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MEMORANDUM

DATE: May 29, 2014
TO: TechMIS Subscribers
FROM: Charles Blaschke, Blair Curry, and Suzanne Thouvenelle
SUBJ: Districts Receiving E-Rate Refund Notices; Washington State Waiver Revoked and National Opportunities Under NCLB; Time Extensions for Waiver Requirements for Teacher Evaluations; FY 2015 Budget Spending Limits; and State Profile Updates

Earlier this month (May 9th), a TechMIS issue was sent to subscribers with Washington Update items; this issue includes two Special Reports, Washington Updates and state profile updates.

The first TechMIS Special Report identifies districts, which were notified of E-Rate refund allocations. Many districts will request the money through the BEAR process, which can be used to purchase non-E-Rate eligible products, such as instructional and evaluation software/tools, professional development, and related products/services. Districts receiving refunds for 2012 and earlier applications should be considered Priority 1 candidates for potential sales, especially where previous appeals were found to be meritorious. Suggestions for approaching districts are included.

The second Special Report addresses USED's revocation of Washington State's state waiver status and identifies specific opportunities for firms with high demand products/services under NCLB provisions as more high-risk states' waivers are revoked; and other states receive state waiver extension denials. Implications and opportunities in these states could arise from USED negotiated settlements.

The Washington Update includes legislative actions and testimony, more flexibilities on teacher evaluation requirements for states requesting waiver renewals and federal funding limits for the FY 2015 education budget, among others.

Washington Update headlines include the following:

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USED to Allow States More Time and Flexibility to Implement Teacher Evaluation Requirements (Principle 3) for Waiver Renewal for States that Are Making Authorized “Targeted Substantive Changes” in Their Plans

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States Take the Lead in the Reforming Career and Technical Education (CTE) Governance and Reforms, Including Adopting/Approving New Curriculum

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A number of miscellaneous items are also addressed including:
 - a) Achieve has released EQUIP -- a rubric for measuring alignment to the next generation of science standards -- which have been adopted thus far by 11 states and the District of Columbia.
 - b) Chairman of the Education and Workforce Committee John Kline sent a letter on April 29th to Chairman Harold Rogers on the Appropriations Committee requesting \$1.5 billion more for IDEA over the FY 2014 budget which would total almost \$13 billion for FY 2015.
 - c) The USED Institute of Education Sciences has received new funding under the Javits Gifted and Talented (G&T) Students Education Program and will fund the National Research and Development Center for the Education of Gifted and Talented Children and Youth.
 - d) A new White House report provides a regulatory “framework” which is designed to ensure individual data collected on students in schools is used only for education purposes.
 - e) USED announces some details for the \$250 million new Preschool Development Grants (PDG) initiative included in the 2014 budget.

- f) In a retreat from earlier proposals, the House Appropriations Committee has approved increased spending limits for the FY 2015 budget for Labor, Health and Human Services, Education funding at \$155.7 billion, which is about \$1 billion less than last year's budget for all three departments.

The state profile updates included in this TechMIS issue focused primarily on budgets, especially for new or expanded programs; USED negotiated settlements for a limited number of states regarding state waivers approved or revoked; and state activities related to some of this Administration's priorities, including charter schools and state Race to the Top funding and expenditures.

As always, if subscribers have any questions or wish to discuss any suggestions or recommendations, please contact Charles Blaschke directly at 703-362-4689. All early childhood education questions should be directed to Dr. Suzanne Thouvenelle at 703-283-4657.

Special Report:
**E-Rate Update on Districts With “Potential” E-Rate Refunds for
Purchasing Non-eligible Products and Services, Such as Instruction
and Evaluation Software and Professional Development**

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

Prepared by:
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May 29, 2014

As we attempt to do on a regular basis, we have included a list of districts that received E-Rate funding commitments from the FCC/SLD, during the last quarter (January-March), for applications submitted back to 2007. We believe that some 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 other cases, the applicant’s request was put “on hold” due to “complexities” (e.g., consortia applications) and/or “unresolved questions.” In many cases, these districts went ahead and purchased the product(s) or services in question, paying the whole pre-discount price. Because the SLD eventually found many of these appeals to be “meritorious” and/or “questions” were resolved, these districts can now 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, professional development, and related services and tools.

If a district staff person, who is a company sales representative’s primary contact, is interested in purchasing a non-E-Rate eligible product or service, then the district staff should be asked to contact the district E-Rate office to determine whether the district purchased the product at pre-discount prices and whether a check was requested for the refund amount through the BEAR process; if so, she or he can ask the district E-Rate Director if some of that money could be used to purchase the desired product or service the firm sells.

The accompanying Exhibit 1 shows the 2007-12 funding commitments greater than \$50,000 which are most likely for old appeals which have recently been found to be “meritorious” and the applicant district or other entity most likely paid the pre-discount full-price after being initially turned down by the SLD. These districts should be considered Priority 1 for E-Rate refunds that could be used to purchase non-E-Rate eligible products and services now. As we noted in the February TechMIS Washington Update, during the fourth quarter of 2013, older commitments

going back to 2005 to Dallas Independent School District totaled more than \$85 million.

In Exhibit 2, the 2013 funding commitments of at least \$200,000 which went to school districts or intermediate units are displayed. Some, but not all, of these applicants could have taken the lead role by filing applications as a consortia for other districts. The FCC recently stated consortia would be given priority in the new review process; 13 percent of E-Rate applicants have been submitted by consortia, according to the FCC. A large portion of the applicants receiving commitment notices in 2013 are likely to be for the 2013 E-Rate application, and many of these will not have likely purchased products at a pre-discount price while the review process was underway. Those that did purchase products in question at pre-discount prices will submit the BEAR form and should be considered Priority 2 application entities for having refunds that could be used to purchase non-eligible E-Rate products and services.

As emphasized in the attached TechMIS Special Report, under the new FCC E-Rate modernization initiative, the SLD will speed up the appeals and “on hold” review process, which will likely result in more timely “meritorious” decisions over the next one to two years. Keep “tuned in” to TechMIS for timely updates and call us if you have any questions.

Special Report:
**Washington State Loses NCLB Flexibility State Waiver Status
Because of Teacher Evaluation State Laws and Will Return to Most
NCLB “Negotiated” Provisions Which Could Have Implications for
TechMIS Subscribers if Other States Follow Suit**

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Some of the negotiated settlements with implications for some TechMIS subscribers represent a slight departure from strict NCLB interpretations as noted below. One negotiated settlement with USED is that in 2014-15, the SEA will identify the status of schools which would have been in place before waivers which means more schools than those “identified for improvement” prior to waivers would have to provide supplemental educational services (SES) and school choice, for example. The schools would also be subject to more serious interventions, especially if they were in “restructuring” before the waiver.

As LEAs resume identifying schools for improvement, corrective action or restructuring, beginning in 2014-15 school year, LEAs must not only spend 20 percent of their Title I allocation on SES and public school choice, but also an additional ten percent for professional development. The settlement agreement states, “The LEA must also after a needs assessment is conducted, “address the professional development needs of instructional staff serving the agency by committing to spend not less than ten percent of the Title I Part A funds received by the LEA, excluding funds received for professional development under ESEA section 1119.” Before Washington State received an ESEA flexibility state waiver, it received an earlier waiver from USED which allowed the SEA to permit districts, which had excess carryover funds from previous years (about \$40 million) from the 10% set-aside; use these funds for related activities such as purchases of products, which could focus on professional development. The new agreement is not clear on whether the previous waiver would continue to be as provided (see March 2013 TechMIS [Washington Update](#)).

Unlike the state waiver regulatory provision which requires SEAs to allocate all of the 4% set-aside for school improvement only to Priority and Focus schools, the SEA will now have the flexibility to allocate such funds to any school under “improvement.” This would allow the SEA

to allocate some of the 4% set-aside to, for example, School Improvement Grant (SIG) schools classified as Tier III which would not have to use one of the prescribed four SIG intervention models (and most likely “whole school reform strategies” and SIG “homegrown” models included in the recent FY 2014 budget language). One implication is that less comprehensive interventions could be used. So...for some TechMIS subscribers with single purpose products, there could be a broader market emerging.

Beginning in school year 2014-15, a school designated as a schoolwide program under state waivers, such as any Priority and Focus schools, would be subject to NCLB provisions requirements for schoolwides to have at least 40 percent poverty, which could reduce funding and flexibility for many Priority high schools.

Under NCLB, an LEA could transfer up to 50 percent from any ESEA funded program, including Title I, to another ESEA funded program. But for a Title 1 school in “corrective action” only 30 percent of the Title 1 allocation could be transferred to another ESEA program. Under waiver flexibility, the percentage limitations were removed. Under the new settlement, however, “an LEA in corrective action is no longer eligible to transfer funds.” If an LEA is not in corrective action, the 50 percent or 30 percent amount under NCLB that it can transfer would continue; however, any funds transferred into Title I would be considered Title I funds which are subject to being included in the calculation of the 20 percent set-aside for SES.

In summary, if an LEA is in corrective action, it is likely that more funds will remain in Priority and Focus schools because they cannot be transferred; however, any funds in an eligible district that are transferred into Priority and Focus schools would likely have to increase the amount of funds set aside for SES, which most districts will not want to do.

The state waiver provision which allows 21st Community Learning Center funds to be used for extended learning time (ELT) during regular school time would apparently be rescinded. Instead, such funds could be used only for after-school or other non-school hour’s programs and activities, including tutoring for at-risk students.

And, as under NCLB, the traditional “school ranking order” for selecting Title I schools to be served would be used once again based on the poverty student enrollments. Under state waivers, SEAs could allow districts to allocate funds to Title I eligible schoolwide programs which “had the greatest need” which included many high schools designated as Tier I and Tier II eligible schools under the SIG program. Such Title I funding for schools that are not on the rank order list in 2014-15 would no longer be allowed to receive Title I funding, according to the settlement.

Seasoned Title I veterans, including Anne Hyslop of the New America Foundation, feel that the situation would be confusing for parents and the public. Other states which reportedly could follow Washington State and lose their state waiver status include: Georgia, Kansas, Oklahoma, and Utah, largely because these states have not submitted their Plan B for using an alternative instead of the two Common Core assessment consortia tests. Also, states which are under a

“high-risk” status which are subject to losing their state waiver status due to the issue of teacher evaluation similar to the Washington State case include: Arizona, Kansas, and Oregon (i.e., Washington State law does not allow state test scores of students to be used for teacher evaluation). (See related TechMIS Washington Update)

In her recent letter to Chief State School Officers, Assistant Secretary Delisle provided increased waiver flexibility by stating, “As a result, for states that have the authority to ensure that all districts implement teacher and principal evaluations and support systems that meet ESEA flexibility requirements, but are proposing targeted substantive changes to their implementation plans for Principle 3 of ESEA flexibility (teacher and principal evaluation and support systems), the Department will make extension decisions based on their submissions for Principles 1 and 2 and will receive Principle 3 amendments separately.” The problem with Washington State is that the SEA does not have the authority since current state legislation precludes the use of state assessment student performance data to be included in developing individual teacher evaluation ratings (see related TechMIS Washington Update). Washington State would not be able to take advantage of this new flexibility provided to states because it does not have the authority. Under Principle 3, USED would not likely “reconsider” its decision until the state law changes.

It would appear that some potential positive implications and/or opportunities exist for TechMIS subscribers who:

- provide SES services or more likely sell products and support for teacher and other groups serving as eligible SES providers, including tutoring programs operated by districts;
- have products that can be used in after-school programs rather than extended learning time (ELT) in-school programs; and
- provide professional development and support services and/or products which are eligible to receive funding under the ten percent set-aside for professional development.

As noted above, one of the implications of the Washington State settlement and most likely other states having waivers withdrawn relates to the number of high schools being served. On one hand, under the NCLB rank order selection process, the number of high schools receiving Title I funding allocations will decline. These high schools may continue to receive SIG funding as Tier I or Tier II schools, but not Title I Part A funding. For the most part, such funds will be reallocated to higher rank-ordered elementary Priority or Focus schools, which could also be receiving SIG funding as Tier I schools, especially in states planning for new SIG grant competitions. These schools should be considered Priority I targets for firms.

One area which thus far has not been included in the Washington State settlement relates to districts that are “identified for improvement,” which have several flexibility options provided under the regulations governing the use of Title I funds under ARRA stimulus purposes (see April 25th TechMIS Special Report on District Title I Allocations). These opportunities include:

- using Title I funds to provide professional development to teachers not only in Title I schools, but also teachers in non-Title I schools if such professional development focuses on the causes for districts to be “identified for improvement;” and
- the use of products that are used in Title I programs paid for by Title I funds can be purchased using other funding sources for use in non-Title I schools without violating the “supplement-not-supplant” provisions.

Further USED guidance in this area is possible; if not issued, the September 2009 regulations detailed in our September 15, 2009 report remains, which is positive for many TechMIS subscribers.

Washington Update

Vol. 19, No. 5, May 29, 2014

House Measure Passes Refinement to Federal Charter School Program Which Could Have Positive Implications for Some TechMIS Subscribers

In May, the House passed Charter School language with bipartisan support from Chairman of the House Education Committee John Kline (R-MN) and George Miller, ranking Democrat from California. As reported by Education Week's Politics K-12 blog (April 15th), the bill would consolidate two existing Federal charter school programs to help charter school developers open new schools and provide funds to help them fix up facilities. It would authorize \$50 million more than the existing \$250 million included in the FY 2014 budget. Provisions would allow successful charter school operators to expand existing successful models. The bill would also allow USED to award grants directly to charter management organizations which would help charter school operators in some states, a provision sponsored by Representative Jared Polis (D-CO).

Another change would allow charter schools to include preferences to serve low-income, minority, special education, and English language learner populations as part of selection lotteries. Moreover, students could progress from one level to a higher level without having to repeat the lottery process.

The bill would facilitate the transfer of successful practices in one charter school to another and/or for adoption by school

districts on a turnkey basis. One such example which we have followed over the last several years is the transfer experiment in the Houston Independent school district which has encouraged “intensive” tutoring and related practices which were proven successful in charter schools and are now being used in some Houston public schools.

The House bill now goes to the Senate which took no action on a similar House bill passed in 2011. However, a companion bill in the Senate introduced by Senators Landrieu (D-LA) and Kirk (R-IL) which also has the support of Senators Alexander (R-TN) and Bennet (D-CO) appears to have more support than it did for the bill similar to the House version in 2011. As Education Week (May 9th) notes, the companion Senate bill would provide more funding for competitive grants for which charter management organizations (CMOs) can compete and provide additional competitive priority points if states “help charter schools find facilities.”

If the Senate supports the House bill, one can expect support from the White House, as many of the provisions in the House version already have White House support. Some of the above provisions, if enacted, could create a demand for products in new or expanded charter schools and among private firms which operate charter schools which can receive competitive grants under the bill. Moreover, opportunities could exist for firms to demonstrate practices which, if proven to be effective in charter schools, could be “turnkeyed” into public school

districts, as per the Houston example.

As a “side bar,” in September 2013, USED sent a letter to both state and district Title I offices on how to ensure that “new” or “rapidly expanding” charter schools in public school districts could get additional Title I funding to ensure “equitable” distribution of resources among Title I programs in the regular district and those in the “new” and/or “rapidly expanding” charter schools, which is now required. During the first year of implementation of this guidance, some districts with “new” and “rapidly expanding” charter schools began allocating in December-February 2014 funds apparently from sources, such as the 4% state set-aside for school improvement where possible, and Title I, to these charter schools.

USED to Allow States More Time and Flexibility to Implement Teacher Evaluation Requirements (Principle 3) for Waiver Renewal for States that Are Making Authorized “Targeted Substantive Changes” in Their Plans

On May 9th, Assistant Secretary Deb Delisle sent an email to Chief State School Officers which announced that USED would provide time extensions and more flexibility for waiver renewals to states making substantial progress in implementing Principle 3, which requires the use of student performance data as one measure in teacher and school leader evaluations and support systems. While details are being worked out, according to the letter, in those states which are making progress, USED will review requests based on whether states have implemented Principle 1 and 2 (implementing standards and assessments and school turnaround

efforts) and then consider separately their progress of “substantive changes” in Principle 3 so that states are “not stopping progress or retreating on making the goal of fully implementing teacher and leader evaluation and support systems.”

As *Education Week’s Politics K-12* blog (March 9th) noted, “But importantly, the flexibility wouldn’t apply to states that have laws on the books that prohibit them from putting in place systems that meet the administration parameters.” Specifically, the letter states, “As a result, for states that have the authority to ensure all districts implement teacher and principal evaluation and support systems that meet ESEA flexibility requirements, but are proposing targeted substantive changes to their implementation plans for Principle 3 of ESEA flexibility (teacher and principal evaluation and support systems), the Department will make extension decisions based on their submissions for Principle 1 and 2 and will review Principle 3 amendments separately. For states with [waiver] extension requests that include no changes or only technical changes to Principle 3, the Department will review their request in entirety across all three Principles.” At least four high-risk states and Washington State, whose waiver has been revoked because of state laws prohibiting implementation of Principle 3, such flexibility and time extensions would not be provided, which would likely result in state waiver extensions being denied and states having to return to most No Child Left Behind (NCLB) provisions and sanctions following negotiated settlements.

As *Politics K-12* noted, this extension and flexibility to Principle 3 teacher evaluations is not the first adjustment, such as the

“waiver-on-waivers,” which we covered in previous TechMIS Washington Updates. The letter does appear to be another step in “backing off” this key feature of waiver renewal. While the “devil remains in the detail,” and final USED guidance is being worked on, it appears that many “slow-moving” states will get waiver extensions in this area. The Chief State School Officers Executive Director Chris Minnich reportedly stated in the Education Week article, “They’re making the right move here....At the same time there are states that have hit their timelines and we need to acknowledge that and reward them for doing so.” For these states, the Delisle letter states, “We will continue to look for ways to recognize and reward these efforts.”

One implication for TechMIS subscribers is that states receiving waiver extensions will prolong the possible creation of demand for products and services which are directly related to implementation of Principle 3 in the areas of assessment, alignment, and directly-related services. On the other hand, states that are rewarded through relatively more flexibilities in the use of funds may create additional opportunities in demand for certain products.

One overriding long-term implication relates to states whose waiver extensions are not renewed and therefore again fall under NCLB sanctions and requirements. For firms with certain products and services demanded under NCLB, this could be helpful in these states. However, if a new Administration does away with most waiver provisions, and if those states which have created new laws and policy changes in order to receive waivers in the first place do not remove or otherwise change such laws, the states/districts may run the risk of losing

many Federal dollars due to violations of “supplement-not-supplant” requirements in Title I and other Titles. As we noted in our April 15, 2013 TechMIS Special Report, if waiver provisions that loosen “supplement-not-supplant” requirements are removed, then Federal funding cannot be provided to states/districts if state laws remain on the books (i.e., Federal funds cannot be used to support activities that are “required by state law”). If state laws require student data to be included in teacher evaluations, and state advocacy constituencies grow supporting such new state laws, it may indeed be difficult for legislators to rescind or otherwise modify such state laws, thereby precluding districts from using Federal funds to implement such activities. One unintended consequence could support groups advocating cuts in Federal funding for education. It is possible that Federal funding could be reduced by “leftover” state laws that violate the “supplement-not-supplant” provisions, thereby delegating funding and other responsibilities to the state.

The new guidance details do not exist now, but need to address a number of questions. One question is how USED will reward those states that have already made progress in implementing Principle 3. One unintended consequence could be that these reform states may come under greater pressure to backtrack on progress made because SEA officials will no longer have “political cover” from USED. Previously, SEA officials could point to the Feds threat to maintain the initial requirement or otherwise revoke waivers in which case districts could lose control over funding (e.g., having to earmark 20 percent for SES). As *Politics K-12* noted, on the other hand, USED could provide these SEAs “possible

rewards, including more flexibility in using Federal Teacher Quality money or automatic waiver renewals.” Or, SEAs could be allowed to provide greater flexibilities to individual districts beyond the flexibilities in the state waiver agreement. Another possible reward could be allowing districts that received part of the SEA 4% set-aside for school improvement to use such funds to serve low-performing schools which are not Priority or Focus schools.

Another question posed by *Politics K-12* is “what exactly will states be able to change?” Policy Analyst Anne Hyslop, at *Ed Money Watch* raised the question of what is the difference between a “targeted adjustment” and a “ridiculously huge change?” Other unanswered questions are whether states can change only timelines or make changes to measures that “help gauge the progress of educators who don’t teach testing subjects.” The latter is a major issue as a judge in a recent Florida court decision denied the state’s teacher association’s lawsuit argument stating the Federal requirement was “unfair,” but it “is the law” regarding evaluation of teachers that teach subjects which are not tested by the state.

When detailed USED guidance becomes available, we will provide clients with our analysis and implications for many TechMIS subscribers.

Charter Schools Receiving About \$3,800 Per-Student Less Than Traditional Public Schools from All Sources, a Gap That Has Increased Over the Last Few Years

As reported by *Politico Morning Education*, the new survey by the University of

Arkansas found that a significant portion of the revenue gap is due to charter schools getting free rent and other facility benefits in many districts, including New York City, which reduces per-student money revenue. However, the funding gap of almost 30 percent on the average would mean in 2010-11 school year in 30 states and the District of Columbia, the average public charter school received slightly more than \$1.5 billion less in per-pupil funding than it would have received if it had been a traditional public school, according to the University of Arkansas report. It also notes that the gap is higher in focused areas within states where charter schools are more commonly found, such as major cities.

Of the four major revenue sources, public charter schools received on the average about \$1,700 from local government sources compared to an average of \$5,200 received by traditional schools. One rather surprising finding in the context of national media coverage was: “Although there is a perception that public charter schools receive a great deal of money from non-public sources and private philanthropies, this careful research shows that traditional public schools received slightly more funds from non-public charitable sources per-pupil in 2010-11 than did public charter schools.”

The report acknowledges that policymakers would like to know what the “return on investments” (ROI) are in charters versus traditional public schools which will be the subject of a follow-up report to be released in May 2014.

As an interesting sidebar during his recent testimony before a Senate education committee, Secretary Duncan was chided by Senator Mary Landrieu for proposing level-

funding for the Federal Charter School program (e.g., \$250 million) which is a “very small amount of money for public high-performing charters,” especially when compared to the \$6 billion Congress gave to the Secretary for School Improvement Grants over the last four or five years. She argued that the results thus far have not been as promising as results from charter schools. Duncan noted that SIG schools could become charter schools, but few have done so. As we noted in a previous TechMIS Washington Update, the bipartisan supported House Bill reauthorizing the charter school program would increase by \$50 million funding, among other things, to support the “turnkey” of effective practices demonstrated in charter schools into neighboring district public schools.

Secretary Duncan’s Testimony Before the Senate Appropriations Subcommittee Addresses, as Expected, Preschool Early Childhood Expansion and Unexpectedly Expanded Bandwidth and New Technologies

Under the theme of promoting education equity in the FY 2015 proposed budget, Secretary Duncan emphasized the President’s request for \$500 million for the Preschool Development grants as part of the \$75 billion in mandatory funding for Preschool for All over the next ten years. At the State level, he argued that preschool education has become a bipartisan issue as 30 governors, of which 17 are Republicans and 13 Democrats, have increased funding for preschool in their State budgets, particularly using Michigan as an example which has committed to adding \$65 million more in its State’s preschool program.

At the conclusion of his actual remarks, which deviated somewhat from the “for the record” testimony, he emphasized the need to increase access to high-speed broadband in schools, noting that, for example, in South Korea, 100 percent of schools have high-speed Internet, while in the U.S. it is only 20 percent. He also emphasized that two-thirds of teachers here in the U.S. wish they had more technology in the classroom to empower them to engage students. Lack of bandwidth availability inhibits schools from accessing new technologies and tools which could “accelerate efforts to close achievement gaps, individualize instruction, and ensure all students graduate college and career-ready.” It is interesting that Duncan did not specifically mention by name the new FCC Modernization Initiative, which FCC Chairman Joseph Wheeler stated at a recent CCSSO conference, the FCC was working closely with Secretary Duncan and his staff in promoting expanding bandwidth, especially to facilitate the use of “new digital technology.” However, the prepared “for the record” testimony, which was included in the FY 2015 budget proposal, does address the FCC Modernization Initiative. This initiative would not require any Congressional funding approvals unless the FCC requests an increase in the \$2.4 billion annual E-Rate cap. E-Rate funding comes from telephone fees and related non-Federal funding sources.

In his concluding comments, Duncan noted that the so-called Ryan (Congressman Paul Ryan - R-WI) budget would cut education funding in 2016 by about \$10 billion, including a cut of \$2 billion for Title I and \$1.7 billion for IDEA. While Congressional support on both sides of the aisle appears to be waning (for a variety of reasons) in some of the Secretary’s flagship projects such as

Race to the Top, and more critically the State Waiver Initiative which is up for state renewals, Congress, and particularly House Republicans, have called for an increase in Federal education funding for formula programs such as Title I and IDEA while reducing or cutting to zero competitive grant programs such as Race to the Top and School Improvement Grants, among others.

States Take the Lead in the Reforming Career and Technical Education (CTE) Governance and Reforms, Including Adopting/Approving New Curriculum

The new Education Commission of the States (ECS) report on the progress of education reforms, entitled “Career and Technical Education: Aligning Programs to Meet Workforce Needs” reports that the state-of-the-state addresses by governors in 18 states included proposed initiatives or budget increases to expand or enhance the quality of career counseling, CTE, and/or workforce development programs. The report summarizes state activities already underway. A particular new focus in many states, which should interest some TechMIS subscribers, is state creation of new avenues for business and industry to influence and inform career and technical education offerings and the blending of high school and postsecondary learning opportunities.

In 2013, a large number of states’ legislative activities established formal mechanisms for local or regional entities to solicit business and industry perspectives to inform local CTE courses of study and CTE curriculum. The report cites Indiana, which has created the Indiana Works Council -- each regional council created comprehensive evaluations

of CTE opportunities. As ECS reported, “It also authorizes the council to develop an alternative high school or CTE curriculum that affords students with opportunities to learn from qualified instructors and pursue advanced and real world learning opportunities. All alternative curriculum offerings must have prior State Board approval. According to Education Week’s Marketplace K-12 blog, Indiana is creating a Center for Education and Career Innovation which recently released an RFP to develop “innovative career and technical education curriculum.”

In Florida, CTE-specific governing boards are being created with business and industry membership. As the ECS report notes, the legislation permits industry representatives to take a lead role on such boards with 4-7 members of local boards being business representatives from the community. In addition, “These boards would make decisions about student entrance requirements, curriculum, program development, budget and funding allocations, and the development with local businesses of partnership agreements and appropriate industry certificates.” Newly-created technical centers may approve only courses and programs that contain industry certification. Such courses will be adopted and continued if at least 25 percent of enrolled students earn the industry certification. Otherwise, the courses will be discontinued.

The December 2013 TechMIS Washington Update covered the results of a Center on Education Policy (CEP) survey conducted last summer. It reported that on career and technical education state directors in two states indicated at that time that their respective state curriculum had been aligned

with or significantly influenced by the Common Core Standards (CCSS). One of USED's top priorities in implementing Common Core Standards and Assessments is "career readiness." The CEP survey asked state CTE directors to address the types of applied academics, courses of study, and types of assessments that were being used in academic areas such as mathematics, English/language arts, communication skills, among other skills. At that time, CEP found that 36 of the 46 surveyed states said that students in their state are assessed on academic skills related to career readiness. Twenty-eight states said their students are assessed for employability skills which include problem-solving, self-discipline, and soft skills, while academic skills included core academic content areas. Two-thirds of states used the Armed Services Vocational Aptitude Battery (ASVAB), and WorkKeys. Twenty-two states used the National Occupational Competency Testing Institute. Twelve states used CASAS. ACT's EXPLORE and ACT PLAN were used in 15 states. One important finding from the CEP survey was that "Common Core has little impact to date on states' career and technical tests." Just 11 states reported that their career readiness assessments have been aligned or are currently being aligned to Common Core, while respondents in 20 states said it was "too soon to know whether and how their career and technical assessments might change in response to the new standards." The report concluded, "The most commonly cited challenges include funding the assessments, getting assessment results from third-party providers, and defining which career education and career readiness standards should be assessed."

In addition to the ECS report, the

Marketplace K-12 blog also cited a report released in March by the National Association of State Directors of Career and Technical Education consortia which found that the most common changes made by states in 2013 was one which was "directing more funding to support new and existing CTE initiatives which occurred in 31 states." Similar to the ECS report, the consortia found 14 states changed governance of career and technical education by reorganizing state agencies, clarifying regulatory authority for CTE, or launching statewide task forces or councils to coordinate efforts. Thirteen states changed graduation requirements and 13 expanded access to dual/concurrent enrollment for students interested in career and technical education.

As we stated in the December TechMIS report highlighting the CEP survey, perhaps some of the best opportunities for TechMIS subscribers would be in the areas of professional development for teachers and ensuring alignment between current assessments and curriculum to the CCSS. As CEP reported, the impact of Common Core standards on assessments for career readiness has been "nascent." Industries working with newly-created regional and local entities identified in the ECS report (go to <http://www.ecs.org/html/educationIssues/ProgressofReform.asp> to see "The Progress of Education Reform: Career/Technical Education" April 2014) could be key influencers in reforming CTE curricula, assessments, and other offerings.

Miscellaneous (a)

Achieve has released EQuIP -- a rubric for measuring alignment to the next generation of science standards -- which have been adopted thus far by 11 states and the District of Columbia. The EQuIP rubric for science is similar to an earlier EQuIP rubric designed to help educators to determine whether or not instructional materials are aligned to Common Core State Standards. According to Stephen Pruitt, Senior Vice President of Achieve, "One of the things you'll notice is that there is not a true rating scale in there. Right now it's more about providing the feedback and thinking about movement from the old to the new so to speak," as reported in Education Week's Curriculum Matters blog (April 16th).

Miscellaneous (b)

Chairman of the Education and Workforce Committee John Kline sent a letter on April 29th to Chairman Harold Rogers on the Appropriations Committee requesting \$1.5 billion more for IDEA over the FY 2014 budget which would total almost \$13 billion for FY 2015. This would increase the Federal government's contribution to special education costs to approximately 18 percent of average per-pupil expenditures. When PL 94-142 (pre-cursor to IDEA) was passed in 1975, it authorized Federal funding up to 40 percent of the average cost of education for students with disabilities, a goal that Congress has never met. As the letter, which was also signed by Todd Rokita, Chairman of the Subcommittee on Early Childhood, Elementary, and Secondary Education, among others, stated, "Although the requested increase still falls short of the Federal Government's commitment to

special needs children, such a meaningful increase would generate significant new funding for all states and districts, giving policymakers and educators more freedom to use State and local funds to strengthen general and special education in their communities."

The Chairman's letter states that most increases since 2005 in IDEA came at the expense of budget cuts to general education. However, as Education Week's Politics K-12 blog noted, "The recent budget agreement would largely hold domestic spending levels steady far into next year, so a boost for special education would likely mean cuts elsewhere would have to come from deep cuts in other domestic programs." Chairman Kline, whose Congressional district is very active in supporting IDEA, has long been a "friend" of AASA who has supported increased IDEA funding at the expense of competitive grant programs such as Race to the Top. Recognizing the "immense duplication" of new competitive grant programs in the existing education budget and proposed competitive grant funding to implement new initiatives, the Chairman's letter appears to indicate support for IDEA funding increases even though such funds might come at the expense of general education budget items, especially proposed competitive grants.

Miscellaneous (c)

The USED Institute of Education Sciences has received new funding under the Javits Gifted and Talented (G&T) Students Education Program and will fund the National Research and Development Center for the Education of Gifted and Talented Children and Youth. The R&D center, the

first of its kind, will conduct several specific programs of research, including an impact evaluation using a design consistent with the What Works Clearinghouse standards that will examine the most effective practices that have impacted gifted and talented students. It will be based on findings from an initial exploratory in-depth analysis of G&T programs serving elementary or middle schools in several states or districts. Priority will be on effective practices with G&T students which have traditionally been underserved, such as students from small towns or rural communities, Native Americans, English language learners, and students with disabilities.

In the recent past, USED has received no funding for R&D activities related to gifted and talented students. R&D groups' letters of intent from non-profit agencies are due May 29th which is the date the application packages will be available (<http://www.grants.gov/>). Firms which have products which could be used to facilitate best practices or where their products are being used successfully in G&T programs may wish to contact the program officer Dr. Corinne Alfeld at ed.gov (202-208-2321).

Miscellaneous (d)

A new White House report provides a regulatory "framework" which is designed to ensure individual data collected on students in schools is used only for education purposes. Headed by Presidential Counselor John Podesta, who previously led the Center on American Progress, the report's authors include the Secretaries of the Departments of Commerce and Energy, along with the President's Science Advisor John Holdren and the President's Economic

Advisor Jeff Zients. The Working Group also consulted with academic researchers, privacy advocates, regulators and the technology industry.

The report's summary, which is available on the White House blog (entitled "Big Data: Seizing Opportunities, Preserving Values"), states "big data and other technological innovations including new online course platforms that provide students real-time feedback promise to transform education by personalizing learning. At the same time the Federal government must ensure education data linked to individual students gathered in school is used for education purposes, and protects students against their data being shared or used inappropriately." As reported by Education Week's *Marketplace K-12* blog, several groups expressed moderate or great support for the recommendations, including the Electronic Privacy Information Center, Common Sense in Media, among others. SIIA, which has been addressing the issue in many ways extensively over the last year and a half, has issued a statement agreeing with the value of their data to support student learning. It specifically has focused on modernizing the rather archaic Family Education Rights and Privacy Act of 1974 (FERPA) and the Children's Online Privacy Protection Act of 1998 (COPPA) through regulatory changes, which was a topic at the last SIIA forum that was summarized in our last TechMIS issue rather than promoting new legislation.

Miscellaneous (e)

USED announces some details for the \$250 million new Preschool Development Grants (PDG) initiative included in the 2014 budget. One eligible group of states could

receive grants from \$5 million to \$20 million; eligible states are those that have not developed and implemented robust early childhood education programs or have not already won a Race to the Top Early Learning grant. According to Education Week's Politics K-12 blog (May 5th), states eligible for four-year grants under this category include: Alabama, Alaska, Arizona, Hawaii, Idaho, Indiana, Mississippi, Missouri, Montana, Nevada, New Hampshire, North Dakota, Puerto Rico, South Dakota, Utah, and Wyoming.

The remaining 35 states and the District of Columbia could compete for “expansion” grants ranging from \$10 million to \$35 million to expand existing pre-K programs to increase the number of percentage of students in pre-K programs and improving overall quality of such programs.

The grant competition for the two groups of states is funded under the Race to the Top program and will require states to allocate 50 percent matching and must also coordinate pre-K programs with Head Start and other existing efforts. The comment period for this grant competition ended May 16th, with USED to publish final rules this summer.

On a separate but related announcement, funding opportunities announcement (FOA) for the \$500 million Office of Head Start (OHS) and Office of Child Care (OCC) Partnerships will be published shortly. This new funding will focus on children birth- 3 years, while the \$250 million RTT3-PDG targets ages 4-5 years. The link is: <http://www.acf.hhs.gov/hhsgrantsforecast/index.cfm?switch=grant.view&gffid=70264>
At this point there will not be FOAs for preschool age program grants. That money

will most likely be added to Designation Renewal Applications or funding existing programs to increase their enrollment.

Miscellaneous (f)

In a retreat from earlier proposals, the House Appropriations Committee has approved increased spending limits for the FY 2015 budget for Labor, Health and Human Services, Education funding at \$155.7 billion, which is about \$1 billion less than last year's budget for all three departments. As Clare McCann wrote on the *Ed Central* blog (May 9th), “That should simplify the process of reaching agreement on a fiscal year 2015 appropriation...until after the November elections this year.” More importantly, she predicts that “committees in both chambers may start to release [or “leaks”] details of their proposed appropriations bills in the coming months, including funding levels for specific education programs.” As we previously reported, the Obama Administration has proposed level-funding for Title I and IDEA for FY 2015, which would be only 83 percent of the FY 2012 level before the sequestered cuts that occurred in the FY 2013. It's not clear how much education might be cut, if any, as McCann notes, because Obamacare is part of the HHS budget, it “...seems a more likely target than education programs.” However, as we noted in our March TechMIS Special Report, during the Council of Great City Schools March Legislative Conference, attendees were told that Title I funding increases which occurred over the last two decades would not likely happen in FY 2015.

Alaska Update

May 2014

According to Alaska Governor Sean Parnell's recent press release, Alaska's Education Opportunity Act increases funding for public schools, provides more career and technical training opportunities, and creates more charter school opportunities. The Act would replace Alaska's high school graduation qualification exam with a student's choice of the SAT, ACT, or WorkKeys assessments. The Act also increases the base student allocation over a three-year period through the use of \$300 million in new education funding. It provides digital teaching opportunities and allows students to test out of courses they have mastered earning credits toward graduation. Of the \$300 million, \$150 million is proposed to expand innovation and to support innovation in new education opportunities.

Colorado Update

May 2014

Governor John Hickenlooper is proposing an increase in State per-pupil funding by \$223. In an initial pilot with eight to 12 schools in several districts, the Colorado State Department of Education is planning work with a newly-created network of turnaround schools. Currently, more than 190 schools are rated as “turnaround” or “priority improvement;” 75 percent of the schools were not in districts under “accountability watch.” Previously, state support has focused on districts providing training and resources to district administrators and not to principals and teachers. This network would focus on principals and teachers. Chalkbeat Colorado reports that funding for the creation of the network will come from existing state department funding; most likely set-asides provided to the SEA under state NCLB Ed Flex waivers, possibly including the SEA 4% set-aside for school improvement.

After weeks of negotiations, State lawmakers appear to have agreed on two K-12 education bills to increase funding which would include \$110 million for districts to partially restore some of the \$1 billion cuts during the great recession. The new bill sets aside \$20 million for early literacy programs and \$40 million from marijuana taxes for construction; \$27 million earmarked to help students learn English; and \$17 million to increase preschool and kindergarten enrollments for about 5,000 more students.

Colorado reports that entering college students needing remedial classes fell from 41 percent in 2010 to 37 percent this year, but that the 37 percentage includes high school class of 2012 students who graduated either early or late. Also, students who remain in “remedial” courses has increased to 62 percent, with State officials saying the positive results were the result of new programs to provide alternatives to remediation. It also found that remedial courses cost the State and students roughly \$56 million in tuition and support for institutions.

Florida Update

May 2014

Florida Governor Rick Scott is expected to sign a new bill ensuring data privacy for students and their families, which could use Social Security numbers for student identification in districts' databases. Use of biometric data, like fingerprints or voiceprints, would be banned and inclusion of information on political and religious affiliations of parents would also be prohibited. As an alternative, the Florida DOE would assign identification numbers to students in lieu of Social Security numbers, as reported in [Education Week's Marketplace K-12](#) blog (April 15th). More than 80 bills in 32 states have been passed or are under consideration in State legislatures regarding student data privacy.

As reported by [Education Week's State Ed Watch](#) blog, other State legislation relating to student data privacy includes:

- Laws creating SEA privacy officers in New York, Arizona, Tennessee, and West Virginia have passed or are under consideration.
- Idaho has enacted a new law giving student data privacy responsibility to the SEA which has to report on student data being collected and any violations which have occurred; districts are also required to adopt policies relating to student data governance.
- Kansas would prohibit collection of biometric data about students' or their parents' religious beliefs.
- New York has dropped its relationship with In Bloom that warehouses student data designed to improve instruction.

To meet its growing online learning student enrollment, the Florida Virtual Campus (FLVC) has released the updated distance learning and degree program catalog. According to the press release, the enhanced catalog will help colleges and universities meet the needs of online students to help them earn a degree online or simply take an online course. The catalog includes courses offered by 28 public colleges and 12 public universities which will also help students

learn about institutions and requirements for course inclusion. Data on courses, programs, and institutional profile information can be effortlessly migrated to and from other database systems such as the Southern Regional Education Board Electronic Campus, according to the press release.

According to Association of American Publishers, of the \$11 billion appropriated for K-12 by the legislature, \$223 million was earmarked for instructional materials, an increase of \$6.1 million. Forty million dollars has been set aside for the “digital classroom allocation categorical,” which can be used for hardware, infrastructure, connectivity, professional development, and security, which according to AAP, will take pressure off of the “instructional materials” category by having a separate set-aside for the digital classroom.

Georgia Update

May 2014

As reported in the press, Governor Nathan Deal signed the FY 2015 budget, which has the largest single increase in K-12 funding in seven years. Estimated revenue will increase three percent or about \$600 million, of which 80 percent is dedicated to education, with 66 percent going to K-12. Following recommendations of the “Digital Learning Task Force,” \$16 million will go to local school system bonds to provide technology infrastructure for access in public school classrooms. Five million dollars will be used to establish the Georgia Innovation Fund.

Hawaii Update

May 2014

As a recipient of \$4 billion Race to the Top dollars several years ago, Hawaii was listed as “high-risk” initially, but evidently has turned around, according to recent speeches by Secretary Arne Duncan. Under Race to the Top, Hawaii has created additional preschool classes, extended learning time for at-risk students, a sophisticated teacher induction program, and implemented other activities in its initial proposal. Hawaii officials are especially concerned about sustainability and the need for additional state money to keep preschool classes open once Race to the Top funding disappears.

Some of the State’s lowest-performing schools added nearly an hour a day for four days a week for extended learning time, an expensive effort, which is in danger of not being sustained. As reported in Education Week’s Time and Learning blog (April 29th), the State legislature passed HB 24-86 requiring all schools to offer 1,080 hours of instruction by 2016-17; it has run into opposition in the State legislature. Currently, some schools offer less than 800 hours of classroom instructional time per-year, while others exceed 1,000 hours or six-hour days. The legislature is now considering HB 1675 which would require elementary schools to teach only 915 hours a year and secondary schools to teach 995 hours a year beginning in 2014-15. The question raised by key Senate leaders regarding extended learning situations is: “are they learning?”

Following a Federal appeals court ruling, Hawaii will have to provide public education to students with disabilities through age 22 in accordance with Federal IDEA legislation. A State law sets age limits, which are lower than the Federal requirement.

Illinois Update

May 2014

After more than a year of purgatory during “give and take negotiations,” USED has approved an Ed Flex NCLB waiver for Illinois. Forty-two states plus the District of Columbia have received approved Ed Flex from NCLB state waivers; five states have not yet received state waiver flexibility, including California which submitted an earlier application which was turned down; Montana, Nebraska, North Dakota, and Vermont also withdrew their initial waiver requests. In addition, districts which are members of CORE in California have received district waivers; however, recently Sacramento has dropped its waiver status.

According to Education Week's *Politics K-12* blog (April 18th), the approval for Illinois could have more fundamental implications for teacher evaluation deadlines. The blog quotes Anne Hyslop of the New America Foundation as follows, “One of the only things in the waiver that has been a hard and fast rule is that by 2015-16, you need to have a teacher evaluation system in place. Are we seeing willingness to negotiate on that timeline that we haven’t seen before?” The new flexibility for Illinois in this area could have implications for several states under a “high-risk” status, including Arizona, Kansas, Oregon, and Washington.

Education Week (April 21st) reports the end of the three-decade-old requirement that students pass an exit exam to graduate; under a new law next year, the ACT WorkKeys will have to be taken by students along with another test for college readiness which has yet to be selected. The change is reportedly advocated by Advocates for Children with Disabilities and the business community which argues that the new tests will provide more useful information to students and/or potential employers.

The Chicago Teachers Union recently passed a resolution expressing their opposition to Common Core Standards because they “better reflect the interest and priorities of corporate education reformers than the best interest and priorities of teachers and students.” As reported in

FritzWire, the resolution also argues that the “new exams disrupt learning and take up too much time,” which is somewhat different from the views of other teacher groups such as the AFT.

USED has approved a waiver for Illinois to allow the use of different performance targets for some groups of students instead of the NCLB requirements of 100 percent of students being proficient. Education Week reports that the new targets are 85 percent of White third through eighth-grade students will have to pass State tests by 2019, compared to 73 percent of Latinos, and 70 percent of Black students. State Superintendent Chris Koch stated, “A key point here is that we are setting more aggressive targets for under-performing groups that will reduce achievement gaps. It is certainly better than the prior model of everyone is proficient by a particular year which clearly hasn’t worked.” Schools would also be rated based on graduation rates or performance, State exam scores, and progress on improving scores. Under the NCLB flexibility state waiver, districts will no longer be required to provide SES and public school choice transportation; rather, 147 Priority schools, many of which are in Chicago public schools, will receive more intensive state interventions. According to an article written by Diane Rado of the Chicago Tribune, the State will also use “super groups” in measuring achievement gaps, which will be addressed by “Focus” schools. Apparently, the controversial concept of the use of “level testing,” where difficulty levels vary according to students’ current proficiency levels, has not been addressed.

Education Week reports that the State House has passed 80 appropriation measures representing a \$37 billion budget. K-12 schools would get \$6.7 billion for an increase of \$132 million to cover in general state formula funds which can be used for salaries and instructional materials. Early childhood education would be \$25 million more and bilingual education \$12 million more. About \$9 million more would be provided for transforming former youth prisons into specialized treatment facilities, partly in response to a 2007 Federal lawsuit. As the article notes, however, the Democrats passed the bill by a narrow margin. Republican opposition is based on the lack of revenues to pay for the entire budget, which is contingent on making permanent a temporary tax increase which sunsets in January.

Iowa Update

May 2014

The Des Moines Register reports that the Des Moines school district has revamped its new teacher mentoring program to increase staff retention and improve student achievement. Moreover, other Iowa districts will likely do the same over the next three years as more State money becomes available to districts that commit to increase support for new teachers by adding mentoring roles with veteran teachers. Almost 2,000 new teachers entered Iowa schools last year. Des Moines' mentoring program frees-up teachers from classroom assignments and allows them to coach new teachers on a full-time basis. Nearly 150 districts have applied for state funding to implement mentoring programs in 2014-15. Almost \$50 million has been allocated to a mentoring program since 2001-02. Approximately 40 districts will receive slightly more than \$300 per-pupil this Fall to create leadership roles for classroom teachers. One mentoring model used by Des Moines is an induction coach model developed by the New Teacher Center in Santa Cruz, California.

Michigan Update

May 2014

The Michigan Senate has approved a bill which would delay implementation of statewide standards for evaluating teachers by up to two years, while the House approved a delayed bill until the next academic year. The current Michigan State law is considered a major stumbling block for USED approval for Michigan to have its NCLB flexibility waiver extended next year. The non-partisan House Fiscal Agency for Michigan has estimated that if waivers are not extended, the cost to districts would be between \$16 million and \$42 million, according to Education Week (May 15th).

Mississippi Update

May 2014

The Mississippi State Board of Education has approved slightly over \$8 million to contract with Pearson (PARCC's contractor) to assess in 2015-16 Common Core State Standards after field testing the PARCC assessment this current year. Pearson also has subcontracts with Education Testing Service, West Ed, and Measured Progress, among others. An [Education Week](#) article notes that Pearson has been the main Mississippi testing contractor for the current state test.

As reported in *Politico Morning Education* (May 20th), the Rural School and Community Trust most recent annual report found that Mississippi is considered the highest priority state when it comes to social/economic challenges faced by rural students. Other highest-priority states in this area are Alabama and South Carolina; Florida is ranked highest in the area of needing policy changes to improve rural education, followed by Arizona, Alabama, Mississippi and Texas.

New York Update

May 2014

Approximately \$1.5 billion over five years has been appropriated by the State legislature for pre-K with New York City initiating efforts to use \$300 million to increase full-day pre-kindergarten for four-year-olds. NYC hopes to enroll 53,000 more preschoolers in 2014-15. Other districts outside NYC should receive about \$40 million for pre-K efforts. Some of the funding will be under a competitive grant program which, this year, was about \$25 million.

Also, charter schools would receive an additional \$500 in funding per-student over the next three years, according to Education Week, with per-pupil funding increasing to slightly over \$14,000 over the next three years. Also, charter schools in NYC will not have to pay for facilities rent when using district-owned facilities. Even though State funding requested by NYC for after-school programs was not included in the budget, State funding for NYC increased \$430 million for a total of \$8.7 billion. And, according to Education Week, such funding increases can be used to expand after-school programs.

The New York City negotiated contract with the UFT allows 150 minutes per week during regular school hours which must be used for professional development and parent outreach. The union contract in 2005 allowed a similar amount of time to be used for after-school tutoring for small group sessions for struggling students, but is no longer allowed, according to Education Week's Time and Learning blog (May 12th). The relatively new School Chancellor Carmen Farina is reported as saying that the extra training time will be helpful for teachers to get up to speed on implementing new Common Core requirements. The new contract allows up to 200 schools to compete for participation in an experiment which would implement different new practices including lengthening the school day and year. Union membership of the UFT is about 100,000, who will vote on whether to ratify the agreement within the next one to two months.

If the New York City Council approves next month the new Mayor's proposed budget for after-

school programs of \$145 million for middle school students, it would provide for 34,000 new seats, increasing the total number expected in after-school programs to be 100,000. The State legislature rejected the initial proposal for which the Mayor wanted \$190 million. The new allocation will provide \$3,000 for each enrolled child, doubling the current rate, and will require after-school providers to offer 15 hours a week of programming. Summer school programs would also be expanded by 33,000 slots in FY 2015.

North Carolina Update

May 2014

As reported by the Foundation for Excellence in Education, the North Carolina State Board of Education has approved a policy which allows students to earn course credit based solely on demonstrated mastery of the subject, replacing current seat-time requirements. Use of mastery testing of competency is designed to encourage students to progress at their own pace and move onto more rigorous courses or materials.

Ohio Update

May 2014

According to the Cleveland Plain Dealer, the Ohio Board of Regents has approved allocation of \$3 million in grants to expand and develop new workforce development education and training programs. The total \$3 million is part of the State's workforce development strategy to align curriculum and investments with skills demanded by business, as noted in the enclosed Washington Update. Funds will be used to purchase equipment to improve student and worker skills related to their careers and the regional entities involving local industries. In a separate matter, College Now of Greater Cleveland has received a grant for almost \$900,000 to assist at-risk youth. Funds will be administered by Serve Ohio, which funds AmeriCorps Ohio College Guides program.

Oklahoma Update

May 2014

As reported in The Oklahoman (May 13th), the State legislature has passed a bill which has been sent to the Governor which would provide parents and educators joint ability in deciding whether to promote a student who fails a third-grade reading test. Almost 8,000 third-graders were labeled as failures because of “unjust testing process,” argued Linda Hampton, Head of the Oklahoma Education Association which supports the bill. About 30 percent of third-graders in Oklahoma City and Tulsa were labeled as “unsatisfactory” based on the results of this year’s reading test.

Pennsylvania Update

May 2014

Governor Tom Corbett is requesting an additional \$25 million for early education of which about \$10 million would be for Pre-K Counts, a program serving children ages 4-5. The governor said each dollar invested in early childhood saves \$17 in later costs, including reducing incarceration in state prisons which costs more than \$38,000 per year for each state inmate, and will increase the number of individuals 17-24 to meet basic requirements for military service.

Tennessee Update

May 2014

The Tennessee Promise, supported by Governor Bill Haslam, would allow some high school students free tuition at two-year colleges. It's designed to increase State college graduation rates from 32 percent to 55 percent by 2025, improve overall job qualifications, and attract employers to the State, according to Education Week. The initiative is expected to cost \$34 million annually and would use some of the \$300 million in excess lottery reserve funds, and an endowment of approximately \$50 million. According to the article, the State has about \$480 million in reserve. To improve high school graduation rates, students could participate in mentoring sessions, community involvement; students would have to maintain a 2.0 grade point average for free tuition.

As reported in Politics Morning Education, Governor Bill Haslam is signing a bill to delay PARCC testing for one year and use a competitive bidding process to select an alternative; however, PARCC could bid for this job even though they have not been able to bid in a similar situation for other states, such as Florida. It should be noted that Tennessee is one of the flagship early Race to the Top grantees and is often pointed to as a model by Secretary Duncan. Education Commissioner Kevin Kaufman argued that the delay was not necessary in a recent meeting with district superintendents.

Tennessee has received approval of an amendment to its State waiver to carryover, under a no-cost extension, slightly over \$1 million Race to the Top funds from this year to next year to complete STEM-related professional development activities for grantees. Without the extension, the total amount of unspent funds would revert back to the Federal treasury. Other funds under the no-cost extension shifted from year 3 to year 4 are related to the Tennessee College and Access Success Network, funds for teacher and principal evaluation development (approximately \$1.4 million), and integrating Common Core into pre-service programs (approximately \$950,000).

Texas Update

May 2014

The Texas Education Agency's proposal to USED for teacher evaluation as required by its one-year conditional waiver would be based on: 20 percent on student growth using the state assessment; ten percent on teacher self-assessment; and 70 percent for classroom observation. The new teacher evaluation support system is being pilot-tested in 72 districts in 2014-15 for full implementation next year. As reported in Education Week's *State Ed Watch* blog, it is based on the idea that "a teacher's primary focus should include daily interaction between a teacher and his or her students -- around building positive relationships with students in the midst of productive learning environments that seek to address student academic, cognitive, and developmental needs." According to Education TEA Commissioner Michael Williams, the new system is designed to support professional development for teachers. The State Teachers Association opposes the proposed plan, which has to be approved by USED for the Texas second waiver year approval.

Washington Update

May 2014

As a result of the State losing its NCLB waiver flexibility and having to revert back to NCLB provisions, Education Week reports the amount of funding to be set-aside for SES and public school choice transportation for major districts: Seattle \$1.9 million; Tacoma \$1.8 million; Spokane \$1.8 million; Yakima \$1.3 million; Vancouver \$1.3 million; Kent \$1 million; Evergreen \$1 million; and Pascoe \$1 million. These amounts, which will be set aside for SES primarily, do not take into account that some districts are likely to develop “in-house” teacher groups to provide SES, which if approved by the State and selected by parents for SES, would receive portions of the set-aside. It is not clear whether the settlement does or does not offset the prior waiver for the 10% set-aside for professional development and directly-related purchases of products (see TechMIS Washington Update enclosed).

Wyoming Update

May 2014

According to Education Week, Wyoming has rejected the K-12 “new generation” science standards, primarily because of global warming components. The State, which is the top coal-producing state, may have created a momentum “pushback around the country,” according to the article. Twelve states have adopted the Next Generation Science Standards, but Wyoming is the first to reject them. However, according to the article, the oil and gas industry giants -- Exxon, Mobile, and Chevron -- have publically supported the standards.

A May 12th memorandum from the Wyoming State Department of Education to district superintendents tells them not to count on receiving a state waiver extension for the school year 2014-15. The memorandum explains that several challenges that will prevent Wyoming from receiving waiver extension approval include the difficulty to develop a method to calculate graduation rates which is consistent with the Wyoming Accountability in Education Act. The article also states, “According to the Governor’s education policy advisor, absolutely no change in the Wyoming Accountability Model may be undertaken in order to satisfy the Fed’s in exchange for an NCLB waiver.” In addition, another challenge is that State statutes do not allow for the use of tests such as those being developed by SBAC and PARCC, or any other uniform assessment tool. The State has received a partial ESEA State waiver for one year, and field tested the first phase this school year.

As the Wyoming Trib.com notes, “It’s not clear if Wyoming reverts back to NCLB sanctions whether the State will request USED to freeze the number of schools and districts identified for improvement under NCLB and therefore have to provide supplemental educational services.” The article notes that even though USED said that the waiver extension is “under review,” State officials indicate that the waiver decision could not be resolved in time to gain approval for a waiver for next school year.