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MEMORANDUM

DATE: April 29, 2011
TO: TechMIS Subscribers
FROM: Charles Blaschke and Blair Curry
SUBJ: Unspent ARRA Funds; SIIA Forum Highlights; Assessment Consortia Update; and State Profile Updates

On April 15th, two Special Reports were sent to subscribers:

- A. The FY 2011 education budget agreement with details yet to be published in early May, which we will include in our next report;
- B. A likely scenario for ESEA reauthorization through “regulatory relief” measures and “fix-it” amendments

This TechMIS issue includes a lengthy Special Report on highlights and “takeaways” from the SIIA Government Forum in mid-April in which knowledgeable policy observers and officials addressed reauthorization, use of technology in major reform initiatives, and Common Core Standards assessments being developed by two consortia. Panelists and officials generally agreed that: (1) regulatory relief is much more likely than full-scale ESEA reauthorization this year; (2) the expanded use of technology in Race to the Top and School Improvement Grants is “too early to tell,” although significant potential opportunities do exist; (3) major reform initiatives such as Common Core and Race to the Top, especially at the state level, are “moving slowly;” and (4) the Common Core assessment initiatives is fraught through and through with potential political landmines. Also included is a Stimulus Funding Alert for Title I and IDEA ARRA funds which strongly suggests firms should target these funds -- totaling about \$5 billion -- now through September 30th by approaching district superintendents and high-level officials with alternative ways of obligating funds rather than having to return them to the “Feds” or being accused of spending them unwisely.

Also included are the following Washington Updates:

- **Page 1**
During the Council of the Great City Schools Annual Conference in mid-March, the primary foci of Council staff and member district officials were retaining existing Federal funds for Title I, IDEA, and other major formula programs and regulatory relief in

several areas to provide greater flexibility for member districts (e.g., nullifying the 20% SES/choice set-aside).

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Federal funds which have been granted to the two Common Core assessment consortia to develop, not only assessments, but also “curriculum units,” remains a high, legitimate concern to publishers as Congressional and other opposition will likely raise legal questions that could affect implementation.

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The final USED notice for soliciting applications from consortia of states to develop English language proficiency tests for the Common Core Standards state assessments has been modified to ensure that at least two consortia will receive their share of the \$10.7 million grant competition; one goal is to develop an “acceptable” definition and criteria for allowing ELL students to “exit” from English language development programs.

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The influential, conservative Thomas B. Fordham Institute has produced an ESEA “Briefing Book” with recommendations that are likely to be taken seriously by GOP leaders and some moderate democrats in Congress.

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Title I comparability requirements could be changed in the ESEA reauthorization or “fix-it” amendments which could have direct implications for the use of technology.

- **Page 7**

Quarterly report on potential E-Rate refunds which could be used to purchase software and professional development.

The report also include state profile updates on a range of issues including: school vouchers, online learning, Race to the Top activities, state high school graduation exams, and teacher agreements on collective bargaining, tenure, seniority, and merit pay.

Special Report:
Takeaways from SIIA Government Forum April 11-13 on Education Policies, “Reauthorization,” Priority Programs, and Common Core Standards and Assessments

A Technology Monitoring and Information Service (TechMIS)
SPECIAL REPORT

Prepared by:
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April 29, 2011

During the April 11-13 SIIA Annual Government Forum, speakers and panelists addressed a number of policies and programs, many of which have direct implications for most TechMIS subscribers, particularly education software publishers. Below, we highlight some of our takeaways from the presentations and “questions and answers” of knowledgeable education policy observers, high-level USED officials, and association officials responsible for major initiatives such as the Common Core State Standards (CCSS) and the two assessment consortia.

A. ESEA “Reauthorization” and Federal K-12 Funding

During a panel session, knowledgeable observers and policy pundits Alyson Klein (Education Week Policy K-12), Andy Rotherham (Co-Founder of Education Sector/former Clinton education official and member of the Virginia State Board of Education), and Mike Petrilli (former Bush Administration education official and Vice President of the Thomas Fordham Institute), shared their predictions on major policy issues including future of K-12 funding, ESEA reauthorization and “regulatory relief.”

Amid the disappointing news about the FY 2011 budget, including zero funds for E²T², Rotherham noted that technology has had “a hell of a good time over the last two decades beginning with the Clinton Administration.” Moreover, noting that minimal funds are available to implement the recently released National Education Technology Plan, several panelists offered opportunities in other program areas. Alyson Klein predicted that the “role for technology in School Improvement Grants is still unfolding,” while Rotherham felt that technology use under Race to the Top is “too soon to tell.” Indeed, the current economic situation could force increased use of technology. Klein felt that lessons could be learned from the implementation of School Improvement Grant intervention models but a lot of money might be wasted. Rotherham indicated that a good opportunity for technology vendors would be to target “mediocre” schools, not just the lowest-performing ones, and take advantage of the Secretary’s recent pro-technology statements which will provide “political cover” to those officials in “mediocre” districts who are serious about implementing change, in such states as Indiana, Delaware, and Massachusetts.

Rotherham argued that it would be tough for ESEA reauthorization to occur this year, but maybe next year. Klein felt that some reauthorization would occur only if no other bipartisan legislation can be agreed upon. Noting that Secretary Duncan had predicted that over 80 percent of all schools would be identified for improvement next year under existing NCLB AYP calculations, in response to my question, Klein and Petrilli suggested that “regulatory relief” is a most likely alternative. Rotherham said “regulatory relief,” in combination with fix-it amendments, would likely occur if there were few Congressional objections, which is the same position he took last year. He also suggested that firms which support immediate regulatory relief should focus, not only on Congress, but perhaps more importantly on state and district officials, to generate regulatory relief pressure in a number of areas (see April 15th TechMIS Special Report). Klein also felt that a combination of regulatory relief and fix-it amendments, along the lines of the principles which Senators Bennet and Hagan outlined (as noted in our February 15th TechMIS Special Report). Such regulatory relief could provide increased opportunities for firms in the areas of instructional management, expanded use of technology, and schoolwide programs, and, according to Rotherham, would provide a major “push” for RTI approaches. During 2009, according to Education Week, Secretary Duncan approved 315 regulatory relief waivers for SEAs/LEAs compared to less than 30 approved by former Secretary Spellings in 2008.

B. i³ Innovation Grants and Race to the Top Opportunities for Technology

Jim Shelton, Assistant Deputy Secretary for USED, whose office is responsible for i³ Innovation Grants, argued that one of the best ways to leverage reform is through the “integrated” use of technology in i³ and across all other education programs rather than as a separate set-aside for technology such as the defunct \$100 million for E²T². He pointed to the need to do away with out-moded concepts, such as the use of seat time, which are barriers to realizing the potential time savings and productivity increases in the use, for example, of online delivery. He said, under the next i³ rounds (when he spoke, the \$150 million in the negotiated FY 2011 budget had not been announced), new priorities would be set-asides for STEM and the “cutting edge” use of technology. While he said he “expected more rural district participation through education service agencies during the next round,” he did not specifically state how this was going to occur.

In response to a number of questions, Shelton also stated that, while the statute precluded profit-makers taking a “lead partner” role, they can still participate as “other providers” noting, however, that only a few for-profits participated in such a way in i³ projects to date. He also said there would be greater opportunities for technology under the proposed Advanced Research Project Agency for Education through the creation of university/private collaboration incubator entities. One non-profit firm in the audience also observed that the peer review process was “anti-technology” in the ratings of its proposal for which the non-profit firm was proposed as a “lead provider.” Shelton admitted that the peer review process could be improved. He solicited the names of individuals from the audience who do not have a conflict of interest and could participate as peer review team members. Another question related to opportunities for private for-profit companies to participate in efforts which would result in Open Education Resources being made available “freely.” Shelton said that the firms have to add value and would have to use technology to “navigate” to and through open-source quality content. The overall objective has to be to provide all students equal access to quality content for less dollars.

A last question, which we raised, was what definition of “research-based evidence” would be used: the current one used in the first round of i³ grants -- which most private sector firms supported over the previous gold standard of “scientifically-based” research -- or the “research principles” outlined in the Higher Education Act reauthorization passed two years ago which is being used to rate the quality of evidence supporting applications for the ongoing Striving Readers grant competition (see February TechMIS [Washington Update](#)). Shelton made “no comment,” suggesting he was not aware of the definition proposed in a footnote to the Striving Readers application guidance to the states submitting applications in May.

Opportunities for technology in RTTT were addressed by a panel moderated by Ann Schiano of Meta Metrics. In her overview, Anna Kimsey, Vice President of Dutko Worldwide, identified general trends:

- Online delivery is being used to implement college readiness standards in a number of states, including Ohio and New York, and also to facilitate professional development and teacher collaboration.
- A large number of RTTT winning states are providing some of their funds to the PARCC consortium to develop CCSS assessments.
- Referring to a somewhat outdated [Education Week](#) chart on RTTT winning states’ initially-proposed budgets, the only states which have “outlaid” a significant portion of their funds thus far are: Delaware (8.6 percent) and Tennessee (5.5 percent).
- Of the second round winners, about five states had not yet received final approval on their scopes of work, which is holding up spending even though some RFPs have been sent out by SEAs.
- Two problems which SEAs are having to deal with is how to involve the private sector (e.g., state procurement, partnerships, contracts) and how to keep LEAs from dropping out of participation.
- Several states are leveraging funds from other funding sources -- such as SIG, state longitudinal data systems, and teacher incentive funds -- to implement components of their RTTT plans.

One set of problems has been created by changes in state leadership since the official winning states applications were submitted. New chiefs are in Tennessee, Ohio, and Florida, while new governors have been elected in Tennessee, Ohio, Florida, Georgia, New York, Rhode Island, Hawaii, and a new Mayor in the District of Columbia. Kimsey noted that not-for-profit groups, especially those which participated in the early drafting of the applications, are continuing to participate, in many cases having a major role. For the private sector, her advice was to know the process which is going on in each state and who the players are, which is “one half of the battle.”

We raised the question as to whether any of the amounts to be contracted out that were included in the SEAs first submission budget have been changed as a result of approved scope of work changes by USED. Kimsey indicated that most of the changes that have been approved by USED, or have yet to be approved, relate to changes in timeline deliveries.

SEA officials and non-profit partners from North Carolina and New York presented their state

plans in terms of technology initiatives or opportunities, which included:

- expansion of virtual learning/online delivery of instruction, professional development, and STEM;
- learning management systems/curriculum management systems development at the SEA and LEA levels;
- tools to implement formative assessments used to inform instruction;
- systems to increase access for early childhood education;
- platforms which can be used to customize assessment data to create lesson plans as part of overall curriculum models;
- multiple efforts to develop or implement capacity building.

New York officials advised firms to get to know state education “professional organizations” and specifically BOCES in order to customize solutions to LEA needs. Advice for dealing with North Carolina would be constantly to check the North Carolina interactive procurement system because RFPs are posted on a short-term notice basis and to be patient with the SEA activities as they are deliberately “moving slowly.”

During a session on School Improvement Grants and Title I, Deputy Assistant Secretary Carl Harris, a former North Carolina district superintendent, provided an update on the number of schools participating in SIG through April 6th, including 831 Tier I and Tier II schools and 416 Tier III schools. Almost 50 percent of Tier II and Tier I schools are high schools. Tasha Franklin Johnson, Director of Federal Programs and Title I in Baltimore City Schools, encouraged firms with appropriate products and services to target schoolwide programs for both Title I and SIG funds where appropriate, because they are “ripe” for appropriate technology use. Some of the areas where her staff needs help include:

- obtaining access to data in a quick and reliable manner;
- developing and maintaining district capacity;
- supporting teachers in the integration of technology;
- ensuring that the ten percent set-aside for professional development each year and additional funds that are carried over are used effectively and that firms provide necessary follow-up and support for schools that are “identified.”

Two other points were made by the veteran Title I Director, including: (a) the jury is still out on the effectiveness of SES even though a wide range of technologies are currently being used in the Baltimore SES program; and (b) vendors need to clearly justify that all costs are “reasonable and necessary” when Title I and SIG funds are used and presented in such a way as to help her staff maintain records for compliance; they must include evidence of effectiveness because all Title I strategies are data-driven in the combined Baltimore Title I and SIG initiatives, which total almost \$90 million.

C. Common Core State Standards and Assessment Consortia Progress and Implications/Opportunities

Several sessions addressed Common Core State Standards (CCSS) and possible opportunities for technology vendors now and in the future.

Key officials from the Council of Chief State School Officers and the National Governors

Association, who coordinated and supported state development of Common Core Standards in one way or another, said the process must “move slowly, but it must be done right.” Ricki Price-Baugh, Director of Academic Achievement for the Council of the Great City Schools who also directs a pilot of eight LEAs, advised firms not to “invest big now and only focus on the frameworks.” Association officials in another panel representing higher education generally agreed that movement toward college and career readiness represents the biggest “shift” and problem to be addressed. This confirms CEP’s recent study findings that fewer than ten states have thus far attempted initiatives between K-12 and higher education in the readiness area, with most postponing serious implementation until after 2012 (see January TechMIS [Washington Update](#)). The CCSSO is soliciting suggestions and ideas regarding implementation at its website: www.ccsso.org/ctee, which is the Council’s Technical Expertise Exchange. According to Price-Baugh, the Council’s pilot sites are focusing on a number of issues at this time, including:

- ensuring that standards and frameworks address the needs of English language learners and students with disabilities;
- inclusion of project-based instruction that goes beyond just practice;
- infusing complex tasks, such as critical thinking, into the frameworks;
- developing capacity through on-demand professional development and support;
- providing training and content development, especially for elementary math teachers;
- linking student achievement to inform instruction; and
- ensuring low-cost means to change and update instruction.

One related effort underway at the NGA is an assessment of college performance in the area of remediation about which they will be issuing a report in the near future.

Perhaps the most contentious issue addressed by USED officials, panelists, and the audience related to the assessments aligned to the standards being developed by the two state consortia. In an earlier session, Andy Rotherham said the two-state consortia assessment effort is “a real train wreck waiting to happen.” We asked Dane Linn, in an earlier session, whether the “transition” in which “curriculum units” were being developed (see related [Washington Update](#) item) could be perceived by GOP Congressional leaders, who opposed any Federal development of a “national curriculum” as being a violation of a 1979 law, prohibiting such Federally-mandated curriculum could sabotage the entire assessment effort (see related [Washington Update](#) item). Linn paused, then deflected with a comment by stating that the Center on Effective Practices, which he directs at NGA, has a policy of not accepting any USED funds to minimize such political upheavals. After the assessment session, in an online discussion, Joanne Weiss, Chief of Staff for Secretary Duncan and the first director of Race to the Top initiative, commented on potential problems by saying, “Politics would kill the assessments more than anything else.”

In her opening comments, Weiss extolled the virtues of using smart technologies in the assessments, noting that USED would be able to do away with the so-called 2% modified standards alternative assessment used for certain categories of students with disabilities “because advances in technology can readily provide necessary accommodations.” She also pointed to the advantages of technology-based delivery, analysis, and reporting -- as well as to its use for instruction -- as planned by both consortia. Officials from the two assessment consortia also emphasized the difference between states that are participating in one or both consortia versus those involved in the governing structure which have already made a commitment to adopt the

resulting assessments. She emphasized the critical role of the Advisory Committee as the key in setting “cut scores” for all states participating in a specific consortium. The two consortia will issue a joint RFP asking vendors to propose how states can adopt and use either of the computer-based assessments being developed. A second joint RFP will be issued addressing system architecture and defining “open platform forums.”

The major bone of contention during the session, raised by a spokesperson for technology vendors, was how the two consortia will be able to design assessments to operate on the technology which will likely be available during the first implementation year around 2015, if the two consortia are precluded from communicating with technology vendors and experts during the RFP planning process. Evidently, the consortia have taken the positions that they are precluded from any discussions with technology vendors, or even some software publishers, while RFPs are being developed. One suggested means for doing communication would have the envisioned new Advance Research Project Agency for Education fund an entity with no vested interest, but high levels of expertise, to become an “independent agency” between the procuring agency (the consortia) and the potential providers of technology in much the same way that groups such as Mitre Corporation and TRW were created and used in the Pentagon when DoD’s DARPA was created in the middle of the last century.

As several industry attendees noted, the assessments -- both of which will be technology-based -- will drive the curriculum. In fact, the first joint meeting sponsored by USED involving the two consortia was held April 15th and addressed only technology issues, as reported in Education Week (April 19th). The transcript from that hearing reportedly will be available at <http://www2.ed.gov/programs/racetothetop-assessment/index.html>.

Stimulus Funding Alert: Firms Should Target Unspent ARRA Stimulus Funds in Title I and IDEA Now Through End of Fiscal Year

A Technology Monitoring and Information Service (TechMIS)
SPECIAL STIMULUS FUNDING ALERT

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April 29, 2011

As we have increasingly suggested over the last several months, TechMIS subscribers with appropriate products and services should increase marketing/sales efforts to states and districts which have “cumulative available balances” (i.e., unspent district obligations) of Title I and IDEA ARRA funds which have to be obligated by September 30, 2011 and actually spent by December 31, 2011. Marketing plans should also include targeting unspent portions of the \$10 billion Education Jobs Fund (EduJobs) as such funds can be used to retain teachers over the next 18 months, which could possibly “free up” other monies than can be used to purchase technology and related products and services. The numbers cited below are from the official April 22 USED ARRA spending report for Title I Financial Incentive and IDEA ARRA funds. Talking with SEA officials, we have been able to confirm that USED reports are fairly accurate even though the ways, when, and how state reports are made to USED vary significantly (e.g., Wisconsin spends other dollars first then requests ARRA reimbursements from USED which are then included in USED reports). The reliability and accuracy of USED spending reports on other programs such as E²T² State Technology Grants appear to vary considerably among states; in some states the “lag” between E²T² spending and reporting is significant.

As of April 22, USED reports that, of the \$11.3 billion IDEA ARRA portion, \$2.97 billion, or about 25 percent, is still in the “cumulative available balance” (i.e., has not been outlaid/spent) at the district level as shown in our Table 1 created from official USED reports. Districts in several states which have balances of 40 percent or more include: Alaska, Colorado, Guam, Hawaii, Nebraska, New York, Puerto Rico, South Carolina, Utah, Virginia, Virgin Islands, and Wyoming. It should be noted, while Oklahoma has only 19 percent unspent earlier this year, the state had to return about \$10 million of regular IDEA funding from FY 2009 because it failed to obligate that money by September 30, 2010. In the case of Wyoming, nearly 50 percent of IDEA ARRA funds are still available, along with about 90 percent of Title I Incentive ARRA funds (see Table 2). The State has already announced it would be returning such funds to the Treasury for reasons difficult to fathom. Some districts have yet to take advantage of the Section 613 local adjustment option which allows districts to use up to 50 percent of their increase in IDEA funds, including ARRA money, to free-up an equal amount of local resources currently being used to pay for costly mandated special education programs. At the last moment, these districts could take advantage of this option. If so, such freed-up money could be used to purchase any

products or services allowable under ESEA or they could be used to retain teachers or other positions, an option which is not very likely this close to the end of the school year. This approach can be successful based on discussions with some exhibitors at the April 27-29 CEC Conference.

In Table 2, we provide a reconstructed USED spending report on Title I Financial Incentive grants with the cumulative available balance and percent available for each state. All states (except District of Columbia and Hawaii) have spent their portion of the Title I “targeted” grants. This could be attributed to a state reporting error. Of the \$4.9 billion of Title I ARRA “incentive” funds obligated to the states a year and a half ago, about \$2.87 billion or 54 percent was reported by USED to be in the cumulative available balance. That money has yet to be outlaid or spent at the district level. States with largest percentages in their balances include: Colorado, Michigan, Nebraska, Nevada, New Hampshire, Utah, Virginia and Wyoming. In addition, Hawaii and the District of Columbia report they have spent none of their obligated funds, which is likely a reporting error. As a footnote, the \$4.9 billion “incentive” grants portion is approximately half of the almost \$10 billion Title I total ARRA funding which has to be obligated by September 30, 2011. The major difference between the Title I and IDEA regular funding streams for this year is that both the regular IDEA funding for this year (about \$11.5 billion) and the unspent IDEA ARRA portion have to be obligated by districts by September 30, 2011; however, as a result of waivers -- which most SEAs have requested and received -- districts can automatically carry over more than the 15 percent limit on regular FY 2010 Title I funds to next year. Approximately \$15 billion for FY 2011 in Title I Part A funds was recently appropriated money which will begin flowing after July 1st this year. If Title I allocations in the FY 2012 budget are about the same level as this coming year, then one can reasonably expect another large purchasing cycle using Title I FY 2011 regular funds and FY 2010 carryover funds beginning about this time next year. Discussions with knowledgeable individuals, including State Title I Directors, suggest a number of reasons why districts are holding onto Title I ARRA funds until the last moment, including:

- hopes to soften the negative impact of the “funding cliff” next school year;
- lack of capacity on the part of the SEA because of significant staff turnover and even within USED to compile and review significant increases in data for compliance purposes; and
- uncertainty over both Federal and state funding, which was only recently resolved at the Federal level.

As district officials finally decide to spend remaining balances of Title I and IDEA ARRA funds, many will be reprogramming certain line items for purchases of products with low operating costs in the out years, and perhaps most critically, professional development.

As Jennifer Cohen noted in her [NewAmerica.net](http://www.newamerica.net/publications/blogs/recent?page=2) blog on April 19th (<http://www.newamerica.net/publications/blogs/recent?page=2>), spending cycles for the EduJobs stimulus bucket differ from the Title I and IDEA buckets in that the funds do not have to be obligated until September 30, 2012. According to USED, as of April 8th, about 42 percent of EduJobs money has been obligated to states; however, almost 100 percent or more has been drawn down in states such as Pennsylvania, South Dakota, Kansas, Georgia, with almost 90 percent drawn down in California. Included in the FY 2011 Appropriations Act that was only

recently signed, Texas is now eligible to access its allocation of approximately \$830 million as noted in our April 15th TechMIS Special Report. While 22 states have drawn down less than 25 percent of EduJobs funding thus far, states such as Alaska, Colorado, Maine, and New Jersey have drawn down less than five percent and states such as Hawaii, Missouri, North Dakota, Nebraska, Vermont, and West Virginia have had no funds drawn down. As Cohen correctly notes, this does not necessarily mean that these states have not spent any funds under the Education Jobs fund; “Instead it means they have not yet received reimbursement from the Federal Government for approved expenditures they may have made.” As noted earlier, while these funds are not supposed to be used to purchase products and only under certain conditions can they be used for certain types of professional development and support, EduJobs funds can be used to “free up” local and state funds which otherwise would be used to retain teachers now and next year. These “freed up” funds could also be used to purchase products and services.

**Table 1 - Department of Education
American Recovery and Reinvestment Act of 2009 - Spending Report by Program
As of April 22, 2011**

Name	State or Other Entities	Cumulative Obligated	Cumulative Available Balance	Percent Available
SPECIAL EDUCATION				
IDEA Part B grants to States	AK Alaska	32,956,419.00	13,288,751.96	40.3%
	AL Alabama	181,864,783.00	59,212,760.72	32.6%
	AR Arkansas	112,177,929.00	28,910,398.51	25.8%
	AS American Samoa	230,169.00	59,793.00	26.0%
	AZ Arizona	178,476,064.00	65,580,537.50	36.7%
	CA California	1,226,944,052.00	175,219,011.00	14.3%
	CO Colorado	148,730,571.00	61,153,535.00	41.1%
	CT Connecticut	132,971,468.00	23,051,126.84	17.3%
	DC District of Columbia	16,441,924.00	1,637,977.34	10.0%
	DE Delaware	32,700,531.00	10,666,505.88	32.6%
	FL Florida	627,262,665.00	123,229,358.25	19.6%
	GA Georgia	313,758,336.00	104,208,187.69	33.2%
	GU Guam	510,352.00	325,638.78	63.8%
	HI Hawaii	39,925,269.00	11,810,616.21	29.6%
	IA Iowa	122,095,134.00	122,107.00	0.1%
	ID Idaho	53,247,375.00	12,718,825.41	23.9%
	IL Illinois	506,479,753.00	135,510,298.00	26.8%
	IN Indiana	253,534,865.00	58,056,510.77	22.9%
	KS Kansas	106,871,769.00	16,682,052.00	15.6%
	KY Kentucky	157,569,975.00	30,497,003.29	19.4%
	LA Louisiana	188,749,525.00	61,860,513.00	32.8%
	MA Massachusetts	280,551,559.00	60,318,784.55	21.5%
	MD Maryland	200,241,802.00	71,359,618.94	35.6%
	ME Maine	53,163,974.00	10,769,334.58	20.3%
	MI Michigan	400,607,836.00	123,653,440.78	30.9%
	MN Minnesota	189,839,228.00	40,785,053.96	21.5%
	MO Missouri	227,175,274.00	53,932,419.69	23.7%
	MP Northern Mariana Islands	174,906.00	42,054.00	24.0%
	MS Mississippi	117,836,482.00	42,727,063.77	36.3%
	MT Montana	36,708,056.00	7,548,872.00	20.6%
	NC North Carolina	314,410,039.00	41,394,500.63	13.2%
	ND North Dakota	26,552,439.00	5,942,863.11	22.4%
	NE Nebraska	74,676,976.00	34,743,169.16	46.5%
	NH New Hampshire	47,461,265.00	10,888,932.32	22.9%
	NJ New Jersey	360,691,433.00	129,153,513.90	35.8%
	NM New Mexico	91,147,493.00	36,157,285.34	39.7%
	NV Nevada	67,119,396.00	10,992,432.17	16.4%
	NY New York	759,193,324.00	244,008,430.85	32.1%
	OH Ohio	437,736,052.00	87,121,532.59	19.9%
	OK Oklahoma	147,924,906.00	26,783,567.98	18.1%
	OR Oregon	128,979,436.00	28,706,684.13	22.3%
	PA Pennsylvania	427,178,222.00	99,232,521.01	23.2%
	PR Puerto Rico	109,098,472.00	51,451,298.08	47.2%
	RI Rhode Island	43,734,211.00	13,526,720.65	30.9%
	SC South Carolina	173,239,745.00	68,422,220.40	39.5%
	SD South Dakota	31,630,863.00	2,913,438.00	9.2%
	TN Tennessee	229,613,418.00	62,543,640.15	27.2%
	TX Texas	945,636,328.00	272,576,926.30	28.8%
	UT Utah	105,540,856.00	54,513,306.88	51.7%
	VA Virginia	281,415,033.00	124,844,185.07	44.4%
	VI Virgin Islands	324,371.00	315,513.26	97.3%
	VT Vermont	25,601,621.00	6,506,829.31	25.4%
	WA Washington	221,357,461.00	60,834,700.70	27.5%
	WI Wisconsin	208,200,108.00	62,854,872.70	30.2%
	WV West Virginia	75,951,991.00	15,884,358.07	20.9%
	WY Wyoming	25,786,496.00	12,322,173.00	47.8%
	Total	11,300,000,000.00	2,969,573,766.18	26.3%

**Table 2 - Department of Education
American Recovery and Reinvestment Act of 2009 - Spending Report by Program
As of April 22, 2011**

Name	State or Other Entities	Cumulative Obligated	Cumulative Available Balance	Percent Available
TITLE I				
Education Finance Incentive Grants	AK Alaska	\$14,685,714	\$10,141,119	69.1%
	AL Alabama	\$84,042,485	\$39,837,024	47.4%
	AR Arkansas	\$61,265,213	\$29,611,677	48.3%
	AZ Arizona	\$99,536,265	\$57,988,488	58.3%
	CA California	\$533,260,839	\$185,487,546	34.8%
	CO Colorado	\$56,095,435	\$40,650,042	72.5%
	CT Connecticut	\$40,069,710	\$11,688,083	29.2%
	DC District of Columbia	\$17,325,000	\$17,325,000	100.0%
	DE Delaware	\$16,215,552	\$9,204,932	56.8%
	FL Florida	\$219,097,981	\$122,615,608	56.0%
	GA Georgia	\$181,033,088	\$120,942,055	66.8%
	HI Hawaii	\$16,519,998	\$16,519,998	100.0%
	IA Iowa	\$30,654,439	\$2,359,856	7.7%
	ID Idaho	\$17,630,709	\$10,774,466	61.1%
	IL Illinois	\$195,797,487	\$128,499,806	65.6%
	IN Indiana	\$95,826,288	\$38,111,707	39.8%
	KS Kansas	\$41,032,448	\$19,580,921	47.7%
	KY Kentucky	\$83,459,977	\$34,479,472	41.3%
	LA Louisiana	\$78,604,826	\$38,181,089	48.6%
	MA Massachusetts	\$86,912,772	\$52,959,185	60.9%
	MD Maryland	\$64,560,042	\$40,954,613	63.4%
	ME Maine	\$19,859,258	\$3,961,644	19.9%
	MI Michigan	\$200,785,137	\$163,232,166	81.3%
	MN Minnesota	\$52,359,416	\$30,461,282	58.2%
	MO Missouri	\$80,307,265	\$33,363,835	41.5%
	MS Mississippi	\$69,075,401	\$39,133,450	56.7%
	MT Montana	\$17,325,000	\$7,665,233	44.2%
	NC North Carolina	\$132,372,989	\$48,119,472	36.4%
	ND North Dakota	\$13,720,301	\$8,913,000	65.0%
	NE Nebraska	\$26,836,489	\$25,948,778	96.7%
	NH New Hampshire	\$15,955,972	\$13,541,576	84.9%
	NJ New Jersey	\$103,898,635	\$67,311,074	64.8%
	NM New Mexico	\$41,986,677	\$22,639,844	53.9%
	NV Nevada	\$30,636,793	\$28,987,680	94.6%
	NY New York	\$394,431,863	\$238,079,465	60.4%
	OH Ohio	\$200,432,565	\$92,369,202	46.1%
	OK Oklahoma	\$58,683,424	\$35,174,828	59.9%
	OR Oregon	\$53,696,196	\$18,082,999	33.7%
	PA Pennsylvania	\$204,484,884	\$92,498,752	45.2%
	PR Puerto Rico	\$198,665,955	\$96,243,197	48.4%
	RI Rhode Island	\$18,509,427	\$9,893,706	53.5%
	SC South Carolina	\$76,665,065	\$47,901,180	62.5%
	SD South Dakota	\$17,325,000	\$6,718,510	38.8%
	TN Tennessee	\$98,237,779	\$46,224,796	47.1%
	TX Texas	\$461,417,715	\$240,922,994	52.2%
	UT Utah	\$26,125,166	\$20,521,896	78.6%
	VA Virginia	\$85,164,049	\$73,725,349	86.6%
	VT Vermont	\$13,022,480	\$3,797,307	29.2%
	WA Washington	\$75,095,218	\$52,238,381	69.6%
	WI Wisconsin	\$80,693,411	\$53,168,890	65.9%
	WV West Virginia	\$35,544,869	\$9,934,445	27.9%
	WY Wyoming	\$13,059,333	\$11,399,713	87.3%
	Total	\$4,950,000,000	\$2,670,087,332	53.9%

Washington Update

Vol. 16, No. 4, April 29, 2011

Primary Focus During Council of the Great City Schools Annual Legislative Conference Was Dollars, Dollars, Dollars

Federal education funding was the overriding basis of every legislative issue discussed during the Annual Legislative Conference of the Council of the Great City Schools in mid-March. In the Council's Agenda and Briefing Document for officials from the Council's 66 large, urban district membership, the 2011 priority issue for Congressional office visits was to "oppose Federal budget cuts to key ESEA programs for disadvantaged (poor and minority) students and English Language learners and to IDEA programs for students with disabilities." Arguing that regular appropriations for at-risk students have been static since FY 2009, with the exception of Recovery Act funding, the Council urged members who will be making Congressional visits to emphasize that districts "will be unable to maintain current services (inflation-adjusted level) for these Federal programs." It also urged members to "request that new money provided for Race to the Top be directed to systematic district-level reform grants."

Another funding issue of increasing concern to the Council is increased pressures from numerous quarters, including rural and suburban districts and education associations such as AASA, to change the current Title I formula to be based on the "percentage" of poverty enrollment in a district, not the higher of the "number" or "percentage" of

such students. If the formula is based only on "percentages," the 66-member districts of the Council would collectively have their Title I allocations reduced by more than \$580 million in one year. Using a formula calculation without "numbers," the estimated FY 2010 percentage reduction in some districts would be: Chicago (22 percent), Los Angeles (20 percent), Milwaukee (23 percent), Minneapolis (25 percent), Oakland (21 percent), and New Orleans (33 percent).

A third funding issue of major concern for large districts is potential reductions in Title I district allocations, under a level-funded 2011 budget, due to shifts in poverty student enrollments. The Briefing Document estimated the impacts due primarily to reductions in poverty children residing in member districts attendance areas by comparing the 2009 Census count to the previous year's count. Noting that district Title I allocations are based in part on poverty counts, the document also advised, "In addition to the total amount of funding that the program is appropriated by Congress each year, significant changes in the poverty count at the district level when compared to the change in poverty level of the entire nation, plays a large role in determining whether an individual district receives increased funding." Using the Census Bureau's 2009 poverty count ages 5 through 17, some districts which would experience significant reduced funding allocations because of lower poverty counts include: Baltimore (-13,500 students), New York City (-4,600), and Richmond, VA (-

1,400). Other districts could receive some increases due to large increases in ages 5 through 17 poverty counts, including: Miami-Dade County (13,600), Palm Beach (9,100), Hillsborough County (9,000), Clark County, NV (10,700), and Chicago (11,100), among others. Overall, between 2008 and 2009, the number of poverty children ages 5 through 17 increased by almost one million students. A recent discussion with USED officials responsible for determining preliminary district allocations indicates that, unlike in previous years, preliminary allocations will not be estimated until the FY 2011 appropriations level for Title I is determined. When the Council's Conference was held on March 19-22, Congress was debating a continuing resolution through April 8th.

As a footnote to the CGCS Conference, a number of issues such as reauthorization, fix-it legislation, and policy issues were discussed; however, attendees and invited guests were asked to treat any such discussions as "backgrounders" where none of the officials or legislative staff could be quoted with attribution. If anyone, however, is interested in specific "takeaways" based on panel or offline discussions, please give me a call directly (703) 536-2310.

Federal Funds Granted to Two Common Core Assessment Consortia to Develop, Not Only Assessments, but Also "Curriculum Units," Remains a High Legitimate Concern to Publishers as Congressional and Other Opposition Will Likely Raise Legal Questions Which Could Affect Implementation

Many education publishers, including many

TechMIS subscribers, continue to follow the adoption of Common Core State Standards (CCSS) and particularly the new add-on grants provided to the two CCSS assessment state consortia to develop "curriculum units" to assist states in making the transition. Publishers' interests and concerns are legitimate as the movement toward Common Core Standards could limit the number of publishers who benefit over the long run. Many of these same publishers have focused on the recently-initiated efforts by the two state consortia, which were awarded about \$15 million each to develop "curriculum units" and related instructional materials. One obvious question is whether there exist opportunities for publishers to participate in the development of the "units" or, on the other hand, will such curriculum units be developed and provided freely to states (see March 16th TechMIS [Washington Update](#)). At the least, many publishers are interested in ensuring that their instructional materials could be adapted/developed and aligned with the CCSS and can easily fit into "curriculum units" or frameworks.

Shortly after the grants to the state consortia were awarded in January, as addenda to existing contracts, during an Educational Testing Services conference, Christopher Cross, former Assistant Secretary for Education under the first Bush Administration, raised the question as to whether the Federal grants to the two state consortia to develop the "curriculum" materials was in violation of the 1979 prohibition which he was directly involved in developing.

While no Federal funds were provided directly to states or their representative organizations, such as CCSSO and NGA, to develop the CCSS, Federal funds are being

used to develop the aligned assessments and now the “curriculum units.” Some of the GOP Congressional leaders, which have criticized NCLB and recent Obama education reform initiatives as being Federal intrusion into state and local autonomy, are likely to raise the legal question. Shortly after the publication of the “unofficial list” of Reading First approved curriculum and interventions in 2002-03, those opponents in Congress and within the publishing industry, including reading experts, cited the Federal prohibitions. These prohibitions were also referred to by the USED Office of Inspector General and the Government Accountability Office during hearings and in Congressional oversight reports which eventually contributed to the demise of the Reading First program toward the end of the last decade.

On April 15th, USED convened a meeting of the PARCC and Smarter Balanced (SBAC) state assessment development consortia. Catherine Gewertz, the reporter who covered the session, summarized the issues that were raised in Education Week (April 19th) which included a number related to state and district technology capacity and technology developments/open source/compatibilities. Evidently the consortia development of “curriculum units” was not addressed as the immediate priority initiative.

Because the 1979 law was restated as part of the NCLB reauthorization of ESEA in 2001, USED cannot “mandate, direct or control” the specific instructional content, academic standards and assessments and/or curriculum or program of instruction used by a state or district receiving Federal education funds. As we detailed the arguments in the March 16th TechMIS Washington Update, citing a

February 11th Curriculum Matters blog and subsequent update in Education Week (March 23rd), the legal question generally depends on the definition of curriculum and the degree of Federal influence in encouraging states and districts to adopt the to-be-developed assessments aligned with the CCSS. In addition to Christopher Cross, Pat Forgione, former head of NCES and now head of the ETS Center for K-12 Assessment & Performance Management, felt the “curriculum unit” development issue could be the “Achilles heel of the consortia’s work.” During the SIIA forum in April, I raised the question with Dane Linn, as to whether the inclusion of the development of “curriculum units” by the two assessment consortia using Federal funds could provide an opportunity for GOP opposition to more Federal intrusion to sabotage the entire Common Core Assessment initiative. After hesitating for a moment, he indicated that the NGA Center for Best Practices, which he heads, has not requested nor received any Federal funds from which one could infer that the issue is very real (see related SIIA Forum TechMIS Special Report). During an earlier discussion with Sue Gendron, policy advisor for the SMARTER Balanced State Consortia and former Maine State Chief, she indicated that the “curriculum units” would be used only in the transition period for ensuring a degree of uniform professional development for teachers and other staff involved in the adoption/adaptation of standards and assessments.

The Final Notice for Applications from Consortia of States to Develop English Proficiency Tests for the Common Core State Assessments Has Been Modified to Ensure that at Least Two Consortia Will Receive Their Share of the \$10.7 Million Grant Competition

In the Federal Register announcement on April 19th, the requirement that any consortium would have to have at least 15 states as members has been removed. Under the final notice, if a consortium has a minimum of 15 states, it will receive a competitive preference priority (i.e., additional evaluation points). According to knowledgeable observers, at least one consortium, in addition to the existing World Class Instructional Design and Assessment Consortium (WIDA) which has been developing English language proficiency assessments for more than 15 member states for several years, would very likely be funded. This would increase the probability that states with large ELL populations, such as Florida, Texas, California, New York, and Illinois, could also participate in another consortium, or even both. Other requirements that were in the January 7th proposed regulations -- which were addressed in our January 2011 TechMIS Washington Update -- would still have to be met by the consortia submitting proposals. A key factor is the development of a common definition for English language learners which would be acceptable to the consortium's member states and, more critically, the criteria that will be used to determine when an ELL should exit the English language training interventions. As Mary Ann Zehr, in her April 19th Education Week blog *Learning the Language* stated, "The final notice spells out much more

clearly than the initial notice did what the common definition means." It says that the common definition must be "identical for purposes of the diagnostic (e.g., screener or placement) assessments and associated achievement standards used to classify students as English-learners as well as the summative assessments and associated achievement standards used to exit students from English-learner status."

The Influential, Conservative Thomas B. Fordham Institute Has Produced an ESEA "Briefing Book" With Recommendations Likely to be Taken Seriously by GOP Leaders and Committee Staff and Some Moderate Democrats in Congress

The Fordham Institute Briefing Book's issues, options, and recommendations are grounded in increasing state roles while ensuring accountability and transparency and reporting to the public, including "watchdog" entities to ensure Congressional intent is met. According to Fordham, issues falling on "tight" or prescriptive mandates relate to Common Core Standards adoption or their equivalent, required rigorous cut scores, mandated use of growth measures, and testing of science and history. Under "loose" provisions are more flexible issues, several of which were addressed in our April 15th TechMIS Special Report on ESEA reauthorization fix-it amendments and regulatory relief. But, Fordham presents them with different twists which should meet the political leanings of conservative GOP and other Congressional members.

One of the issues relates to what intervention requirements should be placed on states in turning around failing schools

and otherwise providing rewards or sanctions on other district schools. In its recommendations, Fordham states, “Instead of prescribing specific remedies and interventions from Washington, rely on transparency to foster rigorous accountability strategies at the state and local levels. Don’t mandate any rewards or sanctions or specific interventions in low-performing schools (including public school choice, supplemental educational services). Leave ‘accountability’ to the states and -- via transparency -- to the public.” This recommendation builds on previous proposals made over the last three years by GOP leaders such as Senator Lamar Alexander and Senator Mike Enzi, now ranking Republican on the Senate HELP Committee. Another recommendation would eliminate the highly-qualified teacher (HQT) mandate “outright.” States would not be required to develop new teacher evaluation systems; however, competitive grants would be provided for state and districts to develop them if they desire. These two recommendations represent significant departures from current USED policy and guidance in Race to the Top and School Improvement Grant initiatives. Recommendations in several other areas are much closer to recent Administration proposals and “principles” outlined by moderate Senators as noted in our April 15th TechMIS Special Report.

Regarding recent proposals from liberal advocacy groups which would tighten comparability requirements (see related [Washington Update](#)), Fordham recommends the “elimination” of the comparability requirement “so that districts don’t have an incentive to lie about their school-level spending.” Rather, accountability would be grounded in transparency requirements

“whereby districts must annually report school-level budget data, including actual staff and teacher salaries, as well as all nonpersonnel expenditures.” Other legislative proposals would tighten comparability requirements such as those in the recent report from the Center for American Progress. On the other hand, the success of the Fordham recommendations would rely on advocacy groups and “watchdog agencies” at the local level to ensure equal amounts of state and local resources are allocated to both Title I and non-Title I schools before the allocation of Federal Title I supplemental funds.

Building on a legislative proposal by Senator Lamar Alexander in 2007, Fordham recommendations would permit “states to apply for ‘flexibility contracts’ that would enable them to consolidate non-Title I formula funding streams at the state level to use for any purpose under ESEA, and to alter their within-state allocation of Title I funds to increase the proportion of funds going to higher-poverty districts and charter schools.” However, as the Briefing Book also states, “Only states with standards and assessments in place that meet new requirements for ensuring college and career readiness and that have met Title I accountability transparency requirements would be eligible to apply for this flexibility.” In addition, the Fordham Institute recommends that all current flexibility options be maintained (e.g., transferability, EdFlex, among others) and that technical assistance be provided to states and districts to encourage them to take further advantage of these flexibilities.

Building upon the Administration’s Blueprint proposals for consolidation, Fordham recommendations would go much

further by converting Title II into a reform title which would include major competitive grant programs like Race to the Top, i³, charter school initiatives, School Improvement Grants, and Teacher Incentive Funds, as well as “other worthy reform-minded initiatives that may be fostered with federal funds, such as other forms of school choice.”

The recommendations on comparability, flexibility, and competitive grants are in many ways similar to some of the Administration’s Blueprint proposals, as well as the fix-it legislation proposed in the past by GOP leadership and even some Democrats, even though the “details” and “mechanics” of recommendations may differ.

For a copy of the April ESEA Briefing Book go to: www.edexcellence.net

Title I Comparability Requirements Could be Changed in the ESEA Reauthorization Which Could Have Direct Implications for Technology Use

One of the proposed “principles” offered by moderate Senate Democrats to be taken into account in the ESEA reauthorization addresses Title I comparability requirements and definitions. Depending on how comparability is defined and what is included in “comparable costs” could have direct implications for technology use in Title I programs.

Current Title I comparability requirements are intended to ensure that Title I schools are receiving comparable state and local funding in order to be eligible to receive Federal

Title I allocations. Because teachers’ salaries constitute between 65 and 80 percent of Title I operating costs, USED and SEA auditing teams typically assess primarily whether Title I schools receive teaching resources that are comparable to non-Title I schools. This is done by comparing one of several measures, including applying the average teacher salary to teachers in both schools or ensuring salary schedule categories are comparable. The *Politics K-12* blog on EducationWeek.com (March 31st) noted that the “comparability loophole” means that “schools that serve a lot of students in poverty often end up with a crop of lower-paid teachers, typically the youngest and most inexperienced of the bunch, critics say.” Critics include the Fordham Institute (see related TechMIS Washington Update) and the Center for American Progress which has proposed a phase-in comparability reform plan.

CAP and other critics have argued that the actual teachers’ salaries in high-poverty schools must be comparable to those in low-poverty schools based on an assumption that what teachers are paid is some indication of quality. By using only teacher salaries as a primary comparability measure, such an equation does not take into account the fact that technology can play a major role in providing online professional development and mentoring, instructional support, and other types of resources which could increase the “quality” of instruction by young and experienced, but lower-paid, teachers, if the cost of these technology supports were included in the comparability equation. While some observers, and even critics of current comparability requirements, acknowledge the important role technology could play, the bottom line is that individual teacher salaries, at least

conceptually, are easier to report and compare and could conceivably end up being the sole criteria. For a copy of the influential Center for American Progress proposed reform plan for Title I comparability, go to: http://www.americanprogress.org/issues/2010/07/titlei_video.html

than \$50,000.

E-Rate Update on Districts With “Potential” E-Rate Refunds for Purchasing Non-eligible Products and Services

As we attempt to do every quarter, we have included a list of districts that recently received funding commitments from the SLD for applications submitted back to 2005. We believe that most of the funding commitment letters represent appeals that were filed by districts when they were notified that certain requests in their applications were denied. In many cases, these districts went ahead and purchased the product in question, paying the whole pre-discount price. Because the SLD eventually found many of these appeals to be meritorious, these districts can request a check instead of a credit through the so-called BEAR process. Those districts doing so can use the discount refund to purchase non-eligible E-Rate products and services such as instructional software and professional development. If a district staff person is interested in purchasing a non-E-Rate eligible product or service, then he or she should contact the district E-Rate office to determine whether a check was requested for the refund amount through the BEAR process and, if so, whether some of that money can be used to purchase the desired product or service. The accompanying chart shows the funding commitments greater

E-Rate Funding Year 2011, Quarter 1 (Jan-Mar) Commitments (greater than \$50,000)			
Applicant	City	State	Amount Committed
2005 Commitments			
DUTCHESS BOCES	POUGHKEEPSIE	NY	\$912,960
LEXINGTON COUNTY SCHOOL DIST 2	WEST COLUMBIA	SC	\$122,346
LOESS HILLS AEA 13/COUNCIL BLUFFS	COUNCIL BLUFFS	IA	\$77,566
2006 Commitments			
TEXAS EDUCATION TELECOMMUNICATIONS NETWORK	AUSTIN	TX	\$103,846
2007 Commitments			
ST LOUIS CITY SCHOOL DISTRICT	SAINT LOUIS	MO	\$6,536,131
UMATILLA-MORROW ED SER DIST	PENDLETON	OR	\$377,377
SANTA CRUZ VALLEY SCH DIST 35	RIO RICO	AZ	\$64,718
2008 Commitments			
RECOVERY SCHOOL DISTRICT	NEW ORLEANS	LA	\$795,810
COACHELLA VALLEY UNIF SCH DIST	THERMAL	CA	\$642,157
MONTGOMERY COUNTY SCHOOL DIST	MONTGOMERY	AL	\$622,361
UMATILLA-MORROW ED SER DIST	PENDLETON	OR	\$572,737
WALKER COUNTY SCHOOL DISTRICT	JASPER	AL	\$411,906
AUTAUGA COUNTY BOARD OF EDUCATION	PRATTVILLE	AL	\$363,248
JOHNSTON COUNTY SCHOOL DIST	SMITHFIELD	NC	\$340,344
HALE COUNTY SCHOOL DISTRICT	GREENSBORO	AL	\$339,681
IMAGINE E.H. LYLE ACADEMY	ST. LOUIS	MO	\$321,986
EDCOUCH-ELSA INDEP SCHOOL DIST	EDCOUCH	TX	\$321,469
AUBURN CITY SCHOOL DISTRICT	AUBURN	AL	\$294,077
TOOMBS COUNTY SCHOOL DISTRICT	LYONS	GA	\$276,594
MARENGO COUNTY SCHOOL DISTRICT	LINDEN	AL	\$255,352
INNER CITY EDUCATIONAL FOUNDATION	LOS ANGELES	CA	\$213,820
LEE COUNTY SCHOOL DISTRICT	OPELIKA	AL	\$189,720
SELMA CITY SCHOOLS	SELMA	AL	\$152,736
EL PUEBLO KIDS	PUEBLO	CO	\$151,725
BIBB COUNTY SCHOOL DISTRICT	CENTREVILLE	AL	\$141,616
FAIRFIELD COUNTY SCHOOL DIST	WINNSBORO	SC	\$135,000
ETOWAH COUNTY SCHOOL DISTRICT	GADSDEN	AL	\$123,520
MACON COUNTY SCHOOL DISTRICT	TUSKEGEE	AL	\$116,640
ETHEL HEDGEMAN LYLE ACADEMY	ST. LOUIS	MO	\$101,856
SANTA CRUZ VALLEY SCH DIST 35	RIO RICO	AZ	\$98,711
FRANKLIN COUNTY SCHOOL DIST	RUSSELLVILLE	AL	\$78,157
BLOOMFIELD SCHOOL DISTRICT	BLOOMFIELD	NM	\$66,644
GLEN MILLS SCHOOLS	CONCORDVILLE	PA	\$63,315
TALLAPOOSA CO SCHOOL DISTRICT	DADEVILLE	AL	\$57,845
STERLING EDUCATION, INC.	ROYAL OAK	MI	\$53,211
GUNTERSVILLE CITY SCH DISTRICT	GUNTERSVILLE	AL	\$50,250

Alabama Update

April 2011

Alabama has been approved by the U.S. Department of Education to reduce its special education funding without Federal penalty. As reported in the *On Special Education* blog on EducationWeek.com, the State received a waiver to cut \$9.2 million in special education spending from its FY 2010 budget -- about 1.5 percent less than FY 2009. State officials indicate that the program's budget has been cut by less spending than it could have been and that the cuts "should have gone un-noticed by parents and teachers."

Arizona Update

April 2011

The U.S. Department of Education and the State of Arizona have reached an agreement that would change the way schools identify students with learning problems. The Arizona Republic reports that all schools must ask, about each enrolling student, three questions: (1) What language is spoken in the home?; (2) What language was learned first?; and (3) What language is spoken most often by the student? If English is not the answer to all three questions, the school must formally assess the student's English skills to determine his/her need for additional instruction. Before the new policy goes into effect, the State must inform all schools about the change.

According to Education Week, the U.S. Supreme Court has ruled that taxpayers opposing tax credits that benefit religious schools do not have the legal standing to challenge the program. In 2008, scholarship awards under the plan totaled \$54 million, 93 percent of which went to students in religious schools. Although the Supreme Court did not decide the Constitutional merits of the tax credits, its ruling makes it much more difficult to challenge such tax credits in Arizona and in other states -- Georgia, Iowa, Pennsylvania, Rhode Island -- with similar tax credit plans.

The East Valley Tribune reports that Arizona Governor Jan Brewer has vetoed a significant expansion of the State's private school tax credit program. Current law provides individuals with dollar-for-dollar tax credits -- up to \$500 -- for scholarships to pay tuition at alternatives to public schools. The proposed legislation would have increased the maximum credits to \$1,000. In 2009, the tax credit program -- which gives taxpayers dollar-for-dollar reductions in their State taxes -- redirected \$51 million to school-tuition organizations. The State estimates that changing donation limits would have reduced income tax revenues by \$25 million and other State and local taxes by \$29 million.

California Update

April 2011

According to californiawatch.org, the Common Core State Standards, developed by the National Governors Association and the Council of Chief State School Officers, could result in “a new marketplace” of creative and possibly cheaper instructional materials. A new bill being considered in the California legislature would require the State to develop a list of instructional materials aligned to the Common Core Standards and the 15 percent of the curriculum to be added by the State. State officials have indicated that materials could be less expensive because they will be produced for a larger, national audience. Moreover, smaller publishers could have the ability to compete in larger states.

The [Los Angeles Times](#) reports that the Los Angeles school district has released its school ratings using the new “value-added” method which measures student progress rather than achievement level. The scoring is based on analysis conducted by a nonprofit research group affiliated with the University of Wisconsin, which has a three-year, \$1.5 million contract with the district. A priority of the district’s incoming Superintendent, John Deasy, the “value-added” measure of academic success will, in the next month, be used to provide teachers with confidential performance ratings. The district is negotiating with the teachers union to incorporate the measures into formal teacher performance reviews.

As reported in the [Los Angeles Times](#), the Los Angeles school district has decided to drop its current elementary school reading program, *Open Court*, saying it is out-of-date and too expensive. The district has estimated that custom reprinting of the *Open Court* series and supplemental materials would have cost \$90 million over the next six years. *Open Court* will be replaced by a program called *California Treasures* which has a purchase price of \$40 million over the same six-year period.

The [Journal of Policy Analysis and Management](#) has published research which shows that

English language learners (ELLs) in the Los Angeles school district who attended full-day kindergarten were much less likely to be retained in grade before the second grade than were students who attended half-day kindergarten. The study analyzed data for 160,000 Los Angeles ELLs who entered kindergarten between 2001 and 2007. Although ELLs in full-day kindergarten were five percentage points less likely to be held back, other academic outcomes and English fluency were not influenced by full-day kindergarten.

Colorado Update

April 2011

According to The Denver Post, the Colorado House has approved a bill that would transfer \$22.5 million from the State Education Fund (which is a K-12 reserve savings account) to offset budget cuts to K-12 education in 2011-12. The shift would reduce the education cuts to \$227.5 million while maintaining a balance of more than \$100 million in the State Education Fund. The original plan had been to transfer \$90 million from the Fund, but, after consultation with the Governor's office, the \$22.5 million was agreed upon.

Like many states, Colorado is considering the elimination of Statewide testing requirements that go beyond those required by the U.S. Department of Education. According to Education Week, it is estimated that the testing changes would result in a sharp reduction in the State's \$20 million annual cost of testing students in grades 3 to 11 every year. Currently, Colorado gives, in addition to the Colorado Student Assessment Program tests, annual writing exams and extra tests in high school. The proposed change would also drop the mandatory ACT exams for high school juniors which cost an estimated \$1.8 million per year. At least six other states have recently eliminated high school graduation exams which are not required under the Federal No Child Left Behind Act.

Delaware Update

April 2011

Delaware has decided to withhold \$11 million in Federal Race to the Top money from the Christina (Wilmington) school district because the district has backed off some of its commitments on the State's RTTT application. The district wanted to change its plans for turning around two low-performing schools. The U.S. Department of Education has strongly supported the State's withholding of the money. Secretary Duncan has said that, because of Christina's backtracking on its commitment, "the state of Delaware has made the tough but courageous decision to withhold Race to the Top funding."

A new report from Vision 2015, a coalition of Delaware education, community, and business leaders, breaks down the State's efforts to improve schools under its \$119 million Race to the Top award. Called "Delaware's Race to Deliver," the six-page report indicates that the most progress has been made in setting high standards for and measuring student progress with quality assessments and data systems. Vision 2015 found the least amount of progress occurred in early childhood education and funding equity issues. Efforts to tie teacher ratings to student achievement on standardized tests are also going more slowly than expected. State officials have noted that most of the RTTT money will be spent after Year 1 of the four-year RTTT effort.

Florida Update

April 2011

Florida Governor Rich Scott has signed into law Senate Bill 736 which creates a merit pay plan for teachers and eliminates tenure for newly hired teachers. The merit pay and evaluation plan will not go into effect until 2014, but local school districts will have to begin immediately developing new student tests needed to implement the law's provisions. As reported in The Miami Herald, these costs will be necessary at the same time districts will be facing major State budget cuts. The evaluation system that determines which teachers get merit raises must be based at least half on how much their students improve on State exams over a three-year period. Teachers hired after July 1 will be the first affected by the tenure ban.

According to The Miami Herald, the Florida legislature is considering two proposals that would expand online learning. Last year, less than one percent of Florida's 2.6 million public school students (about 21,000 students) took an online course. One legislative proposal would require high school students, starting with next year's entering freshmen, to take at least one online course before they graduate. With the State's expected budget cuts and the class size caps still in place, many districts will steer students to virtual learning. Proponents of online education argue that its benefits are primarily to give students more choices through the use of technology. If approved, the legislation requiring all Florida high school students to take at least one online course before graduation could double the enrollment in the Florida Virtual School (FLVS) within two or three years.

Education Week reports that Jim Notter, Broward County's Superintendent for the past five years has announced his resignation although it is not clear when it will become effective. The Superintendent's resignation follows pressure from the local teachers' union, as well as a State grand jury report that criticized the district's leadership and spending.

Georgia Update

April 2011

The Atlanta Journal-Constitution reports that the Georgia State Board of Education has eliminated the requirement the students must pass the Georgia High School Graduation Test in order to receive a diploma. A requirement since 1995, the test will no longer be given to students starting with next Fall's freshmen. Students will be required to pass eight mandatory classes with end-of-course exams counting for 20 percent (up from 15 percent this year) of a student's course grade. The end-of-course tests will also replace the Graduation Test as a measure of each school's meeting the adequate yearly progress standard of Federal law. Much of the testing requirement could change in 2014 when the Common Core Standards become effective in the State.

Georgia has won \$400 million under the Federal Race to the Top competition. The State is partnering with 26 school districts with half of its award going directly to the school districts according to their Title I formula. Georgia has issued a Request for Proposal, with submissions due on June 15, for partnering organizations.

The Atlanta Journal-Constitution reports that some of Georgia's \$400 million from the Federal Race to the Top competition will fund a competitive grant program that emphasizes science, technology, engineering, and mathematics programs. To be operated out of the Governor's Office of Planning and Budget, the competition will provide \$19.4 million in grants for innovative education programs aimed at improving student and teacher performance.

Hawaii Update

April 2011

As we reported last month, Hawaii has decided to replace its historically elected State school board with a board appointed by, and reporting to, Governor Neil Abercrombie. Replacing the previous 13-member elected board, the new nine-member board has a \$1.7 billion annual operating budget. The new Board's chairman, who like all members must be confirmed by the State Senate, will be Don Horner, CEO of the First Hawaiian Bank. He has said the new board will give the State Superintendent more authority, and called for a policy audit to streamline procedures and improve educational technology.

Idaho Update

April 2011

Last month, we reported that two key education bills had been signed into law by Idaho's Governor C.L. Otter. A third piece of legislation is now passing through the State legislature. As reported in the Idaho Statesman, the new bill would shift money from public school funding used primarily for teacher salaries to support technology upgrades (laptops) and a new teacher merit pay plan. Facing strong opposition from the State teachers' union, the measure would require the State to draft standards governing online course requirements and to form a task force to study implementation of the laptop program.

Illinois Update

April 2011

A recent State audit has found that the Illinois Department of Education has not adhered to a law that requires it to make changes at schools (471) and districts (42) that have been in “academic failure” status for four or more years. The State has taken remedial steps for schools that have been on the list for three years or less, as reported in [Education Week](#). State officials lay the blame on the Federal No Child Left Behind Act (NCLB) and say, if the Federal law isn’t changed, it might seek relief by a change in State law. The State says it doesn’t have the money to serve the ever-increasing number of schools rated low-performing by NCLB.

The *State EdWatch* blog on [EducationWeek.com](#) notes that a proposal being considered in the Illinois legislature would make major changes to the teachers’ seniority and tenure protections, including:

- require districts to consider performance, as well as seniority, in teacher layoff decisions (Chicago would not be affected because of ongoing legislation);
- establish new requirements about teachers receiving tenure only after positive performance evaluations; and
- allow the Chicago school district to increase the length of the school day and school year and to bargain over the impact of the changes on teachers.

Chicago’s new superintendent -- known as chief executive officer -- will be Jean-Claude Brizard, currently superintendent in Rochester, New York. Appointed by Chicago’s Mayor-elect Rahm Emanuel, Brizard has been controversial because of his strong support for such reforms as charter schools and merit pay for teachers.

Indiana Update

April 2011

According to Bloomberg Businessweek, an Indiana legislative committee has approved a State budget that uses new, more optimistic estimates of State revenue. The new revenue forecast projects that the State will take in nearly \$650 million more during the two-year budget cycle than previous estimates. The new estimates are expected to direct more money to schools and to restore previously proposed cuts -- a total of \$150 million more than schools would have received under the old revenue projections.

As reported in Education Week, Republicans in the Indiana legislature are close to passing a proposal that would significantly expand the availability of school vouchers to include middle-class families. Most systems limit vouchers to lower-income households, students with special needs, or those in failing schools. The proposed system would allow vouchers to children of families that earn up to \$62,000 a year. And, if the proposal is approved, after three years, there would be no limit on the number of students with vouchers. If approved by both houses, the measure will be signed by Governor Mitch Daniels who has strongly supported expansion of vouchers.

Education Week reports that Governor Daniels has signed into law a bill that restricts the collective bargaining rights of teachers. The new law limits bargaining between school districts and teachers' unions to salaries and benefits; teacher evaluation procedures or criteria cannot be collectively bargained. The Governor and the Republican-controlled Senate have also proposed legislation that would:

- establish the nation's most extensive voucher program;
- provide a tax deduction of \$1,000 per child for parents of home-schooled children;
- expand charter schools in the State; and
- implement merit pay for teachers with student achievement accounting for part of teacher evaluations.

THE Journal reports that Purdue University has been awarded a \$1.25 million grant from the National Science Foundation to train Indiana high school teachers in science, technology, engineering, and mathematics. To be developed by Purdue's Discovery Learning Research Center, the program -- known as "Research Goes to School" -- consists of:

- an intensive, two-week summer workshop;
- two regional summits;
- a Webinar; and
- a social networking site.

During its first year, the program will directly reach 40 rural in-service teachers and 80 pre-service rural teachers. It will also touch 400 rural teachers through outreach activities.

Kentucky Update

April 2011

As reported in the Courier Journal, beginning this Fall, Kentucky schools will have new measures of academic success replacing the Commonwealth Accountability Testing System (CATS). The new system will judge schools, not only on their students' test scores, but also on how individual students are progressing and on the degree to which they are closing learning gaps among disadvantaged students. Under the new systems, schools and school districts will be classified as: distinguished, proficient, needs improvement, or persistently low-achieving. State officials have said that they expect student achievement to drop in the first year of the new system because teachers will have a new set of standards in reading and math. In the next few years, there will be new standards in social studies and science.

Louisiana Update

April 2011

As reported in Education Week, the nonprofit New Schools for New Orleans, in partnership with the State-operated Recovery School District, is using its \$28 million Investing in Innovation (i³) grant to turn around the District's nine remaining "academically unacceptable" schools. New Schools has chosen three charter management organizations -- two current operators and one new one -- to run three of the schools starting in the Fall.

Maine Update

April 2011

In early April, Maine became the 42nd state to adopt the Common Core State Standards developed by the National Governors Association and the Council of Chief State School Officers. As reported in the [Bangor Daily News](#), Governor Paul LePage signed the Common Core bill into law after it unanimously passed in both houses of the legislature.

As reported in [eSchoolNews](#), Maine is pilot-testing the use of technology-based solutions to meet the requirements of the common Core State Standards. The implementation testing, a collaboration with the University of Southern Maine's research center and AcademicMerit, a Portland-based software company, involves more than 23 schools, 30 teachers, and nearly 1,500 students from across the State. Beginning in February and running through June, the pilot classes are using two of AcademicMerit's products -- *Literacy Companion* and *Assessments 21* -- online tools focusing on English/Language Arts in grades 7-12.

According to *Digital Directions* from [Education Week](#), the Auburn, Maine school district is planning to sell online high school courses for foreign students. The 3,600-student district is lobbying the Maine legislature to approve LD 938 which would allow public schools to sell online courses out of State and out of country for a profit. Auburn, which just recently launched its iPad2-for-all-kindergarteners project, is targeting China as the principal market for its products.

Maryland Update

April 2011

An annual State survey of Maryland students shows that, after nearly a decade of full-day kindergarten, 81 percent of the State's kindergarteners have the academic and social skills for school success. As reported in the Baltimore Sun, the *Ready to Learn* report indicates that there has been a 32 percentage point increase in the number of children ready for school when they enter kindergarten. In Baltimore City, the readiness percentage was only 67 percent but that was 18 percentage points higher than last year.

Education Week reports that Maryland's Prince George's County school district has been fined as a result of its hiring of foreign teachers between 2005 and 2010. The teachers, mostly from the Philippines, were illegally required to pay fees that should have been paid by the district. The Maryland Department of Education has ordered the district, Maryland's second largest, to reimburse the teachers \$4.2 million in fees. It has also fined the district \$1.7 million and barred it from hiring foreign workers for at least two years.

Massachusetts Update

April 2011

The Massachusetts Board of Higher Education has approved a requirement that high school students applying to a State university must take four years of math in high school. As reported in The Boston Globe, the Board's action is intended to increase college completion rates and to expose students from low-income communities to a more rigorous curriculum. Currently, Massachusetts public colleges require a minimum of three years of high school math. To be effective for entering freshmen in the Fall of 2016, the new requirement will give high schools a chance to hire more math teachers and colleges a chance to adjust their admissions policies.

As part of Massachusetts' overhaul of its 35 underperforming schools, more than half of the schools have extended their school days by as much as 90 minutes, about a third have replaced at least half their teachers, and 20 schools have replaced their principals. According to the Boston Globe, 28 of the schools have qualified for more than \$1 million in Federal School Improvement Grants money and the State has approved the plans for nearly all of the schools. Of the 35 under-performing schools, 12 are in Boston and ten are in Springfield.

Michigan Update

April 2011

As reported in Education Week, the National Association of Charter School Authorizers will assume wide responsibilities for the Detroit school district's Renaissance 2012 initiative. This is the same organization that helped set up charter schools in New Orleans after Hurricane Katrina. Under the initiative, it is expected that 45 Detroit schools will be converted to charter schools by this Fall. Proposals from successful charter school networks that operate at least two schools in Michigan will be considered for this Fall. Others will be able to apply for start-ups in the Fall of 2012. If the Renaissance 2012 plan is successful, Detroit would be second only to New Orleans in the percentage of students attending charter schools.

Also according to Education Week, the Detroit school district has sent layoff notices to all of its 5,466 teachers with the intent to modify their existing contract. During the 2009 contract negotiation between the district and the Detroit Federation of Teachers, the district asked to union to give up the seniority hiring process; instead the union agreed that each teacher would lend the district \$10,000. The release from the district says it is taking a "fiscally responsible" step to reduce its workforce to match the district's declining enrollment.

Minnesota Update

April 2011

According to Education Week, many veteran Minnesota teachers are postponing retirement and many schools are laying off teachers. As consequence, the number of new teaching hires in the State has decreased by half over the past decade or so. The effect may be amplified by the greater scrutiny faced by teachers. The actual number of teachers in Minnesota has remained flat over the past ten years. However, in 1999, 3,371 teachers entered Minnesota schools; this past Fall only 1,526 new teachers began the school year. The State trend is at variance with the national picture which has seen the number of teachers in the profession jump by 50 percent over the past 20 years.

Missouri Update

April 2011

According to Education Week, Missouri has proposed major accreditation changes that would include new Statewide tests (including an end-of-high-school exam) and would require districts to improve their monitoring of their graduates as they go on to college. Focusing on student academic performance, the new version of the Missouri School Improvement Program would review districts annually instead of every five years and would require districts to report details on a number of statistics. The proposed standards would also require districts to monitor the percentage of their graduates taking remedial courses in college and earning college (associate's or bachelor's) degrees. Data from the State indicate that, of the more than 21,000 freshmen entering Missouri colleges and universities in the Fall of 2003, only 2,462 (11.5 percent) had earned two-year degrees and only 6,555 (30.5 percent) had received four-year degrees.

Nebraska Update

April 2011

The Lincoln Journal Star reports that Nebraska, facing a projected two-year budget shortfall of \$986 million, is seeing some conflict between the State legislature and Governor Dave Heineman. Last year, Nebraska's 253 school districts received \$950 million in State aid, \$140 million of which came from Federal stimulus funds. For the upcoming biennium, the Governor has proposed \$810 million in State aid for FY 2012 (the same as last year) and \$860 million for FY 2013. The Legislature's Education Committee has proposed State aid to education funds of \$822 million in FY 2012 and \$880 million in FY 2013.

New Jersey Update

April 2011

The Newark Star-Ledger reports that New Jersey Governor Chris Christie has proposed a package of education reform bills that include:

- linking tenure and merit pay to a Statewide teacher evaluation system to be implemented by the 2012-13 school year;
- ending the use of seniority as the sole basis for determining layoffs;
- encouraging teachers to work in high-needs schools and school districts, and in hard-to-staff subjects (e.g., math, science); and
- ending the “mutual consent” practice which requires principals to employ teachers regardless of skill level.

New Mexico Update

April 2011

As reported in Education Week, New Mexico has been awarded an additional \$4.17 million in Federal School Improvement Grants to turn around the State's persistently lowest-achieving schools. The money is the second phase of the SIG program and will allow more schools to be added to the program. Although nine New Mexico schools were eligible for the funds, only four chose to apply.

Education Week reports that New Mexico Governor Susana Martinez has signed into law a measure that will help save money by changing some testing requirements and suspending several student assessments for the 2011-12 school year. This year's high school juniors have had to take a comprehensive standards-based exam, but the new law means they do not have to pass it in order to graduate next year. Passing the test, as a graduation requirement, will be reinstated for this year's tenth-graders.

New York Update

April 2011

Facing a \$10 billion budget deficit, New York Governor Andrew Cuomo has reached a budget agreement with legislators that would reduce State school funding and create a competitive funding pool for school districts. The Governor's spending plan would reduce school spending by \$1.2 billion -- less than the \$1.5 billion originally proposed by the Governor. The Governor has also proposed the establishment of a \$500 million competitive grant program which would: (a) reward districts for improving student performance, and (b) make structural changes that reduce costs through incentives. The grant program has been likened to the Federal Race to the Top competition.

As reported in the *Beyond School* blog on EducationWeek.com, the budget agreement would reduce funding for after-school programs by about \$4.5 million, resulting in an estimated 5,000 fewer student slots and 500 fewer staff jobs. Even prior to the agreement, after school programs have seen \$20 million in cuts over the past few years, costing 20,000 student slots and 2,000 jobs. Currently, 644,000 (21 percent) New York students are in afterschool programs funded by a combination of Federal, State, and local programs. Other youth programs could be hit even harder; delinquency prevention programs will lose \$14 million to \$17.6 million (a 50 percent cut) and the State's program for runaway and homeless children will also see a 50 percent reduction.

The short tenure of Cathie Black as Chancellor of the New York City school district ended with the appointment of Dennis Walcott to replace her. The appointment, by Mayor Michael Bloomberg, of Black in January was met by sharp criticism based on her lack of education credentials. By contrast, Walcott has been a student, parent, teacher, and administrator in the City school system. He had been serving in the role of Deputy Mayor for Education and Community Development.

Ohio Update

April 2011

Data from the Ohio Office of Budget and Management indicate that State aid to the State's 614 public school districts will increase by \$170 million over the next two-year budget. The data show that more than two-thirds of the State's districts would see increases in State basic aid. Overall 415 school districts will get increases in FY 2011 and 405 will get increases in FY 2012. However, because most Federal stimulus money is no longer available, nearly all districts will see cuts in their total State funding. The governor's budget must be finalized by July 1.

According to the offices of Governor John Kasich, Ohio's reform agenda is intended to achieve better results with less funding. The Mansfield News-Journal reports that, among the Governor's proposals are:

- hiring and retaining quality teachers and principals by offering bonuses to staff for increasing student growth and working in low-performing schools;
- giving students the option to choose online coursework and building a platform for Ohio teachers to create online instruction plans.
- expanding school choice by doubling the State's vouchers for private schools.

Implementing these initiatives will be difficult with Ohio's K-12 schools facing double-digit cuts under the Governor's proposed budget. Local school districts could see an 11.5 percent reduction next year and a 4.9 percent cut in 2013. Overall, basic school funding will drop from \$11.5 billion in 2011 to \$9.7 billion in 2013.

The Cleveland Plain Dealer reports that, of the total of \$400 million won by the State in the Federal Race to the Top competition, \$206 million will go to participating school districts and charter schools. Much of the remaining \$194 million will go to "external providers." According to the State budget, 130 contracts will be let. The State's effort to turnaround its 68 lowest-achieving schools will cost an estimated \$46 million, \$39 million of which will be contracted out. Expansion of Ohio's computer system to teach students will involve contracts of \$28

million for personnel and \$1.3 million for equipment. Among the other major contracted efforts are:

- the Ohio STEM Network for schools that focus on science, technology, engineering, and mathematics;
- a new Education Research Center that will assess how well reforms are working; and
- a new Ohio Network for Education Transformation to focus on the State's lowest-performing schools.

Two Ohio-based nonprofit institutions -- Battelle (Columbus) and Knowledge Works (Cincinnati) -- are expected to play major roles in RTTT efforts.

According to the Dayton Daily News, a measure signed into law by Governor Kasich -- Senate Bill 5 -- would base teachers' pay and job security, in large part, on student performance on standardized tests, as well as on teachers' interactions with students, parents, and the community. Leaders of teachers' unions in the State have declared their intent place the new law on a voter referendum in November.

The *State EdWatch* blog on EducationWeek.com notes that Ohio faces an estimated \$8 billion shortfall in its total biennial budget of \$56 billion. Governor Kasich has projected that his controversial new law restricting the collective bargaining right of teachers and other public employees would save school districts \$1.3 billion on health care and salaries and another \$230 million in reduced pensions. The Ohio Association of School Business Officials has estimated that, over the next ten years, as many as 12,200 school workers could lose their jobs if the Governor's budget cuts -- 5 to 6 percent below current levels -- are implemented. The Governor's office says that estimate is far too high.

Governor Kasich has also signed into law a bill that is expected to allow graduates of the Teach for America program into Ohio classrooms. The Columbus Dispatch reports that, under the measure, the State will provide teaching licenses to TFA participants who will typically spend two years working in low-income and urban schools.

Under Governor Kasich's proposed budget, the number of publicly funded vouchers -- allowing students from low-performing public schools to attend private schools -- would expand from the current 14,400 to 30,000 next year and 60,000 students by 2013. According to the Dayton Daily News, the amount of State money deducted from school districts for each EdChoice (voucher) student would be reduced from \$5,200 to a maximum of \$4,250 for grades K-8 and \$5,000 for grades 9-12. The Governor's proposal would also add eligibility criteria such that the number of eligible students would likely increase.

Pennsylvania Update

April 2011

The Pennsylvania legislature is considering a measure that would give school districts more flexibility to convert struggling public schools to charter schools. The proposed bill would also establish a new State charter school oversight board and tighten financial oversight regulations for charter school management. Currently, conversion to a charter requires school board approval and agreement from 50 percent of the schools' teachers and parents; the new proposal would require only school board approval. The bill would also provide a mechanism by which a charter school could be created by bypassing the local school board. It would establish a State Commission on Charter Schools and Cyber Charter Schools that could grant charters and hear appeals. The new Commission would be the only chartering authority for cyber charter schools.

A new report from the Pennsylvania Partnerships for Children has found that full-day kindergarten programs improve student reading skills more than part-time kindergarten. The child advocacy group noted that 349 of Pennsylvania's 500 school districts have full-day kindergarten. The report looked at the percentage of third-grade students rated as "not proficient" in reading and compared those who had been in full-day kindergarten vs. those in part-time kindergarten for three cohorts of students from 2005 kindergartners to 2007 kindergarteners. The results for math skills were less clear.

South Carolina Update

April 2011

As reported by The Rural School and Community Trust, South Carolina is facing an \$800 million budget shortfall and many school districts have already made major cuts including elimination of more than 3,600 teaching positions, increased class sizes, and reductions in critical educational resources and services. The State's new State Superintendent has said that districts should use reserve funds to cover their budgets. In most districts, however, reserves are committed to capital and other fixed costs. In some areas, South Carolina schools will see improvement. A legislative proposal for the upcoming fiscal year sets the Base Students Cost (State aid) at \$1,788, up from about \$1,600 last year. Another bill would add small per-pupil weights for poverty, English Language Learners, and gifted-and-talented students. The South Carolina House has also approved an additional \$25 million for the South Carolina Public Charter School District, 11 charter schools not sponsored by local school districts.

According to the New America Foundation, a South Carolina legislative committee defeated a measure that would have provided tax credits to families of children in private schools and scholarships to low-income students in private schools. The bill would also have given tax credits to businesses and individuals that donated to the State's scholarship fund. The bill was not passed in large part because of the cost -- in the form of annual revenue losses -- to the State totaling an estimated \$800 million over 13 years.

Tennessee Update

April 2011

The Tennessean reports that colleges and universities in Tennessee are making creative efforts to improve their graduation rates. The State's goal is to increase the percentage of its adult residents that have degrees from the current 32 percent to 49 to 60 percent. Among these efforts are:

- extra advisors, tutoring, and remedial classes (70 percent of the State's community college students require some remediation);
- fast-tracking majors; and
- on-campus computer labs.

The Times Free Press reports that Tennessee's new teacher evaluation standards, approved in mid-April by the State Board, will have an impact on student classroom performance. Under the new standards, fifty percent of a teacher's evaluation must be based on student performance. Of that component, 35 percent must be linked to performance in the Tennessee Value-Added Assessment System. The remaining 15 percent can be based on nine other State-mandated categories (e.g., graduation rates, schoolwide testing scores). The other 50 percent of a teacher's evaluation will be based on how well teachers perform in the areas of planning, environment, professionalism, and instruction. State officials have noted that it will be "a couple of years" before tenure decisions are based on the evaluations.

A bill, strongly supported by Republican Governor Bill Haslam, making it more difficult for Tennessee teachers to get tenure has passed the State legislature. The measure requires new teachers to work five years -- instead of three -- to achieve tenure and establish an evaluation procedure by which tenure could be revoked in the event of poor performance. Before the bill goes to the Governor for signature, some minor differences between the versions approved by the two legislative houses must be reconciled. The bill is part of Tennessee's education reforms promised as part of the State's Race to the Top program.

According to Education Week, the Niswonger Foundation has won a \$17.7 million grant from the Federal Investing in Innovation (i³) program to improve how students in 15 rural Tennessee school districts prepare for college and careers. Niswonger's i³ grant is funding a comprehensive plan to change the culture in the northeast portion of the State which has only a 61 percent high school graduation rate and in which fewer than ten percent of adults have college degrees. Under another i³ grant, the New Schools organization (which has shown success in turning around low-performing schools in New Orleans) will be duplicating its program in cooperation with Tennessee's Achievement School District which is the State's mechanism for turning around failing schools.

Texas Update

April 2011

According to the *State EdWatch* blog on EducationWeek.com, the recent Federal budget agreement includes a provision that would release the \$830 million in Federal Education Jobs Fund money that had been blocked because of a conflict between Federal and State officials. The EduJobs bill, when passed, required states to use the money to supplement state education spending -- not back-fill earlier state budget cuts. Texas Governor Rick Perry, in the view of key Congressmen, used the money improperly. The new agreement would give Texas access to the money without strings.

The Texas Tribune reports differences among Texas Republicans on the issue of student testing. In 2009, House Bill 3 set up the transition from the current TAKS subject areas tests to the new STAAR exams. A measure, HB 500, makes major modifications to HB 3 intending to reduce costs and easing districts' concerns that the new tests could lead to large numbers of students failing to graduate. HB 500 says the end-of-course STAAR exams could count only 15 percent of a student's grade and allows school districts to set their own policies. Districts could suspend the new requirement that students receive a cumulative score on the 12 exams in four subject areas to graduate; rather they would have to pass a total of four exams, one in each subject area.

Since it began in 2009, the Texas Virtual School Network has provided high school course credit, credit recovery, and dual-credit opportunities in a range of subjects for 9,400 students Statewide. The San Antonio Express News reports that the State's projected budget shortfall has caused the Texas legislature to eliminate \$20.3 million from the Network's funding. Although continued State money for the Network next year is not guaranteed, some State lawmakers have filed measures that would assume the Network's continued existence and, in fact, recommend the establishment of diploma-awarding virtual high schools.

The Texas Afterschool Centers on Education (ACE) has implemented a new database of

afterschool activities in the State. Known as the Texas ACE Activity Collection, the database allows practitioners to search for activities and lesson plans using a variety of criteria such as subject, grade-level, objective, or audience. The downloadable lesson plans are aligned to the Texas Essential Knowledge and Skills (TEKS) standards, as well as to standards of the Partnership for 21st Century Skills and the Texas College and Career Readiness Standards program. The database can be accessed at <http://www.mytexasace.org/>.

An analysis by The Dallas Morning News has found that investment managers for Texas' teacher retirement fund were given more than \$8.2 million in bonus payments this year. The bonuses went to 54 employees who manage parts of the \$100 billion fund. At the same time, 300,000 retired educators have not had a pension increase in nearly a decade. Moreover, the State is facing a large budget shortfall that could mean massive teacher layoffs.

Utah Update

April 2011

As reported by [The Salt Lake Tribune](#), Utah Governor Gary Herbert has signed into law SB 59 which requires that A to F grades be given to schools based on student proficiency and progress in language arts, math, science, and writing and on high school graduation rates and college/career readiness. Proponents of the measure say such grading will make school performance more transparent and will encourage school improvement. Critics argue that it oversimplifies schools' success and challenges. The Governor also signed two other education bills:

- SB 73 requires schools to base layoffs, not on seniority, but on performance evaluations and school staffing needs; and
- SB 256 requires career-status teachers to be evaluated annually.

Virginia Update

April 2011

HamptonRoads.com reports that Virginia is initiating a performance pay program intended to reward high-rated teachers in “hard-to-staff” schools. The competitive grant program provides \$3 million in State funds to schools that implement a teacher evaluation system under which student growth counts for at least 40 percent. Teachers working in 169 eligible schools (from 57 school districts) who receive exemplary ratings during the 2011-12 school year will be eligible for up to \$5,000 in extra performance pay.

Washington Update

April 2011

As reported by KIMA-TV, Washington State has attempted to reach an agreement with Microsoft Corporation to establish a Statewide high school IT Academy. The Washington IT Academy would be comprised of two major areas: training and certification. Training, through online courses and Microsoft materials, would be available to students, teachers, and administrators. They could become certified in a number of IT subjects including programming, network administration, and database development. Microsoft would provide software and support for every high school in the State. State officials say more than 300,000 students would have access to the Academy and that the Academy's \$2 million cost would give districts a program that, if purchased individually, would cost \$30 million. However, because the State's legislature is dealing with substantial cuts to the K-12 education budget, it is extremely unlikely the money for the Microsoft partnership will be available.

According to The Daily Herald (Everett), Washington Governor Christine Gregoire has signed into law a bill that would require this year's high school freshmen and sophomores to take an end-of-course exam for either algebra or geometry. Although both courses are required for graduation, only one of the State math tests is necessary for the Classes of 2013 and 2014.

The Seattle Times reports that the Washington State legislature is considering a bill that would use teacher evaluations to determine layoffs. The measure, which has been amended to include principals, would require that districts use teachers' performance evaluations -- not, as is currently the policy, seniority -- to decide which teachers will be laid off in the event staff reductions are needed. Even if approved by both legislature houses, the bill would still be subject to a "fairness and bias" review by the State before the new process could be implemented.

West Virginia Update

April 2011

Education Week reports that West Virginia's new GED Options Pathway program is currently serving 39 West Virginia counties. In its first year, Options Pathway allows school districts to give extra help to students who are at risk of dropping out. The two-year program has students in technical classes (e.g., welding, EMT training) for half of each school day and in academic classes the other half. The program uses the Graduate Equivalency Degree (GED) as a tool for its academics. Students must pass all five GED sections. But they then receive a regular high school diploma and get to graduate with their classes.

Wisconsin Update

April 2011

A recent survey by the nonpartisan Wisconsin Association for Supervision and Curriculum Development has found that the shortfalls faced by school districts because of the State's budget cuts are likely to have an impact on learning opportunities for students. The report noted that, although literacy and math skills are regarded as the strongest anti-poverty weapons, 52 percent of district superintendents reported likely reductions in reading support programs; 43 percent reported cuts in math support programs. Moreover, 69 percent of respondents reported expected reductions in Gifted-and-Talented programs, and 67 reported likely cuts in career education programs. And despite new technologies in the global economy, 80 percent of superintendents reported lower expenditures for the acquisition and maintenance of instructional technology.

According to the Milwaukee Journal Sentinel, Governor Scott Walker's efforts to close Wisconsin's \$3.5 billion budget deficit have had a significant impact on higher education. Schools of education will have fewer resources at the same time they will be expected to provide prospective teachers with more practical experience and professional oversight. In fact, economic conditions appear to be turning prospective educators away from the profession. Since the Milwaukee school district laid off nearly 500 teachers last summer, the University of Wisconsin (Madison) has seen a 27 percent drop in new enrollments in its teacher education programs.

As reported in Education Week, the long-standing voucher program in the Milwaukee school district is currently available only to low-income students. Governor Walker has proposed expanding the program to all Milwaukee students and Republicans in the State legislature are urging making the State-funded vouchers available Statewide. However, a recent report of test scores indicates that Milwaukee students who attended private schools using vouchers performed worse than other public school students in the district. About 59 percent of all Milwaukee students were rated proficient or advanced in reading; only 55 percent of voucher students were

so rated. In math, 34 percent of voucher students were proficient or advanced compared with 48 percent of all Milwaukee public school students.