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MEMORANDUM

DATE: June 28, 2013
TO: TechMIS Subscribers
FROM: Charles Blaschke, Blair Curry, and Suzanne Thouvenelle
SUBJ: House and Senate ESEA Reauthorization Bills; New Flexibility Waiver for Waiver States; Credit Recovery Market; State Instructional Material Funding; and State Profile Updates

During June, details became available on a number of Congressional bills and priority Administration proposals, along with new waiver flexibilities. The attached TechMIS Special Report highlights the ESEA reauthorization bills submitted by House and Senate Republicans, which differ, while Democrats in the Senate stake out positions, all of which suggests reauthorization compromises will be difficult to reach this year. However, among the widely divergent bills are some provisions generally agreed upon, including expanded numbers of and flexibility for Title I schoolwide programs and computer adaptive formative assessments, which could be incorporated shortly into upcoming regulations/guidance for renewal of a second two-year extension for 40 existing waiver states. ESEA reauthorization appears very unlikely until 2015.

(Later Update: House and Senate markups on Harkin and Kline ESEA reauthorization bills made few changes, reflecting mostly partisan support, while staking out positions which may change when bills hit the floor for votes.)

Included in the Washington Update are a number of items, some of which have serious implications for most TechMIS subscribers, including:

- **Page 1**
Secretary Duncan announces a new “flexibility” waiver for States which already received NCLB waivers before August 2012; it extends the period for meeting teacher evaluation requirements and school accountability assessments/sanctions by one year to 2016-17, which will have implications for many TechMIS subscribers.

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During recent AEP/AAP Content in Context Summit, an update was provided on state legislation and estimated state funding for instructional materials over the next one to two years.
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Secretary Duncan highlights important features of proposed High School Redesign initiative which, if not passed by Congress, will likely be incorporated into Race to the Top or other competitive grant “priorities.”
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President Obama’s “stated” highest priority in working with Congress this year is to pass legislation to fund his mental health school safety proposals.
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Update on new Head Start re-competition and Child Care and Development Block Grant regulations calls for quality improvement in learning.
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The most recent Education Week Diplomas Count, entitled “Second Chances: Turning Dropouts Into Graduates,” includes good market information on the K-12 credit recovery niche, suggesting continued opportunities for online/blended delivery
- **Page 8**
District technology officials believe a major barrier to expanded use of district-purchased mobile devices will be management/control and related problems which could be partially reduced by new Office of Management and Budget definition of “devices” purchased with Federal funds.
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A number of miscellaneous items include:
 - a) USED has announced that more than half of the Small Business Innovation Research (SBIR) contract awards for entrepreneurial small businesses were for firms which are developing games and related projects, which is more than any previous year.
 - b) A recent policy brief by Brookings Institute and Princeton University researchers calls for consolidation of the TRIO program (including GEAR UP) and more rigorous evaluations of program effectiveness.
 - c) Ultraconservative House members are planning to re-submit the A-PLUS Act proposal which, according to *Politics K-12*, could mean “tough sledding for the Kline bill when the measure moves to the floor of the U.S. House of Representatives, likely in July.”

- d) A recent National School Supply Education Association (NSSEA) survey found that, during the 2012-13 school year, teachers spent slightly over \$1.5 billion purchasing education products.

The state profile updates address a wide range of issues, including: early childhood education, teacher evaluation, Common Core State Standards, vouchers, and online education.

Special Report:
ESEA Reauthorization Bills Abound in Congress With Some Widely-Divergent Provisions Among House and Senate Republicans, While Democrats Are Staking Out Positions, All of Which Suggests Reauthorization Compromises Will be Difficult to Reach; However, Some Generally-Agreed Upon Provisions By Congress and the Administration Could Be Incorporated into New Regulations/Guidance for Waiver Renewals

*A Technology Monitoring and Information Service (TechMIS)
Special Report*

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June 28, 2013

During the first two weeks in June, Senate HELP Chairman Tom Harkin's ESEA reauthorization bill, called the Strengthening America's School Acts (SASA), along with ranking Republican Senator Lamar Alexander's counterproposal bill, were submitted. Shortly thereafter, House Committee Chairman John Kline's ESEA reauthorization proposal was offered, which is similar to one passed by his Committee in 2011 with some changes. The Alexander and Kline versions clash significantly on teacher evaluation. The current Harkin version is more similar to the Obama 2011 Blueprint than the Chairman's earlier version which stalled in Committee in 2011. Virtually all of these versions depart significantly from NCLB in that adequate yearly progress (AYP) would be eliminated and adaptive or out-of-level testing, prohibited by NCLB, appears to have bipartisan support in all written/expected versions after mark-up/floor amendments.

Below are the highlights of the Harkin and Alexander versions followed by provisions in the Kline version, many of which should be of primary interest to TechMIS subscribers. After markups, some additional changes were made as noted below. Some changes with some degree of bipartisan and Administration support will likely be incorporated in new NCLB Ed Flexibility state waiver renewal guidance which is expected shortly.

The Harkin bill would follow closely NCLB's annual testing provisions which call for testing in grades 3-8 and once in high school; however, unlike NCLB, formative assessments, including computer-adaptive testing and performance and portfolio assessments, could be accumulated and used instead of one summative assessment, as long as the formative assessments, as a whole, are

considered a comprehensive assessment of student achievement. For the most part, the Harkin bill would allow the transition of most major waiver provisions into ESEA -- some with small changes, including:

- Both waiver and non-waiver states must implement college- and career-ready assessments and disaggregated reporting by subgroups (including children of military families) that are an “N” size of 16 or more; or a state could have a two-year transition period to establish performance targets and identify schools for improvement.
- Instead of Title I reauthorizations, each state would be required to submit a Title I plan with any amendments every four years which would have to be approved by a peer review panel and USED regarding standards, assessments, performance targets, and accountability changes and plans, if any, to improve access to full-day kindergarten, if a state proposes to do so.
- States’ college- and career-ready content standards would be required in science (along with reading and math) by January 2015, but they would not necessarily have to be the Common Core Standards; rather, they must be aligned with credit-bearing academic coursework, without the need for remediation, acceptable to the state’s colleges and universities.
- Title I funds could be used for early childhood education if the state develops learning guidelines for preschool programs and standards for students in grades K-3, which would include such domains as academic learning, and social/emotional development.

Under Harkin, the School Improvement Grant program would continue to allow the use of the four prescribed models, along with “whole school reform,” which groups involved in developing school reform models such as Success for All and Reading Recovery, along with many states and districts, have called for. It appears that one of these models, or a “homegrown” state model approved by USED, would be required in all Priority and Focus Schools as under waivers, and in the lowest performing 15 percent of schools in non-waiver states (e.g., SIG schools). However, while overall flexibility is provided, the interventions which are selected must include 15 common elements ranging from professional development to improving coordination and access to early learning to data-driven instruction to positive behavioral interventions and supports, according to the *Ed Money Watch* blog at the New America Foundation. On the other hand, as *The Quick and the Ed* blog has noted, any schools failing to meet performance targets for two consecutive years would be allowed to develop their own interventions; but, if the schools are still not successful, they would be subject to state-mandated intervention models. If Focus, Priority, or other low-performing schools cannot meet their performance goals, then schools must implement other choice options such as converting to a magnet or charter school or implementing another school improvement plan, if approved by the state and USED.

The Harkin SASA bill would also emphasize that the Secretary of Education cannot “mandate, direct, or control a state’s college- and career-readiness academic content.” As noted below, the Alexander and Kline proposals have stronger prohibitions against the Secretary’s “waiver authority,” representing Federal intrusion on State and local matters -- not only on Common Core, but on other matters.

In the Harkin bill, to use Title II Teacher Quality funds, districts and states would have to include student outcomes/measures, including achievement and growth, as well as other measures in conducting teacher evaluations. These evaluations would be designed to improve teacher practice and ensure good teachers are distributed appropriately, but not for personal decisions like “salaries and firing.” This is a big difference from waivers, as noted by *Politics K-12* blog on [Education Week](#). Also, about 20 percent of Title II funding would be earmarked for professional development in the lowest-performing schools.

The version proposed by Senator Harkin would make other important changes. Title II funding would flow to states under an updated formula, rather than using, in part, the old 2001 formula. Perhaps more critically and important for TechMIS subscribers, in addition to requiring that at least 20 percent of Title II funds go toward professional development in Priority Schools, it would eliminate the use of Title II funds for class size reduction, except in preK-grade 3 classrooms, where it would be an option. In 2011, about 42 percent of Title II funds were used for professional development and 38 percent on class size reduction. These two changes would increase the amount spent on professional development significantly and is in concert with the President’s new announcement of Connect ED to expand and increase funding for the E-Rate program. Because professional development is not E-Rate eligible, Title II money would be used for increased professional development for the use of emerging technologies (i.e., feature-rich digital devices) to implement the E-Rate expansion.

The Republican Alexander Senate bill, offered several days after the Harkin bill was introduced, diverges further from the 2011 Harkin bill (which Alexander supported) in its view that the role of Federal government in education should be severely constrained. Co-sponsored by GOP Senators Richard Burr (North Carolina), Johnny Isakson (Georgia), Pat Roberts (Kansas), Orrin Hatch (Utah), and Mark Kirk (Illinois), the bill would continue the NCLB testing regimen but would generally leave any punitive sanctions and other matters relating to school improvement and intervention selection to states and districts, unlike waivers. The Alexander bill, as reported by *Politics K-12*, would eliminate the provision on Highly Qualified Teachers (HQT) and allow states to use Title II funds to develop teacher evaluation systems that could take into account student outcomes, but it would not be a requirement. Alexander’s version also differs significantly from the House Republican Kline version which requires teacher evaluations to be based in part on student performance. Teacher evaluations based on student outcomes, according to Alexander, should be a district and state option.

The House Reauthorization Bill from Chairman John Kline (R-MN) is very similar to the House version approved by the Committee two years ago, with some changes:

- It eliminates Federally-mandated prescriptive actions and interventions currently required of poor-performing schools, such as those under School Improvement Grant guidance, and gives states and districts maximum flexibility to develop appropriate school improvement strategies and rewards.
- It would repeal the “Highly Qualified Teacher” requirements under NCLB, directing states and districts to develop teacher evaluation systems that measure an “educator’s

influence” on student learning that incorporates “multiple measures” and includes feedback from all stakeholders. Evaluations must be locally developed and must factor in student achievement.

- Under the Kline bill, a number of important changes to the use of Title II funds would be made, including setting a cap at 10% of such funds used for class size reduction which “has little or no effect on student learning” and creating a School Leader Flexibility grant program which can be used to fund professional development activities or “other evidence-based initiatives” likely to increase teacher effectiveness.
- It would eliminate 70 existing ESEA programs and consolidate a number of K-12 education programs into a Local Academic Flexible block grant which allows states and districts to support local priorities for student achievement improvement.
- The Kline bill requires states to reserve ten percent of their Local Academic Flexibility grant to support state and local programs that operate “outside of the traditional public school system,” such as after-school and to protect student safety.
- The parent engagement of children in local magnet schools and charter schools would be strengthened.
- It would limit a secretary’s waiver authority.
- The bill would increase the state 4% set-aside for school improvement to 7%, while eliminating existing local set-asides, meaning more Title I funds will flow directly to districts and the School Improvement Grant program would be eliminated.
- The bill would require states to set aside three percent of their Title I money to provide competitive grants to school districts that wish to offer tutoring or public school choice to their students, including those in poor-performing schools.
- The bill eliminates the 40 percent poverty threshold for schoolwide programs which will provide greater flexibility for districts to consolidate programs and focus efforts on raising the achievement of all students.

According to *Politics K-12*, while the Alexander bill would allow Title I funds to “follow the child” to other public schools’ but not to outside options like tutoring or private schools, the Harkin bill does not include parent choice and SES options like under NCLB. A provision in the Kline bill would allow a separate 3% Title I competitive grant funding stream for SES-type tutoring and other options; under the block grant, 10% is reserved for “outside public school” initiatives which could involve for-profit providers. The Alexander and Kline bills would also eliminate Obama flagship programs such as School Improvement Grants.

As reported in our April 15th TechMIS Special Report on flexibilities, Assistant Secretary Deb Delisle stated that Title I schoolwides could use Title I funds to implement school climate improvement interventions based on needs assessments and that other flexibilities would be provided shortly by USED for schoolwide programs which do not comingle Title I and other Federal funds. The Kline measure would allow any Title I school to be designated as a schoolwide program, an approach which the Alexander bill would also likely allow given its increased flexibility provided to districts. Hence, even though the supplement-not-supplant (SNS) provision continues in all three versions, the number of Title I schoolwides, which are not

under close scrutiny by auditors on supplement-not-supplant compliance, would increase significantly. Districts would have opportunities to spend Title I funds on otherwise disallowed uses, such as Tier I/Level I RTI interventions, and to use Title I funds to train all teachers in identified districts on Title I tutoring programs concurrently in non-Title I schools without violating SNS provisions.

Even though the Kline bill does not explicitly mandate computer-adaptive testing and formative assessments, Congressman Tom Petri (R-WI) has introduced the Assessment, Accuracy, and Improvement Act. According to the *Digital Education* blog on Education Week, Petri expects the bill to get bipartisan support and to be included in the House draft of NCLB reauthorization. The Harkin Senate reauthorization proposal, not only allows the state to administer computer-based adaptive assessments as its required test and to use a cumulative score of such tests in lieu of summative state assessments, but also to determine the actual grade level at which the student is performing in calculating progress and improvement.

Regarding the use of Title I funds, both the Kline and Alexander bills would eliminate the “maintenance of effort” requirements, while the Alexander bill would retain the existing supplement-not-supplant requirements presumably under the existing NCLB law and/or under waiver guidance.

Similarities Among the Three Versions

Even though the Administration may not be willing to negotiate some compromises, there appears to be bipartisan support in the Senate and House, reflected in the three bills, in the following areas:

- eliminating AYP under NCLB, but maintaining the current testing regimen;
- allowing/requiring computer-based adaptive testing with a more prominent role for formative assessments versus summative assessments used for accountability purposes;
- reducing or otherwise constraining the Secretary’s waiver authority while providing states and districts greater flexibility and discretion without “conditions”;
- allowing more Title I schools to designate themselves as schoolwide programs and hence to have more flexibility in the use of funds without violating supplement-not-supplant requirements; and
- eliminating maintenance of effort provisions, but changing comparability requirements by using “actual” not “average” teacher salaries.

Even though there will be major Administration opposition to many of the provisions, especially related to the elimination of flagship programs such as School Improvement Grants and Race to the Top and reducing the Secretary’s waiver authority, we agree with *Politics K-12* conclusion: “The three bills pretty much mean there is no chance there will be anything even resembling a compromise anytime even until there are new folks in Congress (and maybe a new President).” On the other hand, in the above areas in which there appears to be bipartisan agreement and little likely “pushback” from the Administration and possibly even support (e.g., greater flexibility in

Title I schoolwide programs to implement reforms), some of these provisions could be incorporated into new to-be-announced flexibility regulations and/or new guidance for states to apply for continued NCLB Ed Flexibility waivers for the next two years. We plan to continue monitoring developments in these areas closely for our TechMIS clients.

Update:

House and Senate Markups on Harkin and Kline ESEA Reauthorization Bills Make Few Changes, Reflecting Mostly Partisan Support, While Staking Out Positions Which May Change When Bills Hit Floor Votes

During the Committee markup sessions of the House and Senate ESEA reauthorization bills in June, only a limited number of changes were made; both bills had only partisan support -- Democrats for the Harkin bill and Republicans for the Kline bill -- but, “staked out” positions which could change once the bills hit the Senate and House floors for debates and amendments.

During the Senate HELP Committee markup, an amendment by Chairman Harkin clarified that states only have to implement accountability measures if the states decide to take Title I money; this, according to Education Week, was an “obvious political counter to the arguments that Alexander and Company are making. That was accepted.” Another amendment that passed, authored by Senator Patty Murray (D-WA), created a separate “subgroup” of students who are children of military personnel. Another accepted amendment, by Senator Chris Murphy (D-CT), allows Federal funds to go to schools which experienced shooting “disasters” similar to Newtown, Connecticut and still another amendment added by Senator Kay Hagan (D-NC) would require a school to take into account extended learning time (a priority of Secretary Duncan) when developing/selecting a school improvement intervention. Recently elected Massachusetts Senator Elizabeth Warren also introduced, but then withdrew, an amendment which would apply accountability conditions and requirements to charter schools in much the same way they are applied to schools identified for improvement or lowest-performing schools. Amendments submitted by Senate Republicans, which would have basically killed all new programs and reduced significantly the Secretary of Education’s waiver authority, failed along party line votes.

In the House markup session on June 19th, Chairman Kline’s bill also passed along party lines. Of the four amendments offered, the only Democrat amendment came from former Committee Chairman George Miller (D-CA), who proposed an alternative bill that would:

- require states to set student growth goals, which could use multiple measures, and graduation targets;
- require teacher evaluation systems to be used for professional development and ensure equitable distribution of teachers, similar to the Senate version.

The entire bill failed along party line votes.

A Republican amendment that passed would make “dual enrollment” an allowable use of funds under the Flexible Block Grant proposal in the Kline bill, while an amendment to change the

Title I formula by removing the “targeted” and “incentive” components, which would help small/medium rural districts was offered, but then withdrawn, by Congressman Glenn Thompson (R-PA), which means it will likely be submitted as an amendment during the floor debate. As reported by the *Politics K-12* blog, Congressman Miller agreed with Thompson, but reportedly said, “It’s a little bit difficult in this budget situation to see how you can make this transition without harming poor children.”

It is important to note that a joint statement from the Education Trust, National Center for Learning Disabilities, National Council of La Raza, and U.S. Chamber of Commerce opposed the Kline bill, saying, “Unfortunately, we believe the legislation falls short of the lessons learned and the need to ensure all students, especially those most in need, are college and career ready.” The Kline bill received the support of AASA and NSBA whose positions may change if, during the floor debate, Majority Leader Eric Cantor (R-VA) pushes for an amendment calling for “a new choice provision,” which is likely to involve vouchers, according to *Politics K-12*.

As we suggest in the enclosed TechMIS Special Report, in a number of areas such as use of computer-based adaptive testing and formative assessments and increasing flexibility for Title I schoolwide programs, there appears to be some degree of consensus among the bills and the Obama Administration which could be incorporated into anticipated state waiver guidance for existing approved states in order to renew their two-year waiver.

Washington Update

Vol. 18, No. 6, June 28, 2013

Secretary Duncan Announces a New “Flexibility” Waiver for States Which Already Received NCLB Waivers Before August 2012; It Would Provide an Optional Extension of Meeting Teacher Evaluation Requirements and School Accountability Assessments/Sanctions by One Year to 2016-17, Which Will Have Implications for Many TechMIS Subscribers

In response to calls for greater flexibility from some states in meeting NCLB waiver Common Core Standards/Assessment “requirements” and by the Council of Chief State School Officers. Secretary Duncan, on June 18th, sent a letter to SEA Chiefs providing an extension option of up to one year in meeting certain teacher evaluation waiver requirements and school accountability/assessment proficiency criteria. While 15 education organizations, including the AFT and NEA, supported a moratorium, the Secretary took a slightly more “measured approach” reflecting the CCSSO request for state flexibility for school accountability ratings/sanctions, teacher evaluations, and which assessments to use for accountability during 2013-14, as noted by Anne Hyslop, *Education Watch* blog of the New America Foundation. In his prepared statement and his discussion with reporters in a conference call he announced, “I sent a letter to State Chiefs today telling them that our administration is open to requests for flexibility with the deadline for implementing new systems of evaluating principals and teachers. States that request

and are given this flexibility can delay any personnel consequences for teachers and principals tied to the new assessments for up to one year until 2016...States must have solid plans to provide teachers support, to help them make this transition, and to survey teachers about their comfort with the new standards.” The waiver on Race to the Top states adopting Common Core State Standards are supposed to be using student achievement and growth measures in teacher evaluations in order to make personnel decisions such as promotion, extra pay, job retention, and other sensitive consequences. As the *Politics K-12* blog reported, Secretary Duncan said during the reporters’ call, “Some states won’t seek that flexibility because they are already well ahead.” The *Politics K-12* blog (June 18th) noted on the range of state implementation timelines for using assessments to inform personnel decisions: Delaware, Florida, and Rhode Island began in 2012-13; Louisiana, Indiana, Washington, and Tennessee began in 2013-14; Connecticut, District of Columbia, Georgia and others agreed to begin in 2014-15. The new flexibility would apply to all waiver states except those approved after August 2012 which are Alaska, Hawaii, and West Virginia.

In response to the CCSSO request for flexibility for some states’ participation in the Smarter Balanced “field-testing” its new CC test in 2013-14 and reduced “double testing,” the Secretary announced, “Therefore, we are open by any state impacted by double testing to request a one-year waiver to allow schools that participate

in a field test to have students take only one end-of-year test. In those schools, provisions for school-level accountability would stay the same for a year, as would intervention plans that support low-performing students -- we want to make sure there's no reduction in the intensity of support for such students." Recognizing that the technical stumbles and delays which are almost inevitable during the transition, the statement continues, "Yet we also know that it would be a mistake to simply stop assessment until the transition is complete because we know that it is only the most vulnerable students who are hurt when we fail to assess students' learning and make decisions based upon their growth and as standards rise, scores in some states will fall -- erroneously, suggesting that our students' performance is headed in the wrong direction. That is simply not true. This will give us both a new baseline and a more honest assessment of both student achievement and achievement gaps." As with the teacher evaluation requirements, the statement notes that, "Not all states will choose to be part of the process -- as is their right."

As we reported in our April 2013 TechMIS issue on the recent SIIA Ed Tech Forum, Mike Cohen, President of Achieve, which has spearheaded the Common Core Assessment consortia movement predicted that when the first consortia assessments will be given at the eleventh grade, there would be a significant drop in the number of students achieving proficiency which is likely to create an overnight market for remedial/developmental programs designed for eleventh graders who failed the assessment in order to have them achieve college and career-readiness proficiency levels to graduate a year later. In short,

states which take advantage of this school accountability flexibility would have to "hold harmless" any school if the school "fails" next year or if a school improves significantly -- it still remains in its previous year's "sanction" status.

Some state chiefs (e.g., New Mexico, New Jersey, and Florida) oppose the waiver extension while California officials, according to a June 18th report in *Politics K-12* feel they have been "screwed" because their turned-down waiver application would accept the teacher evaluation condition. States seeking the waiver option have to meet the September 30th deadline -- which might be superseded by planned second round waiver applications. Stay tuned for TechMIS updates.

During Recent AEP/AAP Content in Context Summit, Updated Estimates Were Provided on State Legislation and Funding for Instructional Materials

During the June 2-5 Content in Context conference jointly sponsored by the Association for Education Publishers (AEP) and the Association of American Publishers (AAP), which have announced plans to merge updates were provided on state legislative and funding initiatives which AAP has monitored and lobbied. Data were presented by Jay Diskey who heads the Education Division of AAP; Larry Snowwhite, Vice President of Public and Government Affairs at McGraw-Hill; and Gayle Shimasaki of Strategic Education Services which is AAP's California lobbyist.

Jay Diskey covered state trends and themes observed across the 19 adoption states, as

well as other states monitored by AAP. In the context of improved state economies and increased state revenues, Common Core implementation continues; however, in about ten states, legislation is pending which could halt or delay implementation, as reported widely in the media and in previous TechMIS reports. Diskey noted that there is a lack of “open education resources” (OER) legislation in the states, even though print-to-digital transitions are occurring. At the same time, more and more states are attempting to provide greater flexibility to districts in the use of so-called “categorical” programs and funds which have been used in the past to purchase only instructional materials and digital content.

State legislative and funding updates which were highlighted include:

- Texas -- The initially-proposed \$844 million biennium categorical funding for Instructional Materials in FY 2014 has been reduced to \$838 million; however, there apparently have been no changes to the current adoption system in Texas. In the legislative session which will be completed shortly, a number of proposals affecting assessments, Common Core and other directly-related matters are pending or are awaiting the Governor’s signature.
- Florida --Instructional Materials funding has received a 2.6 percent increase in 2014 over last year at \$217 million; however, provisions allow districts to expend instructional materials funds for some hardware that is aligned with content and meets other conditions. The \$130 million spent last year on the Reading Initiative has been maintained. Flexibility is allowed at the district level in terms of dealing with specific publishers; however, some fees may

have to be paid by publishers. Slightly over \$11 million has been allocated for bandwidth expansion.

- California -- Under the Governor’s new priority of providing “subsidiary flexibility” to districts (e.g., greater local autonomy over the use of funds), the Governor has proposed about \$1 billion or about \$167 per average daily attendance (ADA) student as a one-time funding mechanism, to be encumbered within two years, to implement Common Core. The total amount estimated by the Department of Education to implement Common Core is about \$3 billion which would include instructional materials, professional development, and computers, but does not include funding for testing or planning. The Assembly is likely to increase the Governor’s \$1.0 billion to \$1.5 billion with the possibility of some new funding for “fixed costs” which can include instructional materials. There are a number of bills being considered affecting publishers, such as SB-185 which requires publishers to give copies of digital textbooks to school districts for online databases and to charge the same price for interactive digital materials as print materials. Another bill, SB-201, authorizes adoption of reading, language arts and English language development to be completed by November 2015, while still another bill, SB-682, requires publishers to treat materials as surplus property after one year of use on electronic devices.

Other state highlights include:

- New York -- About \$180 million will likely be allocated for Instructional Materials funding, but the definitions

could be modified in the use of this formula based allocation.

- West Virginia -- The estimated IM amount is about \$44 million.
- Alabama -- Instructional Materials funding should be around \$24 million.
- New Mexico -- Approximately \$22 million for IM would be available from the State.
- South Carolina -- The estimated IM amount is about \$20 million.
- Illinois -- The estimated amount in Illinois for Instructional Materials is about \$12.5 million.

Diskey also noted that Arkansas and Louisiana are likely to move from “adoption” states to “non-adoption” states in the near future and that greater flexibility will be provided in the adoption process in Oklahoma.

The primary contacts at AAP are: Jay Diskey (jdiskey@publishers.org) and Julie Copty (jcopty@publishers.org)

Secretary Duncan Highlights Key Important Features of Proposed High School Redesign Initiative Which if not Passed Will Likely Be Incorporated Into Race to the Top or Other Competitive Grant “Priorities” or “Preferences”

While the new \$300 million High School Redesign initiative proposal is not likely to be passed by Congress, some of its important features will likely be incorporated into existing priority Obama/Duncan competitive grants or education formula programs. In his New York City speech on June 8th, Secretary

Duncan called on Congress to appropriate funds for the new High School Redesign proposal, pointing New York City’s Pathway to Technology project and a number of other new high-tech schools as models. In the speech and a USED Fact Sheet accompanying his speech, the Secretary highlighted a number of features that are likely to be incorporated into existing competitive grant programs, such as Race to the Top, Teacher Incentive Fund, and, in certain types of interventions in School Improvement Grants (SIG) Tier II high schools, as well as in Priority and Focus School guidance under the forthcoming guidance to extend the state NCLB waiver initiative. Thirty-seven states and the District of Columbia are now approved.

Some of the important design features, as outlined in the Fact Sheet and noted in Education Week’s Politics K-12 blog include:

- Encouraging the use of personalized learning strategies and opportunities which take into account the specific education needs and interests of individual students, and which allow individualized learning paths, while customizing the content and practices for students to master content and pursue their interests.
- Incorporating academic and wraparound services based on student needs, including tutoring, mentoring, and comprehensive supports for addressing minority students so they can successfully graduate and transition smoothly into postsecondary learning and adulthood.
- Providing opportunities for high school students to earn postsecondary credit,

provide high-quality career and college exploration and counseling for students on postsecondary options, including training requirements for career/college success skills and financial aid options available for postsecondary education and training.

- Providing career-related experiences or competencies through internships or mentorships, project- or problem-based learning, real-world challenges, consultation with employers, and structured workplace learning opportunities.
- Developing strategies to use learning time in more meaningful ways, which could include the effective application of technology- and competency-based progression.
- Providing evidence-based professional development which deepens educators' skills, and collaboration, and expands a comprehensive system of student support.

As the Fact Sheet states, "Changes to the current high school structure and experience will require collaboration and contributions from a number of partners from both the public and private sectors, including institutions of higher education, non-profits, business and industry." Moreover, the High School Redesign initiative, according to the Fact Sheet, would "support competitive grants to local educational agencies (LEAs) in partnership with institutions of higher education and other entities, such as non-profits, community-based organizations, government agencies, and business or industry-related organizations to help schools apply academic concepts to real world challenges." The primary focus of the partnerships projects would be STEM-

related fields, especially for students living in high poverty and rural communities, and employers that provide students in participating schools with career-related experiences or help students attain career-related credentials.

As we have argued in TechMIS reports over the last five years, many of the critical components of the Administration's proposed new initiatives, which have not been funded by Congress, will likely be incorporated into some existing competitive grant programs which allow some discretion for Obama/Duncan priorities to be included as "competitive preferences" and other priorities. In light of Congress' opposition to funding any of the Secretary's new priorities, we agree with the conclusion of the *Politics K-12* blog in Education Week. "Even if the program never comes to fruition, the administration could always incorporate some of these ideas into other competitive grants, so it's worth taking a look at what they're after."

President Obama's "Stated" Highest Priority in Working With Congress This Year Is to Pass Legislation to Fund His Mental Health School Safety Proposals

During a national conference on mental health on June 3rd, both the President and Secretary Duncan called on Congress to fund their proposed programs to pay for counselors, social workers, and psychologists to detect and treat mental health problems in children and adolescents. As reported in the *Rules for Engagement* blog on Education Week (June 3rd), following the Sandy Hook Elementary

School shootings, the President has proposed a number of new initiatives, including funding 1,000 resource officers and school counselors, providing mental health awareness training, and training 5,000 additional mental health professionals, the cost of which would be more than \$210 million that Congress would have to appropriate. As the President reportedly stated, “If Congress can come together on anything, we hope it’s this.” The Administration has also launched the MentalHealth.gov website which has information about indications of mental illness and how to get help and analyze interventions. The White House has also released a Fact Sheet which identifies a number of associations addressing specific aspects of the overall mental health school climate improvement initiative. Subscribers with products and/or services in directly related areas might wish to review the Fact Sheet and to identify potential groups with whom they can work or partner in further designing and/or facilitating school district initiatives to implement mental health awareness, detection, and treatment activities.

As we have noted, it appears that improving school climate, including safety and mental health detection and interventions, has become a high priority within the Administration and can receive direct funding in programs such as Promise Neighborhood (e.g., wrap-around services), Race to the Top-District competitive grants (e.g., improving school climate, parent engagement, stakeholder engagement), School Improvement Grants, and Title I schoolwide programs (improve school climate), as reported in our April 15th TechMIS Special Report.

The Fact Sheet was posted on June 3rd:
<http://www.whitehouse.gov/the-press-office/2013/06/03/fact-sheet-president-obama-applauds-commitments-raise-awareness-and-incr>

Update on New Head Start Re-competition and Child Care and Development Block Grant Regulations Call for Quality Improvement in Learning

In early June, the Administration for Children and Families (ACF) published Funding Opportunity Announcements (FOAs) for Head Start and Early Head Start grantees included in the second cohort of replacement programs that were designated for re-competition. The complete list of 122 programs in the second cohort slated for replacement through the Designation Renewal System (DRS) is available at <http://eclkc.ohs.acf.hhs.gov/hslc/hs/dr/pdf/2nd-cohort-competition.pdf>.

With the evaluation criteria nearly identical, this funding announcement is similar to the main round of applications from 2012. However, this round of FOAs does not include the option for applicants to combine Head Start and Early Head Start services as did a more recent pilot of the Zero-to-Five model. The pilot model is not being expanded in the newly posted FOAs.

All applications for the 23 different service areas are due August 13, 2013, with a total funding allocation of about \$38 million. Vendors might approach new community-based organizations eligible to compete for funds or grantees in the second DRS cohort that are likely to make application for funding again. A majority of Head Start

programs in the first DRS cohort that submitted re-applications were selected through the competitive process to provide services to the communities in which they had existed for many years.

To improve quality in state funded child care, the Child Care and Development Block Grant (CCDBG) **Reauthorization Bill was introduced to Congress early in June. As previously noted (see May TechMIS issue), in the summary of the draft CCDBG regulations circulated for comment, states would be required to ensure that all child care providers who care for CCDBG-funded children receive:**

- health and safety training in specific areas;
- comprehensive background checks (including fingerprints, checks of the sex offender and child abuse registries); and
- on-site monitoring.

The Most Recent [Education Week Diplomas Count](#) entitled “Second Chances: Turning Dropouts Into Graduates,” Includes Good Market Information on the Credit Recovery K-12 Niche, Suggesting Continued Opportunities for Online Delivery

The June 6th issue of [Diplomas Count](#) includes several types of market data on the dropout/credit recovery market niche which interested subscribers should review. These issues, which we have been reporting on for more than three decades, are highlighted below.

Disrupting traditional instructional models, Sarah Sparks notes, are expanding: “Because districts take a hit in both per-

pupil funding and accountability ratings when students walk out on school, many are eager for outside help with tough-to-teach students.” She observes that the concept of supplemental educational services (SES) has “burned itself out within a decade, hammered by the mistrust of school districts and the lack of consistent ways to evaluate the quality of tutoring programs.” She quotes Steven Pines, Executive Director of the Education Industry Association, as saying, “We are hoping to avoid another situation like SES.” Educators are concerned that there is no standardization in terms of what credit recovery means. According to the Director of NSBA’s Center for Public Education, Patte Barth, “We’re finding credit recovery working, not working, working under these certain conditions. There isn’t much evidence, and that’s something policymakers and parents need to understand.” Barth estimates that 60 percent of online courses are for credit recovery.

Sparks concludes that the clearest countrywide definition of what it means to be a high quality program for credit recovery comes from the National Collegiate Athletic Association which puts specific requirements on “non-traditional classes” that award credits based on content mastery rather than seat time, particularly for credit recovery. Some of these requirements include:

- It covers all content requirements for a core course;
- Both student and instructor have regular, ongoing access to each other and interaction for teaching and helping the student throughout the course;
- Student work is available to be validated;

- Appropriate academic officials evaluate student work;
- The course includes a set time period for completion; and
- The course is acceptable for any student and is included in the student's high school transcript.

The Diplomas Count issue also includes state-by-state estimates of the projected number of non-graduates (e.g., California has approximately 146,000 projected non-graduates from the Class of 2013 and an estimated 210,000 recoverable youths in 2011). Education Week staff projected the number of non-graduates from the 25 largest districts, which constitute approximately 18 percent of the nation's total of slightly over one million projected non-graduates. New York City has an estimated 36,000 projected non-graduates, followed by Los Angeles with 32,000. The report shows the graduation policies for the Class of 2013.

The reports are available at: www.edweek.org/go/dc13; certain articles are included in recent issues of Education Week.

District Technology Officials Believe a Major Barrier to Expanded Use of District-Purchased Mobile Devices Will Be Management/Control/Tracking and Related Problems Which Could Be Partially Reduced by New Office of Management and Budget (OMB) Definition of Devices Purchased With Federal Funds

As part of the ISTE Annual Conference in San Antonio, SIIA and COSN sponsored a

“feedback” session on June 25th. During the session, leading district technology advocates/officials, including Sheryl Abshire of Calcasieu Parish, Louisiana and Bailey Mitchell of Forsyth County, Georgia, identified a host of challenges which have to be addressed as the use of district-purchased mobile devices expands, especially those purchased with Federal funding. Many of these issues relate to management/control associated with student take-home policies, tracking/theft, insurance, and related areas. In response to a question which we posed as to whether insurance is a serious cost and paperwork problem, district officials listed a number of efforts underway to resolve such problems which are cumbersome and administratively time-consuming. Several officials said their district requires that a deposit be made by either the students or parents to cover replacement costs. Others felt the need for “closets” to be maintained for such devices for checkout and return, but they would not provide “take-homes.” Still others actually charge parents for insurance coverage of devices provided to students for take-home.

The Office of Management and Budget is updating a circular which according to Title I Monitor, would essentially no longer define many mobile devices as “computer equipment,” but rather as “materials and supplies” in Federal grant budgets applications or for Title I budgets approvals sent to the state. For the last four decades, under Title I for example, these devices would be included under “computer equipment” which requires: (a) tracking of such equipment by Title I offices (e.g., devices purchased by Title I that are sent to parochial schools to serve Title I eligible students); (b) maintaining records on the use of such equipment; and (c) specific

regulations for accounting for such property for five years until it is sold or becomes surplus property. It appears that under the new definition, mobile devices costing less than a certain amount (e.g., \$500) would be reclassified.

After the session, we talked with a number of technology leaders who basically said, “It’s about time” and that new regulations treating such devices were sorely needed. Existing procedures for tracking them as property is extremely burdensome and insurance costs were not insignificant. A Midwest state technology leader responded to the forthcoming redefinition of mobile devices as a “godsend” and noted that resolution of the insurance issue was an immediate problem facing large-scale district purchases using Federal funds which the SEA had to approve under existing Title I regulations.

From the feedback session and subsequent discussions, it is apparent that a new definition could not only reduce the cost of district-purchased devices, in combination with expanded BYOD policies, but would likely expand greatly 1:1 and directly-related policies using mobile devices in K-12. Vendors in the ISTE exhibit area confirmed that, if and when such an OMB policy is actually implemented by USED for all of its Federal funded programs used to purchase such devices, sales would increase dramatically.

Other interesting feedback areas about which there was a consensus among private and public school officials during the session included:

- The research or evidence methodologies relating to determining effectiveness that should be applied to mobile devices

should be similar to the same evidence gathering process used by district officials in selecting print or other materials and content.

- Several officials felt that “if the content is free then use it, and if it does not work discontinue its use”; however, for content which is not free, there should be some evidence before buying.
- Several district officials indicated that it is very hard to determine the effectiveness of mobile devices, with one respondent arguing that she and her teachers always review any YouTube lessons or apps before deciding to let students use them.
- Another official felt that one of the major issues with BYOD policies is providing an opportunity for teachers to control their use.
- Most district officials felt that if the district narrows down after pilot testing its use of mobile devices, it would attempt to standardize mobile device use and that BYOD should be used to “fill in gaps.”
- Virtually all district officials felt the major problem immediately confronting expanded use of mobile devices was training teachers to use different devices, especially in BYOD situations.

We will continue to follow developments in this area.

Miscellaneous (a)

USED has announced that more than half of the Small Business Innovation Research (SBIR) contract awards for entrepreneurial small businesses were for firms which are developing games and related projects

which is more than any previous year. The USED announcement states, “That says a lot about the increasingly creative field of education gains and the growing base of evidence indicating that gains can be an important and effective component of our strategy to prepare a highly-skilled 21st century American workforce.” According to USED, this year’s SBIR gain winners share similar themes which include:

- most include an adaptive component that auto-adjusts the gain difficulty to the competency level of the player;
- most include rewards in competition to drive gain play;
- several include teacher-boards for informative assessment results are provided to the teacher in real time to inform them of player status for further instruction and remediation.

The SBIR program under the Institute of Education Sciences holds an annual competition and awards fund in two phases:

- Phase I -- up to \$150,000 for six months
- Phase II -- up to \$900,000 for two years for full-scale development of products, refinements, and a pilot study to demonstrate usability.

Miscellaneous (b)

A recent policy brief by Brookings Institute and Princeton University researchers calls for consolidation of the TRIO program (including GEAR UP) and more rigorous evaluations of program effectiveness. In response, the National Council for Community and Education Partnerships, a nonprofit advocacy group, stated, “In the absence of government-sponsored research to independently verify the success of

college-access programs, NCCEP calls into question the report’s broad implication that federal college-access programs do not work. This implication may lead others to falsely conclude that funds invested in GEAR UP have been wasted.” The NCCEP statement also emphasizes that The New America Foundation has named GEAR UP as “the most promising” of all Federal college-access programs.

About \$1 billion is spent annually on the TRIO programs and GEAR UP which was established 14 years ago to provide six-year grants to states and partnerships to provide services at high-poverty middle and high schools, serving students beginning at the seventh-grade through high school. The Brookings-Princeton policy brief also recommended not only that the overall TRIO programs be consolidated, but also that they be converted to competitive grant programs to help evaluate their effectiveness. The policy brief reported that students coming from wealthy families are twice as likely to attend and complete college as those from low-income households. The report, entitled “Time for a Change: A New Federal Strategy to Prepare Disadvantaged Students for College,” argued the need for more rigorous evaluations of the interventions which include instruction, tutoring, and counseling for at-risk students to prepare them for college. The analysis prepared by Brookings-Princeton researchers found that the only program that had any “small impact” was the Upward Bound Math Science Program. It did find that there were indications that, in some programs, summer learning, mentoring, tutoring, and parent involvement can make a difference from which one might be able to “weave together a new kind of intervention programs.” In

the meantime, the policy brief suggests more needs to be done to improve school counseling and support programs, as reported by the *College Bound* blog on Education Week (May 8th).

Miscellaneous (c)

Ultra conservative House members are planning to re-submit the A-PLUS Act proposal which according to *Politics K-12* could mean “tough sledding for the Kline bill when the measure moves to the floor of the U.S. House of Representatives, likely in July.” This Tea Party bill has been sponsored in the past by former Senator Jim DeMint (R-SC), who now heads the right wing Heritage Foundation. According to *Politics K-12*, in an interview, Chairman Kline said submission of A-PLUS did not “worry” him. And, he noted that his bill was more conservative than the A-PLUS approach because previous versions of the A-PLUS Act would have required states to send their alternative accountability systems to the Secretary of Education for his approval. Because the A-PLUS bill is further to the right than not only the Kline bill, but also Senator Lamar Alexander’s bill, several observers believe that the difficulty facing the Kline bill in the House would probably put Senator Alexander in an even more critical role of being the “playmaker” between the House and Senate

on any compromise which could result in something close to an ESEA reauthorization, if not this year but most likely within the next two years.

Miscellaneous (d)

The National School Supply Education Association (NSSEA) recent survey found that during the 2012-13 school year, teachers spent slightly over \$1.5 billion purchasing education products. The average teacher spent \$268 on school supplies, \$491 on instructional materials, and an additional \$186 on other classroom supplies, for an average total of \$945 spent on classroom materials last year. Over ten percent spent more than \$1,000. The report also noted that teachers spent about \$150 out of their own pocket on school supplies, \$200 on instructional materials, and \$140 on classroom materials, totaling about almost \$500, as reported by the AEP.

California Update

June 2013

According to the Economic Policy Institute, California's Federal Title I funding will be reduced by \$83.3 million -- about a five percent cut from the 2012-13 school year, but some districts are receiving slight to moderate increases (see May 22nd TechMIS Special Report).

In 2010, the California legislature established a two-year Transitional Kindergarten program designed to serve children who turn five-years-old in the Fall. Beginning in the 2012-13 school year, 39,000 California four-year-olds with Fall birthdays started TK classes; when TK is fully implemented, 120,000 children will be enrolled. The program was designed to improve the alignment of students' developmental readiness with the State curriculum. [Education Week's Early Years](#) blog notes that the program has had the unintended effect of bridging the divide between the early-childhood community and the K-12 system.

The Los Angeles school board has approved a \$6.2 billion budget for next school year that -- for the first time in five years -- does not include major cuts and layoffs. [Education Week](#) notes that last year's budget called for a shorter school year and thousands of layoffs, although many cuts were later avoided.

The Los Angeles school district is planning to mainstream hundreds of students who have previously been taught in special schools for students with disabilities. According to the [Los Angeles Daily News](#), the moving of children to neighborhood schools is an effort to comply with Federal and State regulations, as well as a 1996 consent decree that requires the district to reduce the number of students in stand-alone centers. The plan is facing resistance from parents who believe their children are better served in schools specific to their needs.

According to [Education Week's Digital Education](#) blog, Apple has received a contract from the Los Angeles district to implement a large education technology project. Under the project's \$30

million initial award, Apple would begin to provide one computing device for every student and teachers in 47 Los Angeles schools. Eventually, the project could be expanded to every student in the entire district at an expected cost of about \$500 million.

Colorado Update

June 2013

As noted on [Education Week's State EdWatch](#) blog, the Colorado Supreme Court has ruled that the State is not constitutionally required to increase education funding, reversing a 2011 lower court decision. The Supreme Court ruling said that local schools have enough power over raising revenues in their own community. The court's decision will facilitate a major overhaul of the State's education funding system approved by the Governor earlier this year. The new weighted structure will provide more support to districts with large numbers of low-income students and English language learners. It will also institute a new method for calculating daily school attendance.

According to the 2012 Remedial Education Report, more than 60 percent of the Denver school district's graduates -- compared with 40 percent statewide -- needed remediation upon entering college. It is estimated that, in the 2011-12 school year, remediation courses for nearly 10,000 Colorado students cost about \$58 million. [The Denver Post](#) reports that Denver has instituted a new summer program that will offer free remedial classes in English and math for high school graduates. District officials believe the program will improve the college readiness of its graduates. Some, however, believe that such interventions should begin much earlier in high school.

Connecticut Update

June 2013

According to the CT Mirror, the Connecticut House of Representatives has passed a bill that allows school districts to move slowly as they implement two components of the State's 2012 education reform agenda. Under the measure, districts would have two years, instead of one, to rollout the new teacher evaluation process. The bill would also delay programs intended to address the State's high rate of elementary students struggling to read. Specifically, it postpones: (1) regular reading assessments for K-3 students; (2) creation of an intensive reading program; and (3) expansion of an existing pilot program to address reading deficiencies.

Florida Update

June 2013

Florida Governor Rick Scott has signed into law a significant change to the State's teacher-evaluation system, according to Education Week's *Teacher Beat* blog. The new law, apparently responding to a lawsuit filed by the National Education Association, says that the student achievement portion of the evaluation must be based only on the scores for the teacher's students. The new law does not address other NEA concerns such as how to evaluate teachers in "nontested" grades and subjects. It also does not cancel out evaluation results for the past two years that were conducted under the previous evaluation plan.

According to the Orlando Sentinel, starting in 2014, a large number of Florida students who would otherwise be placed in remedial programs will be able to enroll immediately in college-level courses and will not have to take remedial courses or even a placement test which is currently required by community colleges to determine whether gaps in learning exist. Students would then be able to earn college credits; however, they could also receive support services such as tutoring offered by the college. The objective is to ensure that students move more quickly toward a degree, while simultaneously bridging any learning gaps. Currently, 28 community colleges and Florida A&M University are allowed to offer remedial classes. The new exemption would also apply to active duty members of the armed services or anyone who entered a Florida public school as a ninth-grader in 2003-04 or later. Even though some students may take remedial courses beginning in 2014, colleges must submit restructured plans for remediation by March and make changes by the Fall of 2014. According to the Sentinel, schools can use a variety of diagnostic tools to determine who is college-ready and can consider work experience and high school grade point averages, all of which should result in fewer students in remedial programs.

Georgia Update

June 2013

According to the [Athens Banner-Herald](#), Georgia education officials have developed a new education model designed to help students find potential career paths. Under the career-clusters model, students can choose one of 17 career pathways based on their plans for college. Each of the pathways is based on a set core curriculum and electives.

Hawaii Update

June 2013

Hawaii is one of six states that have been awarded grants from the National Governors Association to improve early childhood education. The State will receive technical assistance from the NGA, as well as from private sector consultants, on ways to improve policies and practices related to teacher effectiveness and use of appropriate assessment systems. This year, the Hawaii legislature approved a plan for a new school readiness program to help late-born four-year-olds from low-income families, but then set aside less than half of the funding requested by the Governor to implement the program.

Illinois Update

June 2013

As reported by the After School Alliance newsletter, the legislature has included a new \$10 million after-school funding stream in the 2014 state budget which would be administered by the Illinois Criminal Justice Information Authority, and a seven percent increase in Teen REACH funding from \$8.2 million to \$8.6 million for local afterschool initiatives and support for child care.

Indiana Update

June 2013

In mid-June, Indiana Governor Mike Pence appointed six new members to the 11-member State Board, according to Education Week's State EdWatch blog. The previous board had voted unanimously to adopt the Common Core State Standards, despite significant political opposition in the State. One of the newly-appointed board members, Andrea Neal, is an outspoken critic of the Common Core, but it is unlikely the board's overall support will be reversed.

As reported in The Courier & Press, Indiana's school voucher program could return \$4.9 million to the State's schools this year -- \$800,000 more than last year. Because school vouchers cover only 90 percent of the per-pupil allocation of about \$6,000, the State gets back at least ten percent of the funds set aside for voucher students. This money is then reallocated through the State school funding formula. Last year, \$4.1 million was distributed to 292 public schools and 63 charter schools.

Iowa Update

June 2013

As reported in The Des Moines Register, Iowa Governor Terry Branstad's new reform law does not include a provision linking student performance to teacher evaluations, nor does it require high school students to have to pass end-of-course exams in core subject areas. One provision would provide bonuses to "top teachers" who take on additional responsibilities. The initial cost of the new reform legislation will be \$7 million; it will cost about \$160 million annually during full implementation beginning in FY 2018. Iowa, because its teacher evaluation system failed to link teacher performance to student performance, has been denied an NCLB state flexibility waiver and waivers of other provisions to improve performance of low-achieving schools. A large number of Iowa districts will receive moderate to large increases in Title I funding beginning in July, with Des Moines, for example, receiving about a 20 percent -- \$1.9 million -- increase in spite of sequestration.

According to the Des Moines Register, Governor Branstad has signed into law a measure that changes a tax-credit scholarship program that will allow businesses, as well as individuals, to contribute to the fund. The law also raised the cap on the amount of money that can be raised -- from \$8.75 million to \$12 million.

Kansas Update

June 2013

A new law (House Bill 2319), signed into law earlier this year, was intended to allow Kansas school systems to apply for designation as "public innovation districts." As reported by Education Week's Marketplace K-12 blog, these districts could opt out of most State K-12 rules and regulations. The law would create a board to oversee the "innovation districts" whose designation could be for up to five years. However, some State education officials have argued that the law violates the State's constitution by usurping the authority of the State school board and local districts.

Louisiana Update

June 2013

The New Orleans Times Picayune reports that Louisiana Governor Bobby Jindal has signed into law a "parent trigger" bill that will allow parents to petition to shift control over failing schools that are part of the State-operated Recovery School District back to the local school district. If a school from the RSD receives a "D" or "F" grade in the State's accountability ratings for five consecutive years, parents can petition for a return to local school control. The law does not apply to charter schools.

As we have noted in previous TechMIS issues, Louisiana is in the process of establishing a pilot program to expand online high school course offerings to public school students. Initially, the Course Choice program was to be financed through the State education funding formula, but this was declared unconstitutional. Instead, it will be paid for by a trust fund supported by oil and gas money. According to Education Week, State officials expect 2,000 to 3,000 students to enroll in the pilot program under which academic courses and skills training will be taught by private organizations and universities. Public school students will be eligible for Course Choice if they attend a school graded C, D, or F in the State's accountability system, or if their school does not offer the courses they want.

Louisiana State education officials have terminated a data storage and sharing agreement with inBloom, a nonprofit funded primarily by the Bill & Melinda Gates Foundation. According to Education Week, inBloom is assembling a database to help states and school districts improve how they record student information and track performance and to train teachers to use available data to improve teaching skills. Because of State concerns about the program, the State School Board has ended its participation with inBloom but has established a task force to look at the issue.

The Louisiana Senate has voted down a resolution opposing CCSS by the leading Tea Party in

the State, claiming that a number of its proposed assumptions were not true. State Superintendent John White supports Common Core Standards which will be a topic in the next Board of Elementary and Secondary Education (BESE) State Board meetings.

Maine Update

June 2013

The Maine Senate has approved a bill that would place a moratorium on virtual charter schools in the State until the Maine Charter School Governing Commission develops laws and guidelines to govern the schools. According to Education Week's *Charters & Choice* blog, the Commission is required to report back to the legislature by December 1. Although the State approved charter schools in 2011, some lawmakers say a new set of laws governing virtual charters is needed, separate from those covering regular charter schools. The current State law, passed in 2012, would provide the same level of per-pupil expenditures to charter schools that districts currently receive; opposition argued that funds would be drained from the public schools. More votes on the legislation are expected in both the House and Senate before it goes to the Governor for consideration.

Maryland Update

June 2013

The Washington Post reports that the Maryland State Department of Education has approved virtually all of the State's 22 district teacher and principal evaluation plans. The only plan still needing approval is Baltimore City's. District evaluation plans have been developed over the past two years with the State requiring school systems to ensure that student scores on the standardized Maryland School Assessment comprise at least 20 percent of a teacher's evaluation. The new evaluation systems are necessary for the State to comply with its grant proposal under the Federal Race to the Top competition.

Massachusetts Update

June 2013

The Massachusetts legislature has voted to increase by 15 percent (which is the first new dollars since 2009) funding for the After-School and Out-of-School Time Quality initiative. It also continues funding of approximately \$3 million to Gateway Cities After-School and Summer Enrichment and Acceleration Academies for ELLs for arts, summer learning, and violence prevention programs. Additionally, efforts to expand STEM instruction in out-of-school time proposals have been given priority by the Governor's STEM Council, in partnership with the Massachusetts After-School Partnership.

Michigan Update

June 2013

According to mlive.com, Michigan Governor Rick Snyder has signed a new State budget that eliminated funding for implementation of the Common Core State Standards. State lawmakers expect to revisit the issue in the Fall. The State Board of Education adopted the Common Core and, since then, Michigan schools have been realigning their curricula to the national standards. Republican legislators have used the word “pause” to describe the effects of the budget provision. Others, opposing the measure, say the effect will be a banning of the CCSS.

Education Week reports that Michigan Governor Rick Snyder’s 2013-14 spending plan includes an increase of \$65 million -- a 60 percent increase -- to help pay the cost of preschool for disadvantaged students (those whose families make up to 250 percent of the poverty line). The increase means that, over the past two years, Michigan’s enrollment of four-year-olds in the Great Start Readiness Program would go from 32,000 to 66,000.

Nevada Update

June 2013

According to Education Week, Nevada has the nation's highest density of English language learners (31 percent) and only 29 percent of ELLs will graduate from high school. Despite this, Nevada is one of only a few states that did not provide targeted funding for ELL education. In June, Governor Brian Sandoval signed legislature allocating \$50 million -- \$358 per student -- in State funding over the next two years for English learners. The districts that will benefit most from this funding are Clark County (Las Vegas) and Washoe County (Reno).

The Las Vegas Review-Journal notes that Nevada is one of six states that has been awarded a grant from the National Governors Association to improve early childhood education. The NGA will give the State \$25,000 and technical assistance from education experts to help improve the effectiveness of Nevada teachers and policies affecting children from birth to grade 3.

New Jersey Update

June 2013

According to Education Week, New Jersey is considering requiring prospective teachers in the State to have at least a B average in college in order to get State certification; the 3.0 requirement is up from the current 2.75. Under proposed new regulations, prospective teachers would also have to take a standardized test of basic skills or show an SAT reading/math of at least 1,120. Beginning in 2016, teachers would be required to take another performance assessment to earn a new license.

Education Week's Charters & Choice blog notes that New Jersey has denied permission for two virtual charter schools to open this Fall, despite the fact that they were given conditional approval two years ago. State education officials cited concerns about the “legal and practical implications” of virtual charter schools. One of these schools -- the New Jersey Virtual Charter School -- serving 150 high school students, would have operated outside the State requirements that charter schools serve only contiguous school districts. The other, the New Jersey Virtual Academy, would have enrolled 850 K-10 students.

According to Education Week, New Jersey has proposed a State takeover of the troubled Camden school district which has 20 of the lowest-performing schools in the State. New Jersey has a long history of State school takeovers: Jersey City in 1989; Paterson in 1991; and Newark in 1995. And none of the districts has been completely freed from State control. Camden has a high school graduation rate of less than 50 percent and has just laid off 200 employees because of persistent budget problems. Unlike the other takeover districts, the Camden school board -- which did not challenge the takeover plan—will not be disbanded but will remain in an advisory role. The State also currently authorizes nine charter schools in Camden and the Knowledge is Power Program (KIPP) will begin running new schools, serving 2,800 Camden students, in the 2014-15 school year.

New York Update

June 2013

New York State has imposed a new evaluation system on New York City teachers after the City and the teachers' union failed to agree on a system. According to Education Week, New York City was the only district in the State that had an evaluation system imposed on it. The City forfeited \$250 million in State aid when it missed the deadline for agreement. The new evaluation plan includes student test scores, principal observations, and other data, including 20 percent for "locally selected measures." Teachers will be rated on a scale of "highly effective," "effective," "developing," or "ineffective." Those rated ineffective two years in a row will face disciplinary hearings.

Oregon Update

June 2013

The Oregonian notes that only 61 percent of Oregon's high school Class of 2011 went on to college by the Fall of 2012. This compares with 68 percent nationally. Data further show that only 56 percent of males and 46 percent of Hispanics in the Class of 2011 took a college course within 18 months of graduating. In 2011, Oregon adopted a goal of getting 80 percent of its high school graduates to earn a college credential -- 40 percent at a four-year institution and 40 percent for a community college or industry certification. In 2011, only one of the State's 180 school districts sent enough graduates on to college to meet the 80 percent standard.

Pennsylvania Update

June 2013

Facing a huge budget deficit, the Philadelphia school district has made a number of drastic cost-cutting moves, according to The New York Times. With a third of the district's enrollment in charter schools, Philadelphia has decided to close 30 underused schools over the objections of parents and the American Federation of Teachers. It has also sent pink slips to nearly 20 percent of its school-based workforce, including 646 teachers, 1,200 aides, and all 127 assistant principals. The district is also seeking \$304 million in added revenue from the City, the State, and teacher givebacks, but actual new funding is far short of that amount. The State has thus far appropriated only \$10 million in extra money for the district.

Pennsylvania Governor Tom Corbett has indicated that he will try to help the financially troubled district. A strong supporter of public school alternatives (charter schools) and private school vouchers, the Republican Governor has emphasized that any State support must yield long-term results, "with the expectation that we will not be back at the drawing board again next year with another fiscal crisis."

In the Fall, Philadelphia Public Schools will be opening a new full-time online virtual initiative in order to compete with cyber schools and other outside-the-district options, according to Education Week (June 13th). The Philadelphia effort follows similar efforts from other large urban districts which, according to Susan Patrick, President of the International Association for K-12 Online Learning, believe that district online programs is one of the biggest areas of expansion in the online world. A recent report by the Southern Regional Education Board on online efforts in its 16 member states also found that, while the number of state virtual schools has declined, there has been major growth in district-operated online programs and virtual schools. Patrick argued that this growth, designed to provide options for students who have struggled academically or behaviorally in regular schools, could help larger school systems that are trying to meet the work and scheduling needs of students, including those who need to

recover academic credits. A total of 500 to 1,000 students will be enrolled in the Philadelphia Virtual Academy the first year. In Pennsylvania, competition for students comes from 16 publicly funded online charter schools that will enroll students from nearly all of the State's 500 districts.

South Carolina Update

June 2013

The South Carolina legislature is considering a bill that would allow middle and high school students to take more courses through the State's virtual education program. Currently, students are limited to three online credits per year and 12 toward high school graduation. By removing the limits, the new measure would make it easier for students to recover credits, and take Advanced Placement and specialized courses not offered in their schools. Last school year, about 9,700 students completed courses through the online program. The bill would not change the restriction against students earning a diploma through the free online program that is available to private and home-schooled students.

According to the *Charters & Choice* blog on Education Week (June 20th), the South Carolina legislature said up to \$8 million in tax credits would be available to individuals and businesses who donate to non-profits that distribute scholarships for students with disabilities. About 12 percent of South Carolina students would be eligible to receive scholarships which cannot exceed \$10,000 per student.

Concerned about overreacting by the Federal Government, South Carolina Tea Party groups are calling for the State to abandon its adoption of the Common Core State Standards. Although there are proposals in the South Carolina House and Senate to stop the State from implementing the Common Core, neither has advanced. Unless legislation is enacted, South Carolina will complete its transition to the Common Core by the 2014-15 school year.

Texas Update

June 2013

Education Week's Curriculum Matters blog has noted that Texas Governor, Rick Perry, has signed a graduation rate bill that “strikes a balance between our need for rigorous academic standards and a student’s need for flexibility.” Passed with bipartisan support, the new law reduces from 15 to five the number of end-of-course exams students must pass to graduate from high school. Students are still required to pass State exams in English 1 and 2, Algebra 1, Biology, and U.S. History. The law also replaces the State’s “recommended” diploma pathway with a less rigorous “foundation” diploma. Critics of the law, including business organizations and national advocacy groups, say it represents a step backward in the effort to prepare students for college and careers.

Under new legislation awaiting the Governor’s signature, additional providers of online courses would be allowed for the Texas Virtual School Network in which more than 6,000 students are enrolled, including dual enrollment. New providers could include private companies, non-profits, and out-of-state postsecondary institutions. According to the *Digital Education* blog on Education Week, the legislation would make it more difficult for districts to reject student requests for courses, but the number of courses districts have to pay for annually is capped at three year-long classes per student and the TEA has to approve the courses. The Governor’s spokesperson declined to say whether Governor Rick Perry would sign the measure, although he favors expanding charter school opportunities.

The Texas legislature, according to the After-School Alliance, has established by law the Expanded Learning Opportunities Council which is the first dedicated after-school/summer policy in Texas. According to the Alliance, Texas now joins Illinois, Massachusetts, Pennsylvania, Rhode Island, Nevada, and Iowa as having expanded learning opportunity legislation task forces, commissions, or studies.

Education Week's State EdWatch blog observes that Federal sequestration will result in a \$28.2 million reduction in funding for Texas Head Start programs. The cut could mean a loss of 70,000 Head Start slots.

Utah Update

June 2013

The *Early Years* blog on EducationWeek.org notes that the Goldman Sacks investment firm and another private investor are lending as much as \$7 million to the United Way of Salt Lake to expand a preschool program for the poor. The Utah High Quality Preschool Program will repay the loan along with a five percent interest, although the interest will be due only if the program is successful. Success of the program will be determined by the cost savings for children who would otherwise use remedial special education services -- an annual savings of \$2,607 per child.

Virginia Update

June 2013

Beginning on July 1st, four schools -- two in Norfolk, one in Petersburg, and one in Alexandria -- will be taken over by the new state-run Opportunity Educational Institution (OEI), which was recently created as we reported in our March 2013 TechMIS State Profile Update. Patterned after the Recovery School District in Louisiana, the OEI will take over schools that have not been accredited for four or more years, which could be run by CMOs or EMOs under the OEI. Under current law, only districts can authorize new Virginia charter schools. Superintendent Joseph Melvin of the Petersburg school system said, “The OEI Bill appears to be a state legislative measure to place charter-type schools in jurisdictions without local control and parental knowledge.” The budget approved by the legislature was only \$150,000, less than the Governor requested, but plans exist to raise more funds. Guidelines on OEI operations and fundraising remain major uncertainties confronting the new district. As an LEA, the OEI is supposed to receive some funds from districts whose students go to the OEI schools under Title I follow-the-child regulations. However, whether this will happen is not clear.

The 32,000-student Norfolk Public Schools plans to convert ten schools into charters by the Fall, taking advantage of a change in the Virginia law taking effect July 1st. According to the *Charters & Choice* blog on [Education Week](#), the Virginia Department of Education supports the Norfolk Public Schools transformation initiative in which schools will open in August with new themes in place for the 2013-14 school year.

West Virginia Update

June 2013

The Charleston Daily Mail reports that West Virginia has decided to adopt Statewide an educator evaluation pilot project begun two years ago. Starting with 25 schools and expanded to 136 schools last year, the system will be put in place for all teachers Statewide this Fall. The new evaluations will include observations and conferences between principals and teachers, as well as standardized test scores, to gauge teacher effectiveness. Principals who will be responsible for the evaluations are now attending professional development sessions held throughout the State. Some educators have complained about the extra workload the system would place on principals.

The West Virginia School Building Authority has approved a number of safety measures for new public schools, according to Education Week. Among the new school requirements are:

- shatter-proof glass;
- exterior door alarms;
- administrative offices with direct line of sight to the school's parking lot; and
- video monitoring software to allow staff to monitor the school.

Wisconsin Update

June 2013

Education Week notes that Wisconsin Governor Scott Walker and Republican lawmakers are considering a plan to expand the State's voucher program. Under the deal, the voucher system would be expanded from Milwaukee and Racine to the rest of the State and allow a \$150 per-student increase each year for the next two years. The legislative agreement would cap expansion at 500 students in its first year and 1,000 in its second year. The plan has many critics, including State superintendent Tony Evers, who say vouchers take money away from public schools.

Wyoming Update

June 2013

As reported by The Star-Tribune, the Wyoming legislature is considering new funding sources for early childhood education and has authorized a study on how to improve coordination of early childhood programs. In 2009, only 52 percent of Wyoming kindergarteners were adequately prepared for school. Two legislative committees have agreed to propose legislation that would establish a private-public partnership for early childhood programs and a matching county endowment. Currently, Wyoming's early childhood efforts are administered by four State agencies -- the Department of Family Services, the Department of Health, the Department of Education, and the Department of Workforce Services. Recognizing that the agencies have their own mandates to fill, lawmakers want to ensure that the agencies collaborate and share resources.