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MEMORANDUM

DATE: January 13, 2010
TO: TechMIS Subscribers
FROM: Charles Blaschke and Blair Curry
SUBJ: New SIG Guidance; Targeting SIG Rationale; Critical 2009 Regulatory Changes in Title I and IDEA; and State Profile Updates

Because many clients are conducting sales meetings in January and major School Improvement Grant funding allocations to SEAs are imminent, we are providing the January TechMIS issue now.

Shortly after our analysis of the School Improvement Grant final regulations (December 15th TechMIS Special Report), USED released, without much fanfare, Non-Regulatory Guidance, dated December 18th, which provided new examples of permitted (encouraged) activities and new flexibilities which could provide additional opportunities for many subscribers, beyond those identified in our December 15th report. As noted in the attached Special Report, some of these opportunities relate to Tier III schools, contract opportunities with SEAs and/or districts to provide specific products and services which facilitate meeting one or more of SIG requirements and permitted activities across the turnaround and transformation models, among other areas.

While some of the Washington Update items provide new information, several also are designed to reiterate important developments that were covered in previous TechMIS reports and updates in 2009.

The Washington Update includes the following:

- **Page 1**
For most TechMIS subscribers, several reasons strongly suggest that the priority competitive grant funding source which should be targeted is School Improvement Grants.
- **Page 3**
A new study on “expanded time” in schools points to several activities, products, and services that are likely to be used in School Improvement Grant interventions which involve expanded time -- particularly in the transformation and turnaround models for

lowest-achieving schools.

- **Page 4**

The latest survey conducted by the Government Accountability Office (GAO) on LEA planned uses of ARRA funds finds that professional development, technology, and instructional materials head the list of planned uses of Title I and IDEA ARRA funds beyond those funds used for job retention; not unexpectedly, variation among the 16 states in the survey are significant. GAO also found more SEAs allowing more districts to take advantage of IDEA Section 613 Local Flexibility.

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Over the last year, new and/or expanded flexibility in Title I and IDEA regulations and various versions of USED guidance have eroded certain “prohibitions” under NCLB, thus providing good opportunities for firms now.

- **Page 9**

The most recent NCES Annual Technology Survey of Districts focuses on new areas and identifies possible opportunities for products in high-poverty districts/schools which will be receiving the lion’s share of School Improvement Grant and related funding in the immediate future, particularly in the area of online instruction, assessment, and related delivery.

- **Page 11**

National Governors Association and National Association of State Budget Officers have published their semi-annual report on the fiscal survey of states which suggests that, in most states, fiscal recovery will not be immediate.

- **Page 12**

Miscellaneous Items:

- The Gates Foundation is providing \$13 million grants to colleges to develop remedial math learning materials to be made available at no cost.
- Influential practitioners provide advice on ways to turn around lowest-achieving schools.

State profile updates cover a range of areas including charter schools, Race to the Top preparation, State budgets, graduation rates, and teacher evaluations.

**Special Report:
New/Expanded Opportunities Through Permitted (“Encouraged”)
Activities Under SIG Transformation and Turnaround Models**

*A Technology Monitoring and Information Service (TechMIS)
SPECIAL REPORT*

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January 13, 2010

Following publication of final regulations in the Federal Register on December 10th (analyzed in our December 15th TechMIS Special Report), USED recently made available on its website Non-Regulatory Guidance (NRG) dated December 18th which, through the use of “encouraged” examples and expanded/new flexibilities, could provide additional opportunities for many firms beyond those identified in our December 15th report. Overall, the latest NRG provides much more flexibility and discretion to SEAs and particularly to LEAs which are developing their applications for School Improvement Grant, Part G funding due February 8th. It is important to note that Non-Regulatory Guidance, which is part of the “legal framework” for Title I and other Federal programs, reflects USED’s interpretations and “suggestions” which it would like SEAs and LEAs to take into account in the design and implementation of programs and projects. In several areas, the NRG is more flexible, reflecting an interpretation which is less strict than stated in the regulations or even the statutes. Districts and SEAs which will receive School Improvement Grant funds have an additional incentive to follow many of the examples and suggestions in the SIG NRG; the NRG says: “...a state can strengthen its Race to the Top application by demonstrating a similar alignment of its plans for implementing these two programs (SIG and Race to the Top).”

Most SEAs and LEAs will follow the intent of the NRG even though there is some risk that future audits will follow a strict interpretation of the regulations and might result in some audit exceptions. The latest NRG also notes that subsequent Non-Regulatory Guidance may be provided if clarification is needed, particularly regarding the passage of the FY 2010 Consolidated Budget Act which has a number of provisions related to the School Improvement Grant program. Several individuals, who have observed the School Improvement Grant rule-making process closely, noted that USED got “hammered” by influential SEA and LEA officials and associations upon the release of final SIG regulations in early December. Many of their concerns were taken into account in the NRG.

One area in which the latest NRG provides additional clarifications that could create expanded opportunities for firms relates to Tier III schools. The NRG states that an LEA must include in its application to the SEA for SIG funds, a description of the “services” the Tier III school will

receive or the activities the school will implement that appears to be in greater detail than the requirements the LEA must meet for describing activities for each Tier I and Tier II school (e.g., the LEA must only identify the intervention model, based on each school's needs, and describe its capacity to implement the intervention model fully and effectively). Also, unlike with Tier I and Tier II schools, to serve a Tier III school, the LEA does not have to provide the requested amount of SIG funds directly to the school. Rather, as an example, the NRG states that, "An LEA might use a portion of its SIG funds at the district level to hire an outside expert to help Tier III schools examine their achievement data and determine what school improvement activities to provide based on that data analysis. Similarly, an LEA might provide professional development at the district level to all or a subset of its Tier III schools." In such situations, the district office responsible for SIG funding will be the decision-making entity and will decide how much money will be spent and on what. The NRG also clarifies that the LEA has much flexibility to choose the strategies it will implement in Tier III schools; however, they must be research-based and designed to address particular needs of the Tier III school.

Related to the above, the NRG distinguishes between SEAs "taking over" a Tier I or Tier II school and an SEA being asked to provide services directly to schools without a takeover. In the former case, the SEA clearly selects the intervention model to be used; however, the NRG states that an SEA's application for SIG funding must indicate if "the SEA intends to provide services directly to any schools in the absence of a takeover, identify those schools, and for Tier I or Tier II schools, indicate the school intervention model the SEA will implement in each school, and provide evidence of the LEA's approval to have the SEA provide the services directly." The NRG then clarifies the circumstances under which an SEA may provide services directly to an eligible school by stating, "This option may be particularly useful if an LEA lacks the capacity to implement any of the four intervention models itself in its Tier I and Tier II schools. An SEA may be better equipped than some LEAs, for example, to enter into a contract with an external provider to implement the restart model. Of course, the SEA must have the authority and capability, either directly or through an arrangement with an external provider, to implement one of the school intervention models in each Tier I or Tier II school in which it provides services....With respect to Tier III schools, an SEA may also provide school improvement services directly to the eligible schools, with the approval of the LEAs that would otherwise receive a SIG grant. For example, an SEA may offer professional development from specific providers or 'sell' technical assistance from the SEA's school support teams." The NRG provides examples of additional criteria an SEA may use to differentiate among Tier III schools when setting priorities. One example would be a criterion "to focus on clusters of Tier III elementary schools that are feeder schools into Tier I and Tier II secondary schools."

Comprehensive school improvement solutions will be in high demand in many Tier I and Tier II schools. However, there are opportunities to contract with districts and/or SEAs that provide direct services for firms with very specific products/services which can be used to facilitate the capability of the LEA to meet the requirements or even permitted activities of, for example, the transformation model, or to implement a research-based strategy which meets the needs of a particular Tier III school. Opportunities could also exist with "educational service agencies" that provide "direct services" to eligible schools. The funds for an SEA or its contractor to provide direct services to LEAs, upon their request, can be covered by portions of the funds "generated" by the Tier III school. Or, the SEA/contractor could "sell" the services to the district.

Another opportunity for firms with specific applications that can help an LEA facilitate meeting required or permitted activities under the transformation or other models can also be gleaned from the latest NRG. In response to the question as to whether an LEA can use SIG funds for general, district-level improvement activities, the NRG states, “An LEA may use SIG funds to pay for district-level activities to support implementation of one of the four intervention models in each Tier I and Tier II school it commits to serve and to support other school improvement strategies in Tier III schools it commits to serve. For example, an LEA might hire a district-level turnaround specialist to establish an ‘early warning system’ designed to identify students in Tier I or Tier II schools who may be at risk of failing to achieve high standards or graduate, or to support implementation of a turnaround model. However, an LEA may not use SIG funds to support district-level activities for schools that are not receiving SIG funds.” Using the example of an early warning system, a firm which has such an appropriate application/product could contract with the district to “customize” its “early warning system” and provide a district-wide license for a specified amount. The district could use SIG funds to pay for the developmental effort and then use the system in any and all Tier I, Tier II and Tier III schools. Because the license is a district-wide license and the cost is the same regardless of the number of schools using it, the district could also allow the early warning system to be used in any remaining schools without having to pay any additional cost. This would be consistent with allowable uses of funds under “incidental use” provisions in both Title I and IDEA.

The NRG also clarifies a number of “cross-cutting issues” which should be taken into account by a firm in developing its strategy and approach to districts. The NRG encourages LEAs to give preference to Tier I and Tier II schools which are designated as schoolwide programs and notes that “an LEA may require a Tier I school to operate a schoolwide program in order to implement one of the intervention models, consistent with the overall goal of the SIG program.” Later on, it reiterates that a schoolwide program “does not need to demonstrate that Title I, Part A funds or SIG funds are used only for activities that supplement those the school would otherwise provide with non-Federal funds”; this certainly reduces any concerns about violating “supplement not supplant” provisions.

The NRG further spells out the steps to be undertaken by an LEA, if it receives SIG funds, to implement one of the four models and is subsequently unable to implement the model in that school. In such a case, using the examples that the school was unable to hire a principal to implement the turnaround model or was unable to contract with the CMO or EMO to implement a restart model, the NRG states that “the LEA must amend its application indicating which other model it will implement in that school. In addition, the SEA must post the final amended application on its Web site.” A firm that has products and services that are more appropriate for the “transformation” versus “turnaround” model and the LEA has nine or more Tier I or Tier II schools (hence, the 50 percent cap on transformation models will apply), it might suggest that the LEA select the “turnaround” model for the specific school, but if the LEA is unable to implement that model, amend its application and replace the turnaround model with the transformation model. If the transformation model produces positive results, it is unlikely that the SEA will enforce the “cap.” There are more similarities among “required” and “permitted” activities under the transformation and turnaround models than there are differences; the primary exception is replacing principals and staff.

For the most part, the NRG reiterates the reform strategies and required and permitted activities for the turnaround and transformation models that are explicit from the regulations; however, for certain required and permitted activities, additional examples and clarifications are provided.

For the turnaround model, the NRG provides a rationale and examples of "locally adopted competencies" used to replace/hire staff, by stating, "Although an LEA may already have and use a set of tools to screen for appropriate competencies as part of its normal hiring practices, it is important to develop a set of competencies specifically designed to identify staff that can be effective in a turnaround situation because, in a turnaround school, failure has become an entrenched way of life for students and staff, and staff members need stronger and more consistent habits in critical areas to transform the school's wide-scale failure into learning success." It then provides examples of locally developed competencies such as "acting with initiative and persistence, planning ahead, flexibility, respect for and sensitivity to norms of interaction in different situations, self-confidence, team leadership, developing others, analytical thinking, and conceptual thinking." If a firm has had experience in successfully hiring staff to work in lowest-achieving schools, or has a professional development regimen which can be used to provide on-demand professional development/support in one or more of the above areas, especially for newly-hired teachers, then an opportunity could exist to get one's "foot in the door" early through professional development during the planning process prior to implementation of a model in September 2010.

In response to "push back" from teacher groups, the NRG states that the use of financial incentives to retain staff, which was cited as "required" in the final regulations, was "merely" an example of a strategy an LEA might use to recruit, place and retain staff. The NRG also clarifies that, while an LEA must use data to identify an instructional program that is research-based and vertically-aligned, it might not have to replace its entire curriculum; if that curriculum is research-based and vertically-aligned, "it may continue to implement that instructional program." However, "the Department expects that most LEAs with Tier I or Tier II schools will need to make at least minor adjustments to the instructional programs in those schools to ensure that those programs are, in fact, research-based and properly aligned." The Center on Education Policy and other groups studying restructuring have found that under NCLB's "other" option, LEAs were allowed to continue with the same curriculum if they could prove that the program was not implemented with fidelity in accordance with recommended procedures.

The NRG expands on a number of required and permitted activities related to community-oriented schools -- components of both the transformation and turnaround models -- by providing numerous examples: use of surveys to gauge parent and community satisfaction and support, implementing complaint procedures for families, coordination with local social and health service providers, and parent education classes. Community-oriented activities allowed under the requirement to "extend learning time" could include: partnering with parents and community-based organizations to create safe school environments that meet students' social, emotional, and health needs; providing additional time to build relationships among students, faculty, and other school staff; and improving school climate and implementing a system of positive behavioral supports. Many of the examples for other required activities under the transformation model were included in our review of the final regulations in our December 15th

TechMIS Special Report.

The NRG also provides a number of clarifications which might have implications for some TechMIS subscribers:

- The NRG clarifies “job-embedded professional development” as having several characteristics, including a focus on “understanding what and how students are learning and on how to address students’ learning needs, including reviewing student work and achievement data and collaboratively planning, testing, and adjusting instructional strategies, formative assessments, and materials based on such data.” It is also facilitated by school instructional leaders or school-based professional development coaches or mentors and it occurs on a regular basis with “active engagement” by participants.
- If a Tier I or Tier II school does not meet annual student achievement goals, an SEA may still renew the LEAs SIG grant for that school “if the school is making progress toward meeting those goals.”
- In light of the fact that Congress recently included in the FY 2010 Budget Act approximately \$550 million for the School Improvement Grant, Part G program, each SEA will be obligated to run another SIG competition for grants to LEAs next year; however, any Tier I or Tier II schools funded with FY 2009 appropriations have to be excluded from the competition.
- A state that is participating in the Department’s “differentiated accountability” model pilot may continue to do so as approved, with the exception that Tier I or Tier II schools are required to use one of the four implementation models in a way consistent with the final requirements.
- Not only are Tier III schools not required to use one of the four prescribed intervention models, but the SEA does not have to report on many of the new metrics of “leading indicators,” such as the number of minutes within the school year and average scale scores on state assessments for “all” groups and each subgroup, and teacher attendance rates.
- A school which is implementing the “restart” model may include any of the required or permitted activities of a turnaround model or transformation model because the restart model “is specifically intended to give operators flexibility and freedom to implement their own reform plans and strategies.”
- In terms of deadlines the Department “expects that the majority of FY 2009 SIG funds will be used to fully implement intervention models in Tier I and Tier II schools in the 2010-2011 school year”; and, if an SEA requested a waiver to extend the period of availability of SIG funds, those funds would be made available up to two additional years until September 30, 2013 (most SEAs are requesting a waiver in their applications).
- If an SEA has the authority and actually takes over a Tier I or Tier II school to implement one of the four intervention models, “the SEA may retain the SIG funds that it would otherwise have allocated to an LEA for the school and use those funds to implement a school intervention model in the school.”

For a copy of the NRG go to: www.ed.gov/programs/sif/guidance-20091218.doc

Washington Update

Vol. 15, No. 1, January 13, 2010

The Best Opportunities for Most TechMIS Subscribers Exist Under School Improvement Grants Using the Transformation Models

Currently it appears that the best opportunities for most TechMIS subscribers exist under the \$3.5 billion+ School Improvement Grant initiative, especially for products and services which can be used to facilitate practices which have proven to be effective in schools that have exited restructuring status. Some of the required or permitted activities included under the transformation model in the final SIG guidance have also been identified as being effective in a five-year Center on Education Policy (CEP) study of restructuring entitled "Improving Low-Performing Schools" (December 2009).

While several TechMIS subscribers have had problems attempting to partner with states submitting applications for Race to the Top Grants (due in January) and given the uncertainties of the role of the private sector for the Investing in Innovation Fund (i³), there are several major reasons for targeting School Improvement Grants.

First, over the next year, it is very likely that the districts which will receive School Improvement Grants (Part G) -- totaling about \$3.5 billion -- will receive even more funds if they also participate in other competitive grant programs such as Race to the Top or i³ grants. For many of these districts, this could represent up to a ten-fold increase in Federal Title I and other ARRA

funding. Similar increases could also be available to districts which received large percentage increases in regular Title I funds in FY 2009, which means they received proportionately more Title I ARRA funds than other districts in their state.

Second, of the three major competitive grant programs totaling \$8.5 billion, more School Improvement Grant funds will actually be in the hands of districts much earlier than funds under the other two grant programs (RTTT and i³). Indeed, SEAs have already received five percent of the state set-aside which, according to final SIG regulations, allow some states to allocate some of these funds to districts that currently have schools which received some FY 2008 SIG funding. These same districts are likely to receive major increases, beginning in mid-February-March, under the FY 2009 95 percent allocation which must be provided to eligible districts approved by the SEA. According to the final SIG regulations, some of these funds can be used by districts to screen and identify partners and to select specific instructional interventions.

Third, unlike the Title I regular and ARRA funds, which have to be obligated by September 2011, districts/schools have until September 2013 to obligate SIG funds; moreover, schools that exit restructuring status during the first three years of SIG funding schools can continue to receive SIG funding for an additional two years. This provision is to remove any disincentives that schools in restructuring might have not to want to exit that status and also to prevent

the school, after three years, from “regressing.” This provides an extended funding stream for firms that participate with such districts and have products which are effective in helping schools exit restructuring status.

Fourth, based on the most recent USED study findings, the proportion of funds under the 4% SEA set-aside for school improvement (which is the closest analog to School Improvement Grant Part G funds) spent on products and services is greater than in regular Title I programs. Specifically, the last related USED study (see TechMIS Washington Update, February 3, 2009) found that, in 2004-05, 70 percent of the 4% set-aside under SIG funding Part A was spent on instructional materials, technology, and support and professional development and support services. This compared to about 30 percent of regular Title I funds spent on instructional materials, technology and professional development support. These numbers strongly suggest that a significantly higher proportion of School Improvement Grant Part G funds (and even Part A funds) are likely to be spent on products and services rather than regular Title I program funds in which about 60 percent is spent on staff salaries.

And last, in light of the higher priority placed on LEAs “buy-in/decision-making” under final Race to the Top regulations and the greater flexibilities (and in fact “encouragement” of the “transformation” model) under the final School Improvement Grant regulations, SIG grant LEA recipients will have major decision-making roles in selecting what types of instructional programs, tool applications, professional development and services will be used. In fact, the final SIG regulations clearly state

that only in schools which have been “taken over” by the SEA or the LEA asks the SEA to provide services directly to its eligible Tier I, II, or III schools will the SEA have any decision-making role as to which of the four models and specific instructional and other interventions will be used (see also Special Report on SIG NRG). And, in participating Tier III schools, the district has even greater flexibility in deciding what types of instructional and other interventions and services will be used as the district is not required to select one of the four required models to be used by Tier I and Tier II schools. In Tier I and Tier II schools, newly-hired or transferred principals are likely to have major decision-making authority over the products and services that will be purchased. In districts that have contracted with external lead partners such as CMOs or EMOs, these lead partners will also have major decision-making roles in selecting what types of instructional products curriculum applications and services will be used.

In our December 10th TechMIS Special Report, we summarized the highlights of an earlier report in which CEP identified state leaders’ “perceptions” of what reform strategies were perceived to be “most critical” in reforming or turning around lowest-achieving schools. In CEP’s related subsequent report (see TechMIS Special Report December 17th) cited above, CEP provides “lessons from five years of studying school restructuring under No Child Left Behind.” Some of the practices which were found to be effective in schools in restructuring which were able to exit from that status are described.

Perhaps the most significant finding in this most recent CEP report was that “*All case*

study schools that exited restructuring use data frequently to make decisions about instruction and regroup students by skill level.” While all of the study schools reported using data to make decisions about instruction, schools which exited from restructuring used data for this purpose more frequently. In fact, “study participants in all schools that exited restructuring reported that teachers looked at student assessment data at least once a month, and participants in all but one of these schools said teachers reviewed data at least this often to regroup students by skill level.” CEP also noted that all of the six states in which the study schools were located have increased, over time, their use of needs assessments to diagnose challenges in restructuring schools. These findings strongly support the requirements in the final School Improvement Grant regulations which, across all four school improvement intervention models that assessment data -- through formative, benchmark, and other assessments -- be used to inform instruction and differentiate instruction for students. Without question, tool applications, professional development and services which can facilitate these and indirectly related practices will be in high demand across virtually all School Improvement Grant grantees.

In its final recommendation for schools and districts, CEP cautions about using the turnaround model which involves adopting a new governance structure, implementing a new curriculum, and replacing most staff. The turnaround model could require significant amounts of time at the expense of timely implementation which “involves developing teacher and school leader effectiveness, replacing staff, implementing instructional reform strategies, extending

learning and teacher planning time, creating community-oriented schools, and providing operational flexibility and sustained support.” Most of CEP’s findings on effective practices would appear to “fit in” easily under SIG requirements for the transformation model.

For a copy of the CEP report go to: www.cep-dc.org

New Study on Expanded Time Schools Points to the Types of Activities, Products, and Services that Are Likely to Be Used in School Improvement Grant Model Interventions Involving Expanded Learning Time to Turn Around Lowest-Achieving Schools

A recent survey by the National Center on Time and Learning suggests the types of activities that occur in different “expanded-time” school settings which could generate demand for certain types of products and services. The survey included more than 650 schools serving approximately 300,000 students in 36 states, most located in large cities. About half of the expanded-time schools began in the last three years and about three-fourths were charter schools which contributed to the finding that schools in the survey offered about 25 percent more time than the national norm, typically extending the length of the school day rather than adding days to the school year. The report concluded, “A correlational analysis found a statistically significant...moderate association between the number of minutes per day and student performance for Grades 7 and 10” in both math and English/language arts. “Although the data available for these analyses were limited,

they do suggest a positive relationship between student performance and daily time,” according to the Center.

The survey found that schools that paid their teachers more for additional time reported a mean 13.6 percent increase in pay; three-fourths of the “converted” schools paid their teachers more, while less than half of the “start-up” schools did so. The study also found that teachers at different grade levels spent their time differently, with elementary teachers spending 73 percent of their time teaching, while middle and high school teachers spent 63 percent of their time teaching. The study notes, however, that middle and high school teachers spent more time in common planning and other activities than did elementary teachers. While this study did not attempt to identify the degree to which additional teacher pay was related to student growth -- as required in School Improvement Grants guidance -- findings suggest opportunities for teacher collaboration (which is a required use of funds in at least the transformation model) are greater in middle and high schools than at the elementary level.

The survey also asked respondents to identify school practices beyond extending time and found their responses “revealed that the most common practices in expanded-time schools are: site-based professional development (72%), data-driven instruction (70%), and formative assessments (56%). In addition, intensive reading intervention and integrated technology, while practiced by less than half of schools (44% for each) are substantial.” Only 24 of the 245 respondents indicated that virtual learning/online classes were available in their expanded time schools.

Although the survey found that elementary students spend twice the amount of time in English language arts as they do in math, with the exception of grade four, participating students’ performance in English language arts is slightly lower than in comparison schools in the district. While more time is spent in math at the seventh and tenth grade levels (but still less than the time spend in English language arts), students’ gains were slightly better in math in grades six and grade eight (by about three percentage points) than were gains in similar grades in English language arts.

One point of interest is that the final School Improvement Grant regulations differentiate between a “converted” school versus a “close-it-down-and-reopen” school under the restart model. The survey questionnaire did not address the use of behavioral and social interventions, which are either required or permitted under the transformation model.

For a copy of the report go to: <http://www.timeandlearning.org/images/12.7.09FinalDatabaseReport.pdf>

Professional Development, Technology, and Instructional Materials Head List of Planned Uses of Title I and IDEA ARRA Stimulus Funds According to Latest Government Accountability Office Report on LEA Planned Uses of ARRA Funds Which Are Not Going to be Used for Job Retention or Creation

Based on its recent (August-October 2009) survey of LEAs in 16 states (representing about two-thirds of ARRA grantees), the

Government Accountability Office (GAO) has indicated that job retention is the primary planned use of ARRA Fiscal Stabilization (SFSF) funds; 63 percent of LEAs plan to use over half of their SFSF funds for job retention. More importantly for TechMIS subscribers, much smaller percentages of LEAs plan to use half or more of their ARRA Title I and IDEA money to retain existing jobs.

GAO found that only about 25 percent of LEAs plan to use at least half of their ARRA Title I dollars for job retention. Only one state -- North Carolina -- showed as much as half of its LEAs planning to ARRA Title I funds for jobs. Other states with LEA percentages above 25 percent (the average across all 16 states) were Iowa, New York, Georgia, Florida, and California. The states with the lowest percentages of LEAs planning to devote half or more of their ARRA Title I allocation to job retention were Mississippi, New Jersey, Massachusetts, Ohio, Texas, Colorado, and Illinois.

GAO's analysis of ARRA IDEA plans showed similar findings. Again only in North Carolina did more than 50 percent of LEAs plan to spend at least half of their ARRA IDEA allocation to retain jobs. Six other states -- New York, Michigan, Georgia, Florida, Iowa, and Arizona -- showed LEA percentages above the 16-state average of 19 percent. The list of states with the lowest proportion of LEAs planning to devote ARRA IDEA money to job retention is similar to the Title I list -- Mississippi, New Jersey, Pennsylvania, Texas, Illinois, and Massachusetts.

The GAO report has found that, most planned uses of ARRA funds will be beyond

job retention, providing professional development for instructional staff and purchasing technology equipment and instructional materials. Following USED guidance that calls for using funds to improve results for students and avoid reoccurring costs, GAO indicated, "Overall, LEAs reported several non-recurring items such as purchasing technological equipment, including new computers; providing professional development for instructional staff; and purchasing instructional materials as among the highest uses of funds after job retention and creation." Slightly over 22 percent of LEAs planned to use more than a quarter of their recovery funds under IDEA to purchase technological equipment, while about 12 percent planned to purchase instructional materials. Under Title I, the estimated percentages of LEAs were 16 percent and 13 percent, respectively. Professional development uses under IDEA were about 13 percent and 15 percent under Title I.

The GAO survey also had some of the most concrete estimates of the percentages of LEAs in states in the sample which are taking advantage of the IDEA Section 613 Local Adjustment Option. This provision allows districts (under certain conditions) which receive large IDEA increases to free-up local expenditures currently used to pay for special education, to an amount equal to 50 percent of the increase in IDEA regular and ARRA funding, over the last year. These freed-up local resources can be used for any activities allowable under ESEA. As the GAO report states, "This year, according to our survey, an estimated 44 percent of LEAs plan to use the reduced local expenditure flexibility to decrease local spending on students with disabilities, although the percentages vary across the

states: from 14 percent in New York to 72 percent in Iowa...49 percent of the largest LEAs planned to do so” (the largest LEAs are the ten largest LEAs in each state based on enrollment). As we and other groups, such as AASA, had expected (based on other survey and anecdotal data), more SEAs are allowing/encouraging districts to take advantage of the Section 613 option. The states which have had the largest percentage increase in the number of LEAs eligible for flexibility this year compared to last year were: Arizona (59 percent increase), California (52 percent), Colorado (28 percent), Illinois (38 percent), Michigan (43 percent), and Ohio (91 percent). States in which more than 90 percent of the LEAs were eligible to take advantage included: Pennsylvania, New York, New Jersey, Michigan, Ohio, Iowa, and California. Conversely, for a variety of reasons in some states, only a limited number of LEAs are allowed to take advantage of the Section 613 flexibility; these include: Florida, Georgia, Texas, North Carolina, and Mississippi.

As we have noted in previous reports, in districts which take advantage of Section 613 flexibility, the amount of freed-up local resources can be used in a more flexible manner than under Title I and IDEA regulations and, in some cases, are ideally suited for products that do not easily fit into Title I or IDEA. On the other hand, as GAO also notes, the districts that take advantage of the flexibility this year will likely have less money next year -- when IDEA ARRA funds run out -- to spend on products and services beyond salaries because of future maintenance of effort requirements.

For a copy of the GAO report go to: www.gao.gov/new.items/d10231.pdf

New/Expanded Flexibilities in Title I and IDEA USED Guidance Over the Last Year Have Eroded Certain Prohibitions Under NCLB, While, in Turn, Providing Significant Opportunities for Firms Now

Various regulatory changes promised by Secretary Duncan when he took office and expanded sets of guidance for Title I and IDEA over the last year have provided greater flexibility for districts and opportunities for firms with different types of products and services. In most instances, district officials, including many Title I and special education directors/coordinators, are unaware of some of these changes. When approaching such district decision-makers and influencers, which increasingly includes district superintendents, sales staff should make them aware of the greater flexibility they have. The changes affecting the ways great amounts of Title I, and to some extent IDEA, funds can be used are highlighted below, along with specific citations directly from regulations or guidance, some of which have been covered in greater depth in TechMIS reports and updates over the last year.

As we and several policy observers expected shortly after the confirmation of Secretary Duncan, some of the “final” Title I regulations published during the waning days of the Bush Administration would be changed. One such change, announced in a policy letter by Secretary Duncan to Chief State School Officers on April 1 (see April 9, 2009 TechMIS Special Report), would allow states and districts to apply for waivers to allow districts identified for improvement to conduct their own SES programs under the 20 percent set-aside for SES/public school choice as long as the

district is approved to provide such SES by the SEA. As we initially reported in our October 29th TechMIS Special Report, (updated in the December Washington Update), 29 states' waivers were approved to allow such districts to provide their own SES. During the previous school year, the total amount set-aside for SES under the 20 percent set-aside was between \$1.5 and \$2.0 billion and, according to the Education Industry Association, around \$800 million was allocated to third-party SES providers. Because some states did not request a waiver to exclude the 20 percent set-aside from the Title I ARRA stimulus portion and more schools were identified for improvement than during the previous year, it is likely that the total set-aside amount this year will be between \$2.0 and \$2.5 billion with a significant increase in the amount used by districts with approved waivers to operate their own SES programs. Many of the districts only recently submitted their applications to SEAs for waivers to provide their own SES and are now being considered by the SEA. SEAs are required to post on their websites the list of most recently approved SES providers, including districts.

As we reported in our September 15th TechMIS Special Report, another set of flexibilities have been provided to districts identified for improvement. New USED guidance cited examples of how a district could rebut arguments that it used Title I funds in violation of the supplement not supplant rule. In our April 9th TechMIS Stimulus Funding Alert, we mentioned the interpretations briefly which were detailed in the September 2nd Title I Non-Regulatory Guidance (NRG) (described in our September 15th report) which provide positive implications for firms providing certain types of professional development

and those which have tools and instructional materials which can be used in district tutoring programs, including SES. In one of the major new interpretations -- which is the "only exception" to the rule that Title I funds cannot be used to provide professional development for non-Title I teachers -- the guidance states, "An LEA in improvement status may provide professional development to instructional staff throughout the LEA with Title I, Part A ARRA funds it serves 'off the top' of its Title I, Part A allocation, provided the professional development activities are related to the reasons the LEA is in improvement status." Hence, a district that includes the ARRA portion in the 10 percent which districts in improvement must set aside for professional development, would almost double its availability of funds over the previous year and can purchase professional development products and services to provide training for both Title I teachers and all other teachers in the district in areas related to the reasons why the district was identified for improvement. Certain states, such as West Virginia, are already taking advantage of these new opportunities.

The September 2nd NRG also emphasizes an exception to the general supplement not supplant rule which could result in district-wide opportunities for certain products. Basically, it states that, if the service provided to non-Title I students meets the intent and purposes of Title I, Part A program, "the LEA may exclude those services from supplement not supplant considerations....For example, if an LEA offers after-school tutoring for any student who scores below proficient on the State's mathematics assessment, paying for Title I students with Title I funds and non-Title I

students with supplemental local funds would not violate the supplement not supplant requirement because the students in the non-Title I schools, by virtue of being non-proficient in mathematics, are failing to meet the State’s mathematics standards and thus would be eligible for Title I services if they attended a Title I school.” This formal clarification is welcomed by many superintendents who would like to expand the use of current materials and tutoring programs in Title I to non-Title I schools for similar students, which heretofore was “illegal.” As we noted in our December 4th TechMIS Special Report, a subsequent version of the Non-Regulatory Guidance strongly implies that the above two flexibilities can also apply to districts which have not been identified for improvement, which SEAs in their own guidance -- either formal or informal -- are likely to clarify.

In an attempt to bridge the guidance differences regarding use of Federal funds to support Response to Intervention in both IDEA and Title I, USED issued guidance in early September (as reported in our September 15th Stimulus Funding Alert) that provides specific examples of allowable uses of IDEA 15 percent set-asides for Coordinated Early Intervening Services (CEIS) for non-special education students in Title I schoolwide programs. It clarifies that districts which “consolidate” IDEA funds with other Federal funds in Title I schoolwides have much greater flexibility in the use of these funds than other Title I schools, include less reporting on how the funds are used. Such allowable uses include:

- Purchasing curriculum-based screening and progress monitoring products, as well as formative

assessment instruments and curriculum materials;

- Providing professional development to use such instruments;
- Providing professional development to implement “evidence-based instructional and positive behavioral practices”

The IDEA Non-Regulatory Guidance also cites numerous examples of allowable uses of funds for various technology applications.

In terms of the amount of funds that could be freed-up under Section 613 of IDEA, a district could use up to 50 percent of its increase in IDEA allocations, including IDEA ARRA funds to free-up that amount of local resources currently being used in special education to purchase any type of product or activity allowable for purchase under ESEA. While we have reported on the uncertainty and the need for clarification in Federal guidance as to the conditions under which a district is allowed to take advantage of this local adjustment option, state policies appear to have trumped Federal “interpretations” and about three-quarters of the states are now allowing districts to take advantage of this option which could affect how upwards of \$4 billion is used. Although many districts have used such freed-up funds for job retention, several reports strongly suggest that the use of these funds to retain jobs is significantly less than the use of Stabilization Funds and that many districts are using such freed-up funds to purchase products and services that do not easily fit under IDEA or even Title I allowable uses. (See [Washington Update](#) item on GAO report)

As sales staff approach district-level decision-makers, they should refer to the

citations in these reports, along with previous TechMIS reports and updates, to make these decision-makers aware of the new flexibilities they have.

Most Recent NCES Annual Technology Survey of Districts Takes a “First Look” at New Areas and Identifies Possible Opportunities for Products/Services in High-Poverty Districts/Schools, Which Will be Receiving the Lion’s Share of School Improvement and Related Grants in the Immediate Future

The latest annual survey conducted in the Fall of 2008 by the National Center on Education Statistics (NCES), identifies potential opportunities for high-demand products and services in high poverty districts/schools which will be the recipients of most of new Title I and ARRA stimulus funding, including School Improvement Grants (SIGs). The newest representative sample survey focused on district-provided resources, teacher professional development, technology leadership, and a number of new areas not previously addressed in NCES surveys since 1994. Because the majority of new ARRA funding will be allocated to high-poverty district/schools, we have identified a number of these possible opportunities and highlighted pent-up demand in districts with 20 percent or more poverty enrollment versus those with ten percent or less poverty enrollment. We have also identified several areas, across all districts, which could offer promise to some TechMIS subscribers.

Conducted in the Fall of 2008 -- prior to the Bush Administration’s “exit” and before a number of policies implemented

immediately after the Obama Administration were in place -- the survey addressed the types of resources offered by districts to schools, teachers, and students. Our analysis of high-poverty (HPD) versus low-poverty districts (LPD) reveals some interesting differences:

HPDs are more likely to offer all teachers online curricula, opportunities for distance learning, and online student assessment tools than do LPDs. In the latter two areas (distance learning, assessment tools) approximately ten percentage points separated HPDs and LPDs. Conversely, fewer HPDs provided online access to library catalogs than LPDs. For example, at the secondary level, 72 percent HPDs offered such library catalog access compared to 92 percent of LPDs. There were similar differences between the two types of districts regarding online access to other databases. HPDs also offered greater resources than did LPDs in the areas of online curriculum and distance learning over the Internet and through video conferences; for example, 54 percent of HPDs offered all elementary students online curriculum compared to 45 percent of LPDs. Differences also existed on the types of connections districts had to Internet service providers; 28 percent of HPDs had Internet access through direct fiber, compared to 44 percent of LPDs. On the other hand, 52 percent of HPDs relied on DSL lines compared to 39 percent of LPDs.

While about 75 percent of both types of districts continued to use computers until they were “non-functional,” HPDs were much more likely to sell old computers than to dispose of them in another manner (e.g., donations, recycling). With Title I funds being used more for purchases of computers

in HPDs, one can assume that, when such computers have been used three to five years (depending on state procurement policies), they are sold. This suggests that, for example, a new online curriculum that requires purchase of new computers is more likely to occur in a HPD, especially in newly-designated Title I schools, as districts expand the number of schools served with the influx of ARRA Title I funds. Under final Federal guidance, such purchases for new Title I schools can remain in such schools when ARRA Title I funds are no longer provided to that school after September 30, 2011.

The latest survey also focused on district offerings or requirements for teacher professional development in various education technology areas. Across all public school districts, several findings are particularly appropriate now because of new requirements in SIG and Race to the Top guidance including:

- 83 percent of all districts “offered,” and 32 percent “required,” professional development in using technology to assess or manipulate data to guide instruction;
- 80 percent “offered,” but only 16 percent “required,” professional development on use of technology to support collaboration;
- 47 percent “offered,” yet only four percent “required,” professional development in teaching via distance learning;
- 95 percent “offered,” while 39 percent “required,” professional development in integrating technology into instruction;
- 91 percent “offered,” while 15 percent “required,” professional

development in using Internet resources and communications tools for instruction.

Compared with LPDs, HPDs were more likely to “offer” and “require” professional development related to:

- teaching via distance learning;
- using assessment and evaluation strategies that involve technology;
- applying technology and assessing student achievement with respect to state curriculum standards;
- developing curriculum plans that include using technology to address content standards;
- using multi-media digital content for instruction.

Across all reporting districts, not surprisingly, almost half of the districts felt that funding for education technology is inadequate; however, more than 80 percent felt that existing funding for education technology is being spent “in the most appropriate ways.” Slightly less than 78 percent felt that the technology infrastructure is adequate and even more believed teachers are interested in using technology in classroom instruction. About a quarter of all districts felt that teachers were not adequately trained to integrate technology into classroom instruction. Some of the differences between HPDs and LPDs were also noted; 20 percent of HPDs disagreed that the technology infrastructure is adequate, while only 12 percent of LPDs did so. Slightly more of the HPDs, compared with LPDs, disagreed with statements that technical support and funding for education technology is adequate.

This year, for the first time, the survey focused on education technology leadership at the district level. Not unexpectedly, 83 percent of districts with enrollments of 10,000 or more students reported having full-time education technology leadership compared to 42 percent for districts with enrollments 2,500 or less. Similarly, only 36 percent of rural districts reported having a full-time education technology leadership position compared to 79 percent in city districts. While only 47 percent of HPDs had a full-time staff person, 60 percent of LPDs did. Since the Fall of 2008 (when the data was collected), due largely to budget situations, it is very likely that, in rural and HPDs, the percentages having full-time technology staff have been reduced while some increases in part-time staff may have occurred.

For a copy of the report go to: <http://nces.ed.gov/pubs2010/2010003.pdf>

National Governors Association and National Association of State Budget Officers Publish Semiannual Report, *The Fiscal Survey of States*

Twice a year, the National Governors Association (NGA) and the National Association of State Budget Officers (NASBO) publish a report summarizing their field survey of the states' general fund receipts, expenditures, and balances. Data for the current report were collected from August to November 2009. As a matter of perspective, 20 states operate on biennial budget cycles and 46 states have fiscal years that run from July to June. Two states -- Alabama and Michigan -- have October-to-September fiscal years, New York goes April to March, and operates September to

August. Indiana has three "fiscal years" for different funding sources.

Overall, states will have faced \$256 billion in budget gaps between FY 2009 and FY 2011. Of this, states reduced their deficits by \$73 billion in FY 2009 and by \$112 billion prior to enactment of their FY 2010 budgets. Even with these adjustments, there will be \$15 billion in budget gaps for FY 2010 and at least \$22 billion for FY 2011.

Currently, states are projecting a drop of 1.4 percent in tax collections for FY 2010 compared with estimates for the current year (FY 2009). Although sales tax revenues are estimated to go up by 0.7 percent, personal and corporate income tax revenues are projected to decrease by 2.5 percent and 6.3 percent, respectively. However, 31 states report revenues below forecasts, so revenue cuts are likely to be even more severe.

Total year-end balances (including "rainy day" funds) have dropped from their FY 2006 peak of \$69 million (11.5 percent of general fund expenditures) to only 8.6 percent in FY 2008 and 4.8 percent in FY 2009. Acknowledging the likelihood that the economic troubles will last for at least another two years, states are reluctant to deplete their balances any further.

For FY 2009, general fund expenditures were 3.4 percent lower than FY 2008 and enacted budgets for FY 2010 indicate a projected 5.4 percent decrease in general fund expenditures -- the sharpest drops in all the time (since 1979) *The Fiscal Survey of the States* has been compiled.

Nearly \$185 billion in Federal money, as part of the American Recovery and Reinvestment Act (ARRA), helped states

avoid even more severe cuts. And \$87 billion through increased Federal Medicaid funding and \$48 billion from the stimulus' State Fiscal Stabilization Fund helped states maintain much education spending that might otherwise have been cut.

A copy of the survey report, which includes many state-specific tables, is available at: www.nga.org/files/pdf/FSS0912.pdf

Miscellaneous

- The Bill & Melinda Gates Foundation announced in early December that it would be providing grants totaling \$13 million to about 26 colleges in 16 states to develop new remedial math learning materials. These materials will be freely available to boost remedial education for students in math and reading to help them meet admissions and enrollment requirements and to increase collaboration among remedial teachers. According to eSchool News (December 4th), about \$3.6 million would be used to train remedial teachers and \$5 million would be allocated to develop the online learning materials, of which \$2.5 million would be provided to the Carnegie Mellon University Community College Open Learning Initiative; some of the remaining funds would be used to facilitate collaboration among teachers of college remediation programs. This announcement follows an earlier one by the Administration which indicated that it would be proposing an \$8-10 billion community college

remediation initiative to be included in a larger House Bill which has not yet been addressed by the Senate. Over the last five years, the Gates Foundation has supported the creation of a large network of community colleges through new grants to consortium leaders such as MDC of Chapel Hill, North Carolina. According to eSchool News, community colleges spend more than \$1.4 billion on remedial courses every year. Other estimates are as high as \$2.5-2.8 billion. The demand for college remedial programs, particularly in the area of math, has grown considerably over the last two years because of unemployed workers going back to college and increased enrollments of Iraq war veterans under the new GI Bill.

Nuggets of Advice on Turning Around Lowest-Achieving Schools from Influential Practitioners

- On December 10th, Education Week hosted a “chat” on the use of stimulus aid to turn around lowest-achieving schools with two influential nationally known practitioners who shared “nuggets” of advice on difficult questions and issues relating to use of stimulus funding, including School Improvement Grants. Dr. Robert Balfanz, Research Scientist at the Center for Social Organization of Schools at Johns Hopkins University, has been identifying and tracking progress of so-called high school “dropout factories” for

several years. Scott Gordon is CEO of Mastery Charter Schools in Philadelphia. Mastery operates four 7-12 schools, three of which were turnarounds of lowest-performing. Mastery Charter schools have been cited in numerous speeches by Secretary Duncan as successful examples in this emerging field. Below are some of the unedited comments in response to questions during the chat hosted by reporter Lesli Maxwell.

1. Measuring school leadership and staff effectiveness:
Balfanz: "Objective measures of improvement are students learning more, are they coming to school more often, etc. But also teacher and leader attitudes. Do they really believe all children can achieve and the effort required is worth it. Finally, do they work as a collective whole. One clear signal of when teachers and leaders are not working well together is when you interview them they each blame the other."
2. Strategies which may work best in rural areas:
Balfanz: "You need to understand your educational challenges. How many students are below grade level in what subjects, in what grades, and how many students do not attend school on a regular basis, how many are dropping out. Then you need an educational design which meets those challenges -- a research based extra help course in literacy for example, and you have to implement at needed scale so if 100 students need this, you need to provide it for all not just half because you have one teacher available. Then the

challenge is how to implement the design as quick as possible. Changing staff and principals can lead to a new culture...we can expedite this, but if this option is not available then one has to look to other means like coaching and tightly linked professional development to instructional goals as Scott has mentioned."

3. Capacity of charter school operators to serve most schools in need of turnaround:
Gordon: "I think we are at the very beginning of a long journey. No, there is no where near sufficient capacity at this point. That said, even a handful of successes would be revolutionary."
4. What are Mastery's expansion plans, other states, cities?
Gordon: "If we can, we would prefer to focus on the Philadelphia region. We are however thinking about how we can be a support to organizations elsewhere that are doing this work (hosting/training school leaders, etc.)...I believe a number of CMOs in California are looking at turnarounds. AUSL in Chicago has been doing work there for several years. I think the 'field' is so new that organizations are still wondering whether turnarounds are so different than running a traditional school. I would argue that while turnarounds are initially challenging -- what makes a great school is the same regardless of the context."

The comments of Scott Gordon should be considered in the context of an earlier controversial report by the Education Sector entitled "Growing Pains: Scaling Up the

Nation's Best Charter Schools.” The final version of this report questions the ability of CMOs to scale-up in light of the challenges of tightening credit, attracting talent, and overcoming public school resistance. As reported by Debra Viadero in Education Week, an earlier draft of the report quoted charter school leaders who questioned their own capacity to turnaround the number of failing schools that Secretary Duncan originally anticipated. On the other hand, it appears that some districts, and even some states, may be selecting CMOs as external lead partners, who will have significant influence of how School Improvement Grant funding the districts receive for eligible schools will be used.

Alabama Update

January 2010

Faced with budget shortfalls of nearly \$222 million, Alabama's K-12 schools, in order to keep schools open, had to borrow money and utilize "rainy day" funds. A total of 119 of the State's 132 school districts had deficits last year. For 2010-11, State school officials are requesting \$3.8 billion for K-12 schools, up from \$3.5 billion this fiscal year.

According to The Birmingham News, State education officials have estimated that more than 3,500 Alabama teaching jobs could be lost unless K-12 schools get at least \$325 million more in State funding than this year. Current year spending was down 7.5 percent because of lower-than-expected tax revenues.

Arizona Update

January 2010

The Arizona Republic reports that, beginning in 2011, Arizona's method for measuring school performance will likely become far more rigorous. Currently, the State labels schools primarily based on year-to-year gains in the overall percentage of students passing the State assessment (the Arizona Instrument to Measure Standards-AIMS). The new method would measure the year-to-year improvement in each student's AIMS score. Other changes expected by 2011 are the availability of a new search engine that would allow parents to compare schools and the linking of teacher performance to student data. The letter change is intended to improve Arizona's odds of winning a Federal Race to the Top grant.

The Arizona Technology Council Foundation is now the home of three major STEM (Science, Technology, Engineering, and Mathematics) initiatives in the State. The *Arizona Science and Engineering Fair* (AzSEF) -- to be held this year in Phoenix on March 22-25 -- promotes student knowledge and understanding of the scientific process. Arizona's component of the national *Project Lead the Way* is intended to help high schools offer pre-engineering curricula; during the 2009-10 school year, more than 1,200 students will have had engineering courses in high school. *Get STEM-Az* is a web portal designed to match STEM education needs with STEM business resources.

Arkansas Update

January 2010

According to the *Politics K-12* blog in [Education Week](#), Arkansas is one of the few states that have increased funding for education. As a consequence, money from the ARRA State Fiscal Stabilization Fund (SFSF) -- which was intended to replace cuts in state education funding -- was allocated, in large part, to school districts. State officials indicate that districts used the bulk of the windfall -- combined with ARRA Title I and IDEA funds -- for a range of activities, including renovation and modernization of school facilities, more technology (e.g., smart boards) and technology training, and partnerships with universities and school improvement contractors to implement the State's new, differentiated accountability plan.

Under a new Statewide license, all 266 Arkansas school districts will have access to geographic information system (GIS) technology from ESRI. The license covers all districts, schools, grades, and subjects. The State is planning a comprehensive program to orient all teachers and students about GIS. This will include a web site for the exchange of information, announcements, questions, and other matters relating to GIS.

Colorado Update

January 2010

The Denver Post reports that Colorado has adopted new academic standards that emphasize strategic thinking. The revisions to the 14 standards will require that a new testing system be developed to replace the Colorado Student Assessment Program now in use. The earlier standards were between seven and 15 years old with the exception of math and science which had been revised within the past five years. Colorado's new standards draw from standards in Maryland and Virginia, as well as from Finland and Singapore.

The Denver Post reports that, next session, Colorado lawmakers will introduce a bill that is intended to change the way K-12 principals and teachers are evaluated. A study by the New Teacher Project found that less than one percent of Colorado teachers have ever received an evaluation that was less than satisfactory. The proposed legislation, developed in cooperation with the State teachers union, would award tenure to teachers after three years of positive evaluations and positive impact on student achievement. State officials hope the measure will enhance the State's application for funding under the Federal Race to the Top program.

Delaware Update

January 2010

Education Week reports that the American Institutes for Research, under a five-year, \$24.6 million contract, will develop Delaware's new assessment system for public school students. Known as the Delaware Comprehensive Assessment System, the new assessment for grades 2 to 10 will replace the 12-year-old Delaware Student Testing Program by next school year. In order to maintain compliance with the Federal No Child Left Behind Act, the reading and mathematics components of the test will be given to students in grades 2-8 in March, and the science and social studies portions will be administered to students in grades 8 and 11 in May.

According to State data, Delaware had a high school dropout rate of 5.1 percent last year -- a total of 1,998 students. That rate was actually an improvement over the 5.8 percent dropout rate in 2007. The greatest portion of dropouts occurred in ninth grade (36 percent); 27 percent left in tenth grade, 19 percent in eleventh, and 18 percent in twelfth. The high dropout rates were in the Christina school district (10.3 percent), Capital (8 percent), and Seaford (8 percent). Starting in January, Delaware schools will begin a program of analyzing attendance and test scores to identify students who are at risk of dropping out at an earlier date.

Florida Update

January 2010

According to The Miami Herald, Florida education officials say the State's high school graduation rate has increased by three percentage points to a record 76.3 percent. Rates have jumped for all racial groups: Black rates increased by 4.1 percentage points to 64.9 percent; Hispanic rates grew by 4.5 points to 72.1 percent; and the rate for non-Hispanic Whites went up by 2.3 percentage points to 83.1 percent. The rates for 2009 went up, based on State data, despite the fact that the State stopped counting GED recipients as part of the rate calculation. It should be noted that, in 2006, the State showed a graduation rate of 71 percent, while the non-profit Editorial Projects in Education calculated Florida's rate at 57.5 percent (versus a nationwide rate of 69.2 percent). So it is clear that there are differences in the two calculations.

With as much as \$700 million potentially available to the State through the Federal Race to the Top program, the Florida Education Association may be rethinking its long-standing opposition to the Florida's merit pay plan for teachers. The State has consulted with the union which is concerned that teachers will have to focus entirely on student test scores.

Georgia Update

January 2010

The Center for Education Reform, in its annual report card on the effectiveness of state charter school laws, ranked Georgia 14th in the nation -- with a “C” rating -- for its support of charter schools. The State had a “B” rating in 2008 when it established the Georgia Charter Schools Commission. Until then, only charter schools approved by local school districts were fully funded. Last year (2009) and this year (2010), Georgia’s rating slipped slightly because the State’s charter authority is not truly independent and because of inequitable funding.

The Georgia Charter Schools Commission has approved seven new charter schools offering more choices for parents in the Atlanta area and Southwest Georgia. According to The Atlanta Journal-Constitution, the new schools are:

- Atlanta Heights Charter School (Atlanta);
- Fulton Leadership Academy (Fulton Count);
- Museum School of Avondale Estates and Peachtree Hope Charter School (DeKalb County);
- Coweta Charter Academy (Coweta County);
- Heron Bay Academy (Henry and Spalding Counties); and
- Pataula Charter Academy (Calhoun, Clay, Early, Randolph, and Baker Counties).

Four of the new charters will be managed by regional or national organizations.

Hawaii Update

January 2010

The Honolulu Star Bulletin reports that Governor Linda Lingle is continuing to push for changes in Hawaii's educational governance structure, including having the State superintendent report to the Governor. Currently, the Superintendent is appointed by the school board. The Governor argues that the change would yield a clear chain of accountability. The Governor also plans to introduce legislation that would give charter schools financial parity with traditional public schools including specific per-student funding that will follow the student to any school.

Having failed to make adequate yearly progress (AYP) under the Federal No Child Left Behind Act for five consecutive years, Hawaii is restructuring its low-performing schools. In 2008-09, only 97 Hawaii schools (34 percent) met all AYP targets, down from 119 schools (42 percent) the previous year. Eighty-seven of the schools missed AYP by only one or two NCLB target areas. In recent years, the State has been using outside firms to reform failing schools. After the 2010-11 school year, the State plans to drop the outside providers and handle the restructuring on its own. State officials believe it has used the lessons learned from the outside firms to build its own capacity.

Idaho Update

January 2010

As reported in the Idaho Statesman, the J.A. and Kathryn Albertson Foundation has pledged \$6 million to help the Idaho Education Network ensure that all of Idaho's 200 high schools have the technological capability for distance learning by 2012. Established by the legislature this year, the Network was funded with \$3 million in Federal stimulus money and \$7 million from the Federal E-rate program. It is expected that continuing E-rate money, plus Albertson support to replace the one-time stimulus dollars, will keep the Network funded at \$10 million per year for the next two years.

Kentucky Update

January 2010

The Lexington Herald-Leader reports that the Kentucky legislature, in its next session beginning this month, will consider a number of measures intended to improve low-performing schools. Among the proposals is to allow the State to remove superintendents in chronically low-achieving districts. State officials believe such greater accountability will improve the State's chances of winning a grant under the Federal Race to the Top program. Still another proposal would raise Kentucky's mandatory school attendance age from 16 to 18 by the 2011-12 school year.

According to Education Week, State education officials are considering major changes to Kentucky's public education standards. They believe more uniform content would make it easier to compare Kentucky students' progress with other students and would allow for more accurate testing. Once new standards are adopted, State officials would determine the types of training and other assistance Kentucky educators would need to implement the standards, starting in the 2011-12 school year.

A new study by the University of Kentucky Center for Business and Economic Growth argues that every dollar invested to expand preschool availability in Kentucky produces more than \$5 in benefits to the State. Conducted for Strong Start, a coalition that wants to expand preschool in Kentucky, the study says expanding preschool programs would reduce the need for special education, lower crime, and increase high school graduation rates and post-secondary enrollment rates for low-income students. Currently, preschool is available in Kentucky to 3- and 4-year-olds with disabilities and 4-year-olds from families whose income is less than 150 percent of the poverty level. Strong Start would like to expand preschool availability to all 3- and 4-year-olds beginning with families at up to 200 percent of the poverty rate. The preschool expansion would allow 16,000 more children to be served at a cost of \$73 million annually.

Louisiana Update

January 2010

As reported in Education Week, Louisiana Governor Bobby Jindal has implemented a number of cuts to close a \$248 million mid-year budget deficit. The shortfall stems from a \$197 million drop in State tax income forecasts and an unexpected growth in Statewide student enrollment. The Governor is allowed, under State law, to cut up to three percent for each agency without going to the legislature. Among the cuts are \$16 million from K-12 education, \$84 million from higher education, and \$14 million from social services.

According to Education Week, Louisiana could be eligible for as much as \$175 in money from the Federal Race to the Top program. State officials have said they plan to apply for \$300 million and that most of the State's 70 school districts have declared their interest in participating. The State teachers unions are divided in their support for Louisiana's RTTT plan but the State school boards association opposes it on the grounds that it would increase the number of charter schools and that continued funding would be difficult when Federal dollars run out after four years.

As reported in the Advocate, Louisiana has revamped its plan to compete for the Federal Race to the Top (RTTT) program in response to USED changes in RTTT regulations. The State had focused on winning RTTT money to improve the State's 130 lowest-achieving schools. Now the focus is on local school districts, not schools. Districts wishing to participate will have to create teacher evaluation systems that link pay to student performance in addition to other factors.

As reported in The Advocate, Governor Jindal has outlined a number of actions intended to reduce the Louisiana's high school dropout rate of close to 33 percent. Among the Governor's proposals are to:

- eliminate a failed anti-dropout program -- called pre GED/skills options -- that saw only seven percent of its students actually earn a GED in 2008-09;
- expand a successful dropout prevention effort modeled after the widely-praised Jobs for

America's Graduates (JAG) program; currently, the State is spending \$3 million per year for the JAG-LA program;

- link State aid for dropout prevention programs to performance;
- tighten rules on which 16-year-olds can pursue alternative high school diplomas; and
- move adult education programs from the State Department of Education to the Louisiana Community and Technical College System.

Louisiana has become the first state to link student test scores to the evaluation of teacher colleges, according to [The Washington Post](#). Louisiana's initiative, encouraged by the U.S. Department of Education, uses test scores to evaluate teachers and, in turn, the institutions that train them. It is reported that Florida and Texas are moving toward similar linkages and Maryland and Virginia are studying Louisiana's approach.

Maine Update

January 2010

According to Education Week, in November, Maine voters rejected a version of the Taxpayer Bill of Rights (TABOR) which would have imposed spending limits by State and local governments and would have required voter approval of some tax increases. Voters also rejected a measure that would repeal a 2007 law requiring the consolidation of small, rural school districts.

State officials have drafted legislation that would give “innovative schools” more autonomy over budget, curriculum staffing, and scheduling than traditional public schools. According to the Kennebec Journal, Maine officials believe the measure, while stopping short of approving charter schools in the State, will improve their chances of winning a Federal Race to the Top grant of between \$25 million and \$75 million. The bill would provide a way for local school districts to open or transform existing schools into “innovative schools.”

Maryland Update

January 2010

As reported in the Baltimore Sun, Maryland State education officials have proposed a number of changes to the State's system of teacher compensation, tenure, and evaluations. Among the changes proposed are:

- linking teacher evaluations to student test scores;
- lengthening the time for teachers to receive tenure; and
- requiring teacher unions to bargain over incentive pay for hard to staff subjects.

The latter two changes would require changes to State law.

The Baltimore Sun also reports that Maryland will not submit an initial application under the Federal Race to the Top (RTTT) program. Believing the State is not yet prepared to develop a high-quality application, State education officials say they will submit the application in June after the legislature deals with a number of issues. Maryland had requested a \$200,000 grant from the Bill & Melinda Gates Foundation to help prepare its RTTT application but was rejected by the Foundation because of the State's teacher tenure law.

As reported in Education Week, the Prince George's County school district is piloting a voluntary merit-pay plan in 13 schools. Under the plan, 279 teachers will receive \$1.1 million in rewards for good classroom performance. The plan calls for bonuses of \$10,000 for teachers, \$11,500 for assistant principals, and \$12,000 for principals to be paid half based on student standardized test scores and half based on such other factors as teaching hard-to-staff subjects, professional development participation, and classroom-skills evaluation. District officials have said they would like to expand the program in cooperation with the teachers' union.

Michigan Update

January 2010

According to [Class Notes](#), Michigan has passed on FY 2010 public school budget of \$12.8 billion -- a \$482 million (\$165 per student) cut.

Michigan Governor Jennifer Granholm has placed a great emphasis on the State's winning a share of the Federal Race to the Top (RTTT) money -- up to \$500 million. She highlighted Michigan's need to turn around the State's lowest performing schools, increase the number of high-quality charter schools, improve the quality of principals and teachers, and double the number of college graduates in the State. The State is implementing a plan which they hope will give the State a leg up in its application for a share of Race to the Top funds. The plan:

- expands the number of charter schools by at least ten (including two online schools) over the next five years;
- raises the dropout age from 16-18;
- permits teachers' pay to be based in part on the academic performance of their students; and
- allows professionals from other field to teach in public schools.

As reported in [Education Week](#), a key element of the plan is State takeover of the State's lowest-performing schools. The first step will be compiling a list of such schools -- estimated to be about 170 -- by September 1. Each school will then be placed under the authority of a State school reform officer and will be required to submit a turnaround plan to the State. State teachers unions have opposed some of the language in the bills, but have told their affiliates not to sign off on the plan yet. State officials have indicated a willingness to make changes that do not alter the integrity of the reform process.

[The Wall Street Journal](#) reports that the Detroit school district's budget deficit has been reduced to \$219 million from \$305 million under the management of Robert Bobb, the State-appointed overseer. And, in December, the district's teachers' union ratified a contract under which each

school staff member will defer \$10,000 in pay over the next two years. The union agreement will also make it easier for the district to fire poor teachers and reward good ones. After two years, teachers will get a one percent pay raise and another two percent raise if the district increases its enrollment and gets more State funding.

The Detroit Free Press reports that fourth- and eighth-grade students in Detroit had the worst math scores on the National Assessment of Educational Progress in the 40-year history of the test. In response, the district has outlined an action plan that includes more after-school tutorials, more rigorous curriculum, and increased training for teachers. The district is planning to overhaul its reading program, augmenting its current curriculum, extending the school day, and requiring more professional development for teachers. The district is also developing the DPS Reading Corps, a group of volunteers hoping to improve the district's reading scores. The NAEP indicated that 69 percent of Detroit fourth-graders and 77 percent of eighth-graders scored below basic proficiency in math, the lowest scores in the 40-year history of the exam. District officials believe the low math proficiency is the result of students' inability to read word problems. More than 2,000 volunteers -- retirees, former teachers, corporate employees -- have already signed up to receive the required four to six hours of training. The Reading Corps' website is: www.detroitk12.org/readingcorps.

Mississippi Update

January 2010

Mississippi's new State Superintendent has asked the legislature to allow the consolidation of low-performing school districts and the creation of charter schools in those districts. As reported in Education Week, the Governor has formed a commission to study school district consolidation; recommendations are expected by April 1.

As reported in the Jackson Clarion Ledger, Mississippi's Graduation Rate Task Force has adopted a final report on improving educational attainment and increasing college graduation rates. Among the Task Force's recommendations are:

- establishment of an Education Achievement Council to monitor the State's progress toward meeting its educational goals;
- placing a higher priority on college readiness standards;
- easing the transition from community college to university; and
- developing a system of referrals to community colleges for students who are not prepared for university-level work.

The State's eight public universities and 15 community colleges will submit their plans for meeting specific goals by March 31.

Nebraska Update

January 2010

The Lincoln Journal Star reports that Nebraska plans to apply for \$122.6 million from the Federal Race to the Top competition. Among the elements of the State's application are:

- creating a virtual school to increase the number of online courses; the cost of \$20.6 million would be partially funded by lottery proceeds now used for distance learning;
- improving the State's data reporting system to track post-secondary students and link teachers to students' academic performance;
- developing a mentoring system for beginning educators;
- identifying low-performing schools and hiring eight school reform specialists; and
- using total school performance over a number of years and graduation rates to identify lowest-achieving schools.

Nevada Update

January 2010

The Las Vegas Sun reports that Nevada Governor Jim Gibbons has put forth a number of education proposals that have little or no chance of passage. Among the Governor's plans for cutting education spending by \$30 million to \$100 million include:

- eliminating State funding for class-size reduction and all-day kindergarten;
- establishing a private school voucher program; and
- eliminating collective bargaining rights for teachers (as well as for other government employees like police and firefighters).

Even Republican leaders see little likelihood that the Governor's proposals will pass a Democratic-controlled legislature.

New Jersey Update

January 2010

The New America Foundation has prepared a White Paper on New Jersey's reform efforts for students in preK to third grade. For the past decade, New Jersey has provided high-quality preK programs for all 3-4 year-olds in the 31 highest poverty districts in the State (known as Abbott districts). The State has made strides to expand preK services for at-risk children in its other 560 school districts. Research indicates that New Jersey's early childhood efforts have yielded positive results including significant and sustained learning gains and a closing of the achievement gap for disadvantaged and minority students. The Foundation's White Paper makes a number of recommendations for both New Jersey and other states with respect to early childhood programs:

- New Jersey should continue to extend the Abbott preschool program into kindergarten and early grades;
- The State should allocate more resources to grades K-3;
- It should implement new observational measures to track improvement in the quality of PreK-3 instruction;
- New Jersey should establish a revolving loan fund to help community-based providers improve preK facilities;
- Other states should integrate investments in early childhood programs within a broader education reform agenda.

The former head of New Jersey's early childhood program, Jacquelyn Jackson, has been appointed to head the U.S. Department of Education's early childhood initiatives.

New Mexico Update

January 2010

The Las Cruces Sun News reports that the New Mexico legislature is debating the proposed Hispanic Education Act which is intended to close the achievement gap between white and Hispanic students. Currently, the State's high school graduation rate for Hispanics is 56 percent compared with 71 percent for whites. The proposed law would provide curricula based on Hispanic culture and language. Critics of the bill say that it is unnecessary because much of what is being proposed is already being done in the schools. Moreover, it is not clear where the money to implement the law will come from.

New York Update

January 2010

Education Week reports that New York's Board of Regents has proposed a number of other changes intended to enhance the State's chances of winning as much as \$700 million from the Federal Race to the Top program. The plan would double -- from 200 to 400 -- the cap on the number of charter schools Statewide and would link teacher compensation/advancement to student performance. Both of these measures have, however, been strongly opposed by teachers' unions and the State legislature.

As reported in Newsday, State education officials have put forth a plan that would expand the State's power to turn the operation of "persistently lowest-achieving schools" over to outside management agencies -- charter operators, universities, or other independent organizations. The plan, which could help New York's bid to win a share of Race to the Top grants, is subject to approval by the State's Board of Regents and the legislature. The plan has identified 27 schools Statewide that would be subject to such State-mandated changes and there are indications that the actual number of schools could be as high as 50.

The New York Times reports that New York City schools will begin using student test scores as factor in awarding teacher tenure. The district already uses test scores for determining principal and teacher bonuses, as well as for rating schools. The plan has been strongly opposed by the City's teachers union. District officials say the approach is consistent with the requirement for "data-driven" decision-making embedded in the Race to the Top program and that the State legislature should require all districts to evaluate teachers and principals with such data-driven systems.

North Carolina Update

January 2010

The Raleigh News & Observer reports that the North Carolina State Board of Education has issued new guidelines for the State's charter schools. Under the new rules, charters will be revoked if, in two out of three years, charter students do not meet academic expectations or if fewer than 60 percent score at or above grade level on State standardized tests. Had the new rules been in effect for the past three years, at least seven schools would have lost their charters. The new guidelines also emphasize innovation as a consideration for granting new charters.

Ohio Update

January 2010

According to AkronNewsNow.com, new, more rigorous mathematics requirements will become effective with Ohio's Class of 2014 (entering freshmen in Fall 2010). In order to graduate, high school students will have to complete four units of math (compared with the three units now required) one of which must be Algebra II. The new math requirements are part of the Ohio Core curriculum established by State law in 2007. Ohio was one of five states that participated (in Spring 2009) in the first administration of the Algebra I and II end-of-course exams developed by the American Diploma Project Assessment Consortium. More than 60 percent of the 2,031 Ohio students tested scored at the lowest level (i.e., below basic).

As reported in the [Cleveland Plain Dealer](#), under a new State initiative, every Ohio public school district is supposed to offer full-day kindergarten. Local district officials have, however, indicated they cannot afford the additional costs associated with shifting from the traditional half-day schedule. The State legislature is considering a measure that would delay the requirement for a year.

Also reported in the [Cleveland Plain Dealer](#), the 50,000-student Cleveland school district has put forth a reform plan that would involve the closing of 18 schools and the reorganization of many others. Costing an estimated \$70 million, the plan -- known as "Whatever It Takes," will be a tough sell in a district facing a \$53 million deficit. The school closings, scheduled to take place at the end of this school year, would result in the reassignment of more than 4,500 students. And, at 21 other schools, major changes would occur -- replacing staff, redesigned curriculum, and conversion to charter schools. The plan, to go before the School Board on February 23, has yet to be reviewed by the district teachers union.

[The Cleveland Plain Dealer](#) further reports that a new nonprofit management company -- known as Break-through Charter Schools -- is being established by four Cleveland charter schools. To

be headed by Alan Rosskamm, former CEO of Jo-Ann Stores, the new firm represents a partnership of Intergenerational School, Citizens' Academy, Entrepreneurship Preparatory School, and Village Preparatory School. The group plans to participate in the "transformation plan" that is in the works for the Cleveland school district, including a mix of reform strategies such as turning some schools over to outside management.

Oregon Update

January 2010

The Oregon State Board of Education has voted to allow high school students with only intermediate English skills, but who read and write well in their native languages, to receive diplomas. It is estimated that the ruling would affect about 300-400 Oregon students out of the 36,000 who graduate each year. Experts estimate it takes at least five years for non-native English speakers to gain full English proficiency. Beginning in 2010, Oregon high school students will be required to pass the high school reading test (or show equivalent reading skills) and, in 2013, they will have to pass an essay test as well.

Pennsylvania Update

January 2010

As reported in Education Week, after a three-month budget impasse, in October, Pennsylvania Governor Ed Rendell signed an FY 2010 budget of \$27.8 billion. The delay meant that two rounds of State subsidy payments to districts (worth \$1.3 billion) were delayed. The new budget includes a 5.7 percent increase in the basic education subsidy -- from \$5.2 billion to \$5.5 billion - - made possible by \$655 million in support from the Federal stimulus program. Total K-12 spending will increase by three percent to \$9.3 billion.

The Pennsylvania legislature is considering a proposal that would overhaul the State's charter school law, require the State to increase its oversight of charter schools, and allow colleges and universities to approve charter schools. Currently, there are 127 charter schools in Pennsylvania; of the 67 in Philadelphia, at least six are part of a Federal criminal investigation. The new plan would establish an office to investigate allegations of mismanagement and fraud at charter schools and would the charter school application and appeals process. As reported by the Philadelphia Inquirer, many of the changes proposed come from a model law prepared by the National Alliance for Public Charter Schools.

Rhode Island Update

January 2010

Rhode Island has set forth a plan to raise the standards for new teachers over the next two years. Currently, according to The Providence Journal, Rhode Island has the lowest “cut” scores on the Praxis I of 170 in each subject, at which level about 30 percent of Rhode Island test-takers fail. The new plan would require prospective teachers next Fall to score 175 in reading and math and 173 in writing. By 2011, the cut scores will be 179 in reading and math and 177 in writing, a level at which 54 percent of test-takers can be expected to fail. Teacher candidates with high SAT, ACT, or GRE scores can avoid having to take the Praxis -- a combined verbal/math SAT score of 1,100 in 2010 and 1,150 in 2011. Several of the State’s teacher training programs have expressed objections to the plan.

South Dakota Update

January 2010

The South Dakota legislature will soon be considering a bill that would allow, for the first time, the operation of charter schools in the State. The new charters would require the consent of local school districts. The measure is part of South Dakota's effort to apply for \$68 million under the Federal Race to the Top program. The legislation would also establish a special charter school for Native American in high school and the first two years of college. This part of the bill is being championed by a member of the State Board who has been involved in urging participation of Native American students in science, technology, engineering, and mathematics through the Federal Gear UP program operated at the South Dakota School of Mines and Technology.

Tennessee Update

January 2010

As reported in The Tennessean, Tennessee is developing a new education partnership intended to improve education in science, technology, engineering, and mathematics (STEM). The State and local school systems, working with Battelle Institute, wants to establish a Statewide network of STEM education programs. The network will allow the sharing of best practices in STEM education, build leadership and training programs, and provide resources for STEM programs. This initiative is part of Tennessee's effort to win a share of the Federal Race to the Top competition money. Tennessee believes it is in the running because of its student data system, changes in the State's curriculum, and grant preparation assistance from the Gates Foundation.

Education Week reports that Governor Phil Bredesen has called a special legislative session in January to consider further education changes that would enhance Tennessee's chances of qualifying for a share of Race to the Top money. Among the changes proposed by the Governor are:

- requiring that teacher and principal performance evaluations be based on data;
- requiring that tenure decisions be based on those evaluations;
- mandating annual teacher assessments; and
- creating a Statewide recovery district for failing schools.

A study by researchers at the University of Tennessee projects that, by the Fall of 2013, there will be such a teacher shortage that 40 percent of the current positions could be unfilled. Even next year, the State will need more than 69,000 teachers but will have only about 58,000 on the payroll. Conducted in conjunction with the Kentucky Department of Education and the State's Higher Education Committee, the study said the most critical needs will be for math and science teachers as well as teachers in special education and vocational education.

As reported in the Tennessean, Nashville Mayor Karl Dean has formed a nonprofit intended to

increase the number of charter schools in the City. Called the Center for Charter Schools in Tennessee, the organization will serve as a “charter school incubator,” identifying and training new charter school leaders and providing support for new starts. Modeled after organizations in New Orleans and New York, the Center will start with \$1.5 million in seed money from the City’s Education First Fund which receives private donations for education reform. Potential charter school leaders will have a year of “residency” at a high-performing charter through a national program known as Building Excellent Schools. The new Center will be headed by Matt Candler, former head of New Schools for New Orleans, a nonprofit that expanded charter schools in New Orleans after Hurricane Katrina.

Texas Update

January 2010

The Austin American-Statesman reports that Texas State Education Commissioner, Robert Scott, has sharply criticized the Federal Government because of the current Administration's support for common standards across states, particularly the competitive advantage in the Race to the Top program for states that participate in the common standards. Similarly, incumbent Governor Rick Perry, who is in a tough primary battle, has also criticized the Obama Administration for the common standards effort. Texas and Alaska are the only two states that are not participating in the multistate effort to establish common academic standards.

The Dallas Morning News reports that the number of Texas students taking Advanced Placement (AP) exams has grown geometrically in the last 20 years -- from 12,000 students to almost 160,000 (more than ten percent of total high school enrollment). At the same time, however, 54 percent of the AP tests taken received failing grades (1 or 2 out of a possible 5) compared with a national failure rate of 43 percent. Public school students failed 54 percent of their AP exams last school year versus 27 percent for private school students. And the highest failure rates for Texas AP test-takers were in history, economics, and biology.

The Dallas Morning News also reports that 15 percent of Texas ninth-graders have to repeat the grade. In fact, last year 79 percent of eighth-graders passed the State math assessment but only 17 percent of ninth-graders did so. The State legislature has allocated \$6 million of Federal stimulus money to a project at the University of Texas at Dallas called Middle School Brain Years. This program is intended to teach middle school students how to analyze what they learn rather than read and memorize. The researchers believe middle school is the best place to teach critical thinking.

According to The Dallas Morning News, starting with entering high school freshmen in 2011, Texas high school students will be required to pass 12 end-of-course exams in order to graduate.

As many as 350 school districts are administering early versions of the tests to students this year. The Algebra I exam was given to 79,000 students with only 57 percent passing the 50-question test. Similarly, only about 60 percent of the 58,000 students who took the biology exam passed. Five tests -- Algebra I, biology, chemistry, geometry, and U.S. history -- have been developed thus far, with two others -- physics and world geography -- available in the Spring of 2010. Exams for English I, English II, and Algebra II will be field-tested in the Spring and available a year later. The final two exams -- English III and world history -- will be field-tested in 2011.

Virginia Update

January 2010

The Community College Research Center at Columbia University has conducted a study of community college “gatekeeper” courses -- courses at the first level of college credit -- in Virginia in 2004. Among the study’s findings were:

- Most students never enrolled in the gatekeeper courses because they completed their education in remedial classes.
- Students who completed remedial courses and then enrolled in gatekeeper courses did as well as students who did not need remediation.
- Only 50-60 percent of the students who were urged to take remedial courses actually enrolled in them. In some cases, however, students who ignored recommendations to take remedial courses did as well as those who took remediation.

Washington Update

January 2010

In late November, Washington State put forth a draft plan for upgrading the State's early learning system. Among the plan's elements are:

- improved training for early learning teachers;
- better coordination among all preschool services, including nutrition, health care, and daycare;
- universal access to high-quality, affordable childcare and early learning programs;
- a rating system for preschools.

The draft is open for public comment through March 2010.

The Washington State Board of Education has approved a new school improvement plan for failing schools in the State. If approved by the legislature and signed by the Governor, the plan would require schools in the bottom five percent of a new accountability index to have a performance audit and begin a collaborative improvement approach that, State officials hope, will stop short of State takeover. Washington State's improvement process was designed to correspond with the Federal School Improvement Grant (SIG) program that provides funding for four improvement model interventions.

The *Curriculum Matters* blog on [Education Week](#) reports that Washington State officials are wrangling over the implementation of rigorous new high school graduation requirements in writing, speaking, math, and science. Governor Christine Gregoire and the State school board are pushing for immediate use of the requirements while State Superintendent Randy Dorn has proposed a delay. Dorn argues that most students are not ready for the new requirements which do not match the current curriculum. He is proposing a two-tiered math system: one for students who score "proficient" in math and another for those scoring "basic." "Basic" students could still graduate with a regular diploma if they complete a fourth year of math.

Wisconsin Update

January 2010

As reported in the Milwaukee Journal Sentinel, the Milwaukee school district plans to spend \$4 million in Federal stimulus funding over two years to improve its parental involvement program in 35 schools. The district has been cited by the State for a number of shortcomings, including:

- lack of data, district wide or school-by-school, on parent attendance at parent-teacher conferences;
- no coordination between schools and outside groups, including public agencies, and non-profits;
- only two percent of the district's 55,000 families attended any of the 20 parent training sessions in 2007-08; and
- in 2008-09, only 12 percent of district families had a Parent Assist account which allows parents to monitor student attendance and grades online.