 in a high school. Regardless of the jurisdictional system of schools, secondary education in the United States incorporates all learning achieved at grade levels 6 through 12.

#### Education for 11-18 year olds

Collins 17 – Collins Online Dictionary, “secondary education”, https://www.collinsdictionary.com/dictionary/english/secondary-education

noun

education

education for pupils between the ages of 11 and 18

These examinations are taken after five years of secondary education

### Secondary

#### Education beyond 12th Grade is postsecondary---that explodes limits

Lee 17 – Christina Lee, Leaf Group, “Difference Between Secondary and Postsecondary Education”, Synonym, http://classroom.synonym.com/difference-between-secondary-postsecondary-education-1288.html

Together, secondary and postsecondary education comprise the education that a student receives after fifth grade. Before that point, students receive primary or elementary education from kindergarten through fifth grade. Secondary education, along with postsecondary education for some, propels students into adulthood and aims to give them necessary career skills.

Secondary Education

Secondary education refers to schooling that takes place during the middle and high school years, between sixth and twelfth grade. It is divided into courses in English, mathematics, social studies, science and foreign language. For some, secondary education includes electives such as music or drama. In the U.S., public secondary education is free and available to all. Secondary education is compulsory in the U.S. through the age of 16.

Postsecondary

Postsecondary, or tertiary, education includes any educational program that takes place after you complete your secondary education. This includes community college, professional certification, undergraduate education and graduate school. Postsecondary education is more advanced and specialized than secondary education. Postsecondary education is also broad, allowing students to pursue the subjects that most interest them. Students can receive a wide range of degrees, from a broad liberal arts degree that deepens critical-thinking skills, to a more hands-on business degree.

Purposes of Secondary and Postsecondary Schooling

The purpose of secondary education is to ready students to either pursue a postsecondary education or enter into a vocational career that does not require further formal study. Postsecondary education helps students develop skills and expertise they can apply in later professional careers. For example, a student who studies English may pursue a career as an editor. A medical student studies to become a doctor. A computer engineering student may become a computer scientist. The goals are twofold: to help students develop independent reasoning skills and to prepare them for the job market.

#### Prefer U.S.-specific definitions---the term varies by country

Lippman 1 – Laura Lippman, Project Officer at the National Center For Education Statistics, “Cross-National Variation in Educational Preparation for Adulthood: From Early Adolescence to Young Adulthood”, National Center For Education Statistics Working Paper Series, p. 3

End of Secondary School

Twenty-four countries participated (and twenty-one reported data) in the TIMSS assessment of mathematics and science achievement in the final year of secondary school—intended as an assessment of the yield of education systems. The end of upper secondary education is defined differently across countries, and students vary by average age, enrollment rates in any educational program, as well as by the type and length of programs or tracks in which they are enrolled (academic, technical, or apprenticeship). The Appendix describes the structure of the upper secondary systems in the six countries of interest that participated in this assessment.

## Substantially

#### [ ] "Substantial" means actually of real worth, importance, and considerable value

West's Encyclopedia of American Law 2008

[Edition 2. Copyright 2008 The Gale Group, Inc. ]

Of real worth and importance; of considerable value; valuable. Belonging to substance; actually existing; real; not seeming or imaginary; not illusive; solid; true; veritable.

#### [ ] Substantially is without material qualification

Black’s Law 1991

(Dictionary, p. 1024)

Substantially - means essentially; without material qualification

#### [ ] Substantially means the main; most important

Cambridge Advanced Learner's Dictionary, 2009

["Substantially," http://dictionary.cambridge.org/define.asp?key=79480&dict=CALD, mss]

substantial (GENERAL) Show phonetics

adjective [before noun] FORMAL

relating to the main or most important things being considered:

The committee were in substantial agreement (= agreed about most of the things discussed).

## Substantial Increase – percentages

#### [ ] Substantial is 2%

Word and Phrases 1960

 'Substantial" means "of real worth and importance; of considerable value; valuable." Bequest to charitable institution, making 1/48 of expenditures in state, held exempt from taxation; such expenditures constituting "substantial" part of its activities. Tax Commission of Ohio v. American Humane Education Soc., 181 N.E. 557, 42 Ohio App.

#### [ ] Substantially increase is 30%

Damich, US Court of Federal Claims judge, 2001

[Edward J., UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT, 265 F.3d 1371; 2001 U.S. App. LEXIS 20590; 60 U.S.P.Q.2D (BNA) 1272, l/n, accessed 8-1-10, mss]

The term "to increase substantially" in claim 1 of the '705 patent refers to the claimed increase achieved by the invention in the relative productivity of the catalyst used in the Fischer-Tropsch process. The specification defines "substantially increased" catalyst activity or productivity as an increase of at least about 30%, more preferably an increase of about 50%, and still more preferably an increase of about 75%. '705 patent, col. 1, ll. 59-63. Based on that language from the specification, the trial court found, and the parties agree, that the term "to increase substantially" requires an increase of at least about 30% in the relative productivity of the catalyst. Notwithstanding that numerical boundary, the trial court found the phrase "to increase substantially" to be indefinite because the court concluded that there were two possible ways to calculate the increase in productivity, the subtraction method and the division method, and the patent did not make clear which of those ways was used in the claim.

#### [ ] Substantially means greater than 50%

Statement of Considerations,5

[<http://www.gc.energy.gov/documents/WA_05_048_INTERNATIONAL_BUSINESS_MACHINES_Waiver_of_the_Gove.pdf>]

The Subcontractor agrees to conduct research and development activities under this Subcontract principally in U.S.-based facilities. "Principally" is defined as greater than a ninety (90%) percent level of effort. Subcontractor also agrees that for a period of one (1) year following Subcontract completion, subsequent research and development by the Subcontractor for the purpose of commercializing technologies arising from the intellectual property developed under this Subcontract shall be performed substantially in U.S.-based facilities. "Substantially" is defined as greater than fifty (50%) percent level of effort. The Subcontractor further agrees that any processes and services, or improvements thereof, which shall arise from the intellectual property developed under this Subcontract when implemented outside the U.S., shall not result in a reduction of the Subcontractor's research workforce in the United States. Finally, it is understood between the DOE and the Subcontractor that any subsequent follow-on subcontracts and/or future phases of work under the Government's ASCI Program will be subject to a separate U.S. Competitiveness determination.

## Increase

####  [ ] Increase is to make greater

Dictionary.com Unabridged, 2010

[Based on the Random House Dictionary, Random House, Inc. 2010., "Increase," http://dictionary.reference.com/browse/increase, accessed 8-1-10, mss]

in·crease   [v. in-krees; n. in-krees] Show IPA verb, -creased, -creas·ing, noun

–verb (used with object)

1.**to make greater, as in number, size, strength, or quality; augment; add to**: to increase taxes.

#### [ ] “Increase” requires the Aff to make a pre-existing program greater—new policies are not an “increase”

Buckley, Attorney, 2006

(Jeremiah, Amicus Curiae Brief, Safeco Ins. Co. of America et al v. Charles Burr et al, http://supreme.lp.findlaw.com/supreme\_court/briefs/06-84/06-84.mer.ami.mica.pdf)

First, the court said that the ordinary meaning of the word “increase” is “to make something greater,” which it believed should not “be limited to cases in which a company raises the rate that an individual has previously been charged.” 435 F.3d at 1091. Yet the definition offered by the Ninth Circuit compels the opposite conclusion. Because “increase” means “to make something greater,” there must necessarily have been an existing premium, to which Edo’s actual premium may be compared, to determine whether an “increase” occurred. Congress could have provided that “ad-verse action” in the insurance context means charging an amount greater than the optimal premium, but instead chose to define adverse action in terms of an “increase.” That def-initional choice must be respected, not ignored. See Colautti v. Franklin, 439 U.S. 379, 392-93 n.10 (1979) (“[a] defin-ition which declares what a term ‘means’ . . . excludes any meaning that is not stated”). Next, the Ninth Circuit reasoned that because the Insurance Prong includes the words “existing or applied for,” Congress intended that an “increase in any charge” for insurance must “apply to all insurance transactions – from an initial policy of insurance to a renewal of a long-held policy.” 435 F.3d at 1091. This interpretation reads the words “exist-ing or applied for” in isolation. Other types of adverse action described in the Insurance Prong apply only to situations where a consumer had an existing policy of insurance, such as a “cancellation,” “reduction,” or “change” in insurance. Each of these forms of adverse action presupposes an already-existing policy, and under usual canons of statutory construction the term “increase” also should be construed to apply to increases of an already-existing policy. See Hibbs v. Winn, 542 U.S. 88, 101 (2004) (“a phrase gathers meaning from the words around it”) (citation omitted).