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MEMORANDUM

DATE: December 4, 2009
TO: TechMIS Subscribers
FROM: Charles Blaschke and Blair Curry
SUBJ: New Title I Guidance; Major Changes in Final Race to the Top Guidelines; Miscellaneous Items; and State Profile Updates

On November 18th, we sent subscribers an interim TechMIS issue and two Stimulus Funding Alerts. The first was based on our analysis of the final rules for state applications for the \$4 billion Race to the Top competition which included major changes that give a much higher priority to LEA/district buy-in, use of local (vs. state) state assessment data to inform instruction and other changes which have implications for most TechMIS subscribers. The second alert focused specifically on the fourth assurance, “Turning Around Lowest Achieving Schools,” in which changes will expand the use of the so-called transformation model by districts. It also adds new required and permissive activities which should create additional opportunities for firms with behavioral, social, and related interventions, not only in Race to the Top grants, but also School Improvement Grants, whose formal final guidance has yet to be published. Also included in that issue was a Special Report analyzing comments from several influential groups on Investing in Innovation (i³) draft guidance which suggest some possible opportunities for partnerships.

In this TechMIS issue we include our analysis of another version of the Non-Regulatory Guidance on Title I uses of funds which have direct implications for subscribers with certain types of products and services and for districts’ eligibility to receive Title I ARRA funding. It also has implications beyond those areas included in our September 15th Special Report on the September 2nd Title I Non-Regulatory Guidance (NRG) which focused primarily on districts identified for improvement. Sales staff should assume that most district officials, including superintendents and even Title I directors, are not aware of some of these new flexibilities.

The Washington Update includes the following:

- **Page 1**
An analysis of the most recent AASA survey which provides trend information on the impact of the recession and ARRA stimulus funds on districts’ (mostly small ones) instructional programs and material purchases. Caution is advised as the largest portion

of Title I and IDEA regular funds had not been allocated to districts when the survey was taken. In addition, less than two percent of the respondents were from districts with 25,000 or more enrollments.

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Highlights of the State Education Technology Directors Association (SETDA) education forum in early November which addressed the stimulus funding situation this year, but presented a general pessimistic view for technology funding the following year as the “falling off the cliff” effect takes hold. Most state technology directors would like to join forces with Title I because of its funding levels, but are mostly unaware of specific opportunities in Title I for technology purchases now.

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A new report from the U.S. Chamber of Commerce suggests states which might have a leg-up in creating conditions for reform in the Race to the Top grant competition -- particularly on the *State Success Factors and Great Teachers and Leaders* criteria categories, which together constitute more than half of the possible points. Individual state-by-state ratings under a number of criteria such as “Hiring and Evaluation,” “Strength of Alternative Certification,” “Removing Poor Performing or Incompetent Teachers,” “Pay for Performance,” and other criteria are provided in the report which was compiled over a two-year period.

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Under the Miscellaneous category, items include:

- A brief published by the Alliance for Excellent Education identifying five critical competency areas which secondary teachers should be able to demonstrate.
- The most recent online learning policy survey by the Center for Digital Education which provides trend information on growth in student enrollment and suggests opportunities in rural districts which are likely to receive School Improvement and related competitive grants.
- The Bill & Melinda Gates Foundation announced it will provide \$300 million to several districts and a charter school consortium which could also be prime candidates to receive stimulus funding under Race to the Top or i³ funds. At press time, Gates had also announced that planning grants up to \$100,000 would be made to nine school districts and charter schools to develop proposals under Investing in Innovation competitive grants, including Philadelphia, New Haven, New Orleans, Minneapolis, Houston, and several consortia.
- USED’s plans to require districts to report individual teacher salaries on a school-by-school basis and other expenditures of funds could affect how Title I comparability requirements will be calculated; this could have a negative impact on the use of technology to provide support and improve working conditions, especially for newer, lower-paid, teachers in working schools in corrective action or restructuring.
- A new report from the Center on Education Policy which identifies state trends in the use of exit exams and recommends that states should increase funding to ensure all students are prepared to take such exams and are given assistance in

- preparing for test retakes if they do not pass on the first try.
- Our October 29th Special Report on states with approved waivers has been updated to include more recently approved waiver states including Arkansas, California, District of Columbia, Florida, Hawaii, Idaho, Maryland, Nebraska, Nevada, New Jersey, North Dakota, Oklahoma, Oregon, and South Carolina.
 - E-Rate Update on Districts With “Potential” E-Rate Refunds for Purchasing Non-eligible Products and Services.

The State Profile Updates include a number of trends among states in such areas as Race to the Top and i³ application planning, foundation grants, online education, and budget cuts.

Special Report:
**USED Releases its Fourth Version of Non-Regulatory Guidance on
Title I and Uses of Funds Which Have Direct Implications for Firms
With Certain Types of Products and Services and also for Districts’
Eligibility to Receive Title I ARRA Funding**

A Technology Monitoring and Information Service (TechMIS)
SPECIAL REPORT

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December 4, 2009

In mid-December, USED issued its fourth version, over the last eight months, of Non-Regulatory Guidance (NRG) to clarify, or make explicit, requirements and allowable uses of both Title I regular and Title I ARRA funding. While a number of the requirements/clarifications relate to maintenance of effort (MOE) which would impact mainly districts directly, other new requirements or clarifications also have implications for firms with certain types of products and services. As we noted in our analysis of the third set of NRG and regulations released on September 2nd (September 15th TechMIS Special Report), TechMIS subscribers can assume that the vast majority of school districts (and even some state Title I offices) are not aware of many of these changes and/or clarifications and should take that into account when approaching potential customers at both the state and certainly local levels. As we noted in our September 15th Special Report on the new supplement-not-supplant flexibilities, it is important that firms approach not only district-level Title I staff, but also other high-level district staff, including superintendents and/or CEOs, to make them aware of how Title I funds can be used to benefit the district as a whole beyond Title I students and teachers. Below we identify clarifications that could provide specific opportunities for certain subscribers.

The new NRG makes it clear that a state must include Title I ARRA funds in its calculations of the SEA 4% set-aside for school improvement. Moreover, even though previous regulations suggested that SEAs may wish to allocate the School Improvement Grant, Part G funds to eligible schools before allocating the 4% set-aside because the latter is more flexible, because the Part G funds are not expected to be available until February-April 2010, this suggestion is unrealistic. However, the NRG makes it clear that, in computing the 4% set-aside, only a small portion of regular Title I funds could be withheld from districts, with most of the 4% set-aside being made up with use of the Title I ARRA funds. This means that certain states actually have the flexibility to implement more activities earlier under School Improvement Grants. Indeed one state, Ohio, has requested waiver approval to do so which is likely to be approved. The implication is clear: one should not wait until the Part G funds are made available next year to

make initial contact with eligible districts/schools that could receive the larger School Improvement Grant allocations. Another clarification related to School Improvement Grants is that they can be carried over from this year to the next without requesting a waiver and that such funds have to be obligated by September 30, 2011.

Another clarification has direct implications for firms with products and services that can be used to facilitate parent involvement. In districts which receive \$500,000 or more in Title I funds, 1% must be set aside for parental involvement; the number of districts receiving a combined Title I regular and ARRA funding level of \$500,000 or more will increase. Moreover, the NRG explicitly states that while the Secretary can provide waivers for other set-asides (e.g., 20% for SES) for districts, he cannot provide any waiver to reduce the 1% requirement which must apply to both Title I regular and ARRA funding. Because the ARRA will likely be a one-time increase, opportunities could exist for districts investing in platforms, telecommunication systems, etc. and other products to facilitate parent involvement.

The NRG also makes explicit that a district can reserve up to five percent of its Title I ARRA funds, along with regular funds, to provide financial incentives to teachers who serve in Title I schools that are identified for improvement, corrective action, or restructuring for the purpose of “attracting and retaining qualified and effective teachers.” Previous guidance provided examples between four and eight percent of regular Title I funds. This should open up opportunities for firms with tools and applications that can facilitate “rewards and recognition” for teacher attraction and retention initiatives.

Under Section E (Transparency, Accountability and Reporting), the NRG addresses a little known provision under ARRA -- which is now becoming controversial -- which requires districts to report on how Title I ARRA funds are being expended in each Title I school. It states that no later than December 1, 2009 “a school-by-school listing of its per-pupil education expenditures from state and local sources during the 2008-09 year must be reported and then each SEA must report this information by March 31, 2010. Noting that future guidance will be issued (as we addressed in our enclosed Miscellaneous Washington Update), OMB has received a draft copy of USED requirements which OMB has yet to approve. It includes reports on individual school-by-school teacher salaries, along with other expenditures, including ARRA funds, which will be extremely difficult for most districts to be able to report on a timely basis.

To ensure that more Title I regular and ARRA funding remains at the school level in schools under corrective action or restructuring status, the NRG prohibits an LEA from reducing the Title I allocation by more than 15 percent “when reserving funds for public school choice and SES” when applied to Title I ARRA funds. The bottom line is that a smaller amount of set-asides can be taken away from the Title I regular budgets of schools in corrective action and restructuring; at the same time, these are the very schools that are going to be receiving between an eight and ten-fold increase in School Improvement Grant funds and possibly 4% SEA funds for school improvement over the next six to eight months. These schools should be given highest priority.

While the ten EdFlex states (Colorado, Delaware, Kansas, Massachusetts, Maryland, North Carolina, Oregon, Pennsylvania, Texas, and Vermont) can provide waivers which allow districts

to carry over more than 15 percent of combined Title I funds from one year to the next, these same EdFlex states do not have the authority to waive other set-aside requirements such as the 20% for SES/school choice and the 10% for professional development. Some EdFlex states have apparently attempted to do so in the past.

Some of the changes which have the most serious implications for districts and states confronted with overwhelming fiscal financial challenges relates to maintenance of effort (MOE). The NRG explains that the Secretary can provide waivers only under unusual circumstances on a case-by-case analysis. The NRG generally follows the letter of the law in allowing State Fiscal Stabilization Funds (SFSF) to be used to make up for districts' problems in meeting MOE; however, it indicates that if SFSF funds activities that are authorized by Impact Aid (which allows funding for construction), then such funds may not be used to make up for local MOE. This will provide a disincentive for many districts to take advantage of the initial flexibility that was incorporated into ARRA provisions. Generally, this is good news for most TechMIS subscribers.

And finally, the most recent NRG reemphasizes some of the major clarifications in the September 2nd NRG that provide districts with opportunities to rebut arguments relating to a presumption of supplanting. The September 2nd NRG would allow a district which has been identified for improvement to use Title I funds to pay for professional development for teachers in Title I schools, along with "any and all other teachers," in the LEA in areas related to the reasons why the district was identified for improvement. In another example districts were allowed to use non-Title I funds to provide the same activity for non-Title I students in non-Title I schools that it provides with Title I funds for Title I students in Title I schools. The cited example related to all students who failed to achieve proficiency on statewide assessments and showed that tutoring was provided to all these students using a combination of Title I and non-Title I funds which would be allowable under the new supplement-not-supplant provisions interpretation. The new guidance goes beyond only districts identified for improvement by stating, "The activity now paid with Title I, Part A funds is allowable under Title I, Part A and consistent with all Title I fiscal and programmatic requirements. This means, for instance, that a teacher formerly paid from non-Federal funds must be (1) engaged in activities that are allowable under Title I, Part A; (2) meeting the academic needs of Title I students identified through a schoolwide program school's comprehensive needs assessment or providing supplemental services in a targeted assistance school; and (3) conducting activities consistent with the LEA's application approved by the SEA." This clarification appears to provide even greater flexibility beyond that initially provided for districts identified for improvement. In our discussions of current superintendents, as well as with ex-superintendents who are now working as consultants for several TechMIS subscribers, virtually all felt that the changes relating to supplement-not-supplant, particularly in districts identified for improvement, are of great interest to not only superintendents, but should be of even greater interest to firms which have products that can facilitate activities which can rebut arguments regarding violations of supplement-not-supplant provisions.

For a copy of the November 2009 guidance go to:
www.ed.gov/policy/gen/leg/recovery/guidance/title-i.doc

Washington Update

Vol. 14, No. 12b, December 4, 2009

Latest AASA Survey Provides Some Trend Information on the Impact of the Recession and ARRA Stimulus Funds Upon Districts', Mostly Small Ones, Instructional Programs and Materials

The sixth and last report (October, 2009) of a series of surveys conducted over the last year by AASA on the impact of the economic downturn upon mostly small school districts sheds some light on the availability of ARRA stimulus funding to districts and its use to purchase instructional materials and related products. As the report notes, findings should not be generalized because of the nature of the 875 respondents -- mostly superintendents of districts with over 80 percent having enrollments of 5,000 students or less. The data presented also focused on the percentage of districts responding to certain questions, rather than the actual magnitude of dollars available and spent for specific purposes.

One encouraging sign is the funding that over 90 percent of the responding districts have reported already receiving, or anticipate receiving "very soon," their ARRA Title I and IDEA funds. The last 50 percent of these two buckets were sent to states on September 2nd. Perhaps even more critical, but not addressed in the survey, is the fact that almost two-thirds of the regular Title I and IDEA funds were only allocated to states in October and, in many cases, not yet sent to districts. More districts reported having received stimulus money in September-October than in the previous

report in August. As reported in previous AASA surveys, over 80 percent of respondents reported that stimulus dollars did not represent an overall funding increase when added to state and local revenues. The AASA report said almost 30 percent of districts were facing state and local cuts which were only made deeper by the so-called "shell game" by which state and local funding was reduced by state legislatures because of the availability of ARRA funds. When asked respondents whether ARRA funds were bringing about "education innovation and reform" 47 percent of responding districts indicated that such funds "do not represent enough funding for new innovations/reforms," up from 31 percent in August.

While the August report indicated that where ARRA funds were not used to backfill budget holes and retaining staff, districts did expect some funds to be spent on professional development, instructional materials, and technology (see September Washington Update). The most recent survey reported the following:

- The percentage of districts deferring textbook purchases almost tripled, from nine percent to 26 percent, between 2008-09 and 2009-10; the percentage was projected to fall to 18 percent of districts in 2010-11.
- The percentage of districts reducing high-cost offerings, such as occupational classes almost tripled from three to eight percent between 2008-09 and 2009-10, with the

projection to grow to 19 percent in 2010-11.

- The percentage of districts reducing spending for instructional materials grew from eight percent in 2008-09 to 30 percent in 2009-10 and is projected to fall to 20 percent in 2010-11.
- The percentage of school districts reducing academic programs such as interventions and Saturday classes tripled from five percent in 2008-09 to 15 percent in 2009-10, while 19 percent are considering this change in 2010-11.
- The percentage of districts eliminating/delaying instructional improvement initiatives more than quadrupled from five percent in 2008-09 to 24 percent in 2009-10, with 19 percent considering similar cuts for 2010-11.
- The percentage of districts deferring technology purchases grew from nine percent in 2008-09 to 24 percent in 2009-10, and is expected to fall to 21 percent in 2010-11.
- The percentage of districts reducing consumable supplies more than doubled from 15 percent in 2008-09 to 40 percent in 2009-10, with 19 percent considering reduction in 2010-11.
- More than a third of districts joined bulk purchasing groups or co-ops in 2008-09 with another 29 percent joining in 2009-10; an additional 10 percent are considering joining for 2010-11.
- The percentage of districts freezing professional service contracts more than quadrupled between 2008-09 from five percent to 22 percent and

almost a quarter are considering such action for 2010-11.

The tables at the end of Washington Update show the cost-cutting measures used by districts in AASA's responding states.

As we have reported on the August and earlier AASA surveys, only one and a half percent of respondents were from districts with 25,000 or more enrollment. It is likely that the percentage of funds used for purchasing things other than staff retention were actually understated. Indeed, Council of the Great City Schools surveys indicated such expenditures were much greater among its members because they received proportionately more Title I and IDEA funds than smaller, especially rural, districts. Moreover, many of the district respondents to the most recent AASA survey had not, when the survey was conducted, actually received the last portions of their Title I and IDEA stimulus funding or any of the last portions of their regular Title I and IDEA funding. However, the AASA series of reports do provide interesting trend data and suggest a more positive spending outlook for FY 2011, although, as indicated in a related Washington Update item, AASA officials are very concerned about the "falling off the cliff effect" after September 2011.

AASA Survey Findings

Cost-Cutting Measures [percent of responding districts]

October 1, 2009

All Responding States

MEASURE	Reported		Projected
	2008 -09	2009 -10	2010-11
Deferring Textbook Purchases	9%	26%	18%
Reducing High-Cost Offerings (e.g., occupational classes)	3%	8%	19%
Reducing Spending for Instructional Materials	8%	30%	20%
Reducing Academic Programs (e.g., interventions, Saturday classes)	5%	15%	19%
Eliminating/Delaying Instructional Improvement Initiatives	5%	24%	19%
Deferring Technology Purchases	9%	24%	21%
Reducing Consumable Supplies	15%	40%	19%
Joining Bulk-Purchasing Groups	34%	29%	11%
Freezing Professional Development Contracts	5%	22%	24%

Highlights of State Education Technology Directors Association Education Forum

During the November Education Forum sponsored by SETDA, CCSSO, Partnership for 21st Century Skills, and ASCD, a number of association and state officials addressed some of the current policies, funding, and other issues concerning the education technology movement. During the wrap-up session moderated by Doug Levin, who replaced Mary Ann Wolf as SETDA Executive Director on November 15th, representatives from several of the sponsoring organizations provided updates on some of their initiatives and priorities.

Dane Linn, Director of the Education Division, National Governors Association, outlined some of NGA's priorities and status, including:

- The draft of Common Core Standards initiated by NGA and CCSSO is expected to be available before the end of the year; they will be finalized by the mid-winter NGA conference in February.
- A similarly high priority is the development of quality assessments for which NGA has requested additional Federal funding beyond the several hundred million dollars already promised to ensure uniformity, validity, etc. among the states.
- "Teacher effectiveness" along the lines of initiatives in several states including Louisiana.
- Birth-to-five initiatives following models established in France and Italy.

- Dropout prevention and credit recovery following the Louisiana model.
- Post-secondary attainment leading to successful careers.
- Science, technology, engineering, and math (STEM) initiatives which include a higher priority placed on technology.

In an earlier forum, Linn noted that, of the 41 states that responded to a recent NGA survey, 16 predicted that adoption could be done in one to six months, 15 said it could take six to 12 months, and ten indicated it would take 12 months or more, according to Education Week reporter Kathleen Manzo-Kennedy.

Scott Montgomery, Deputy Executive Director of CCSSO, mentioned that, early on, the chiefs publicly advocated three of the four current priority assurances in Race to the Top, with the number one priority being common core standards as enunciated shortly after Gene Wilhoit took over the helm at CCSSO.

Mary Kusler, Assistant Director of Advocacy and Policy for AASA, highlighted some of the findings from the most recent AASA survey (see related Washington Update item) of the impact of stimulus funding on districts and emphasized that AASA's major concern is what happens after the ARRA stimulus funding is obligated, most likely in two years, when many districts will "fall off the cliff." She also pointed out that school superintendents have had increased data collection and reporting requirements placed on them without additional administrative funding

which has been available to SEAs. She emphasized AASA's position that the reauthorization of ESEA focus on its original intent which was providing disadvantaged, poverty students with equal opportunities to learn. AASA has taken a lead role in criticizing the current ESEA funding formulas, especially the formula used in Title I which has favored large cities. Over 50 percent of AASA's membership consists of rural school district superintendents and administrators.

Bob Wise, President of the Alliance for Excellent Education and former Governor of West Virginia, predicted that the "falling off the cliff" effect could go well beyond the two years under current economic rebound projections; but technology can provide a partial solution by improving productivity and efficiency. Also contributing to the "falling off the cliff" phenomenon is the prediction that over half current teachers will retire in five to eight years. He called for immediate reauthorization of ESEA, implying changes to many aspects of NCLB. Otherwise, the economic impact on districts will even be worse.

In response to a question about the role of technology, Mary Kusler argued that technology definitely has a role to play in improving administration through increased functionality; however, she seemed to hedge on whether or not the resources will be available to use emerging technologies to engage students even though recent studies (see related item) suggest that students, while out of school, are engaged by using different types of technology for different applications in a variety of settings. In response to a question as to whether additional stimulus funds would be available after September 2011, only Bob Wise

seemed to think there could be some such funds, but at a significantly reduced level such as \$4-5 billion dollars rather than the \$100 billion appropriated earlier this year.

In another panel, as widely reported in the regular media, digital textbooks are advancing in states such as Indiana, Virginia, West Virginia, Florida, California, and Texas in which districts can use state funds to buy equipment to support use of electronic text or instructional materials. Jennifer Bergland, Chief Technology Officer for the Bryan Texas Independent School District, noted that the district's teachers, for the most part, are not even using printed textbooks. Mike Russell, Professor at Boston College, addressing Universal Design for Learning Principles and Assessments, indicated that a major consortium project is underway in 14 states to integrate UDL principles into their state assessments. When asked about obstacles due to pressures to use easy-to-score tests such as multiple choice items, he indicated that this is not an issue in these 14 states, but did not elaborate. While state officials from North Carolina and Alabama discussed high school reform, they and other state technology leaders pointed to the potential and growth of online learning and its impact on attendance, graduation rates, and achievement. In an anti-climatic event, Assistant Deputy Secretary James Shelton announced that Apple Executive Karen Cator would take over responsibility as Director of Education Technology under his office and would be responsible for the administration of the State Technology Grant Program (E²T²). Cator's announcement was expected, but had been postponed because of the Administration's vetting process for new appointments.

In an earlier session on the role of technology in turning around Title I schools, Rich Long, Executive Director of the National Association of State Title I Directors, acknowledging a response to our comment that Title I guidelines and recommendations are much more flexible than they used to be and are much more conducive to the use of technology in various aspects of Title I administration and instruction. The September 2nd Title I guidance on the use of funds allows districts identified for improvement to use Title I funds to train not only Title I teachers, but any and all other teachers in the district in areas related to the reasons why the school district was identified for improvement. Such areas could include the use of data assessment and data-driven decision-making tools which has been emphasized time and again in recent Race to the Top and School Improvement Grant guidance. He also noted that a majority of districts will opt for the “transformation” model -- as detailed in School Improvement Grant guidance -- which allows for much greater flexibility than alternative models requiring the replacement of 50 percent of the staff and the principal or “restart” models which include the use of charter schools. Rich Long also felt that some of the recent regulatory and guidance changes, such as the heavier emphasis on turning around failing schools, will be reflected in the Administration’s proposals for ESEA reauthorization. Technology also has a significant role to play in data collection and rapid reporting of assessment results that can be used by teachers to inform instruction. With all the emphasis in Title I on professional development, he also posed a question before the group as to whether or not increased professional development will make a significant difference in student

performance.

Susan Bachmann, a principal who effectively turned around a failing school in Annapolis, Maryland, emphasized that professional development has to be at the convenience of teachers and has to be customized and personalized to their needs. She suggested that the emphasis on disaggregated student data also take into account disaggregated data on teacher skills and competencies to ensure differentiated teacher professional development. Carla Wade, State Title I Director Oregon, emphasized that, not only is customization necessary for effective professional development, but opportunities for follow-up collaboration are critical. Susan Bachmann provided a number of must-dos for effectively turning around Title I schools, which may take four to six years, and how technology can help, including:

- Using technology to engage students directly in instruction as Title I students are not passive learners, but need engagement.
- Technology funds should be earmarked as such to ensure they are not reduced in budget cutting initiatives; she emphasized that in her school she reduced the curriculum/textbook budget significantly to ensure that technology is used to engage students.
- Another critical element is a clear vision of what a turnaround school will look like.

Overall, the SETDA forum attendees were moderately to very upbeat. However, even though SETDA and NASTID have collaborated in producing a brief report on

how technology has been used in school district Title I programs, many of the state directors were unaware of some of the major changes in Title I regulations and guidance. TechMIS subscribers need to remind state Title I technology directors of these new changes and flexibilities which could allow for more Title I funds to be used to purchase technology and related products and services, including professional development.

New Report Suggests States Which May Have a Leg Up in Creating Conditions for Reform in Race to the Top Grant Competition -- Particularly on “State Success Factors” and “Great Teachers and Leaders” Criteria Categories Which Together Constitute Over Half of Possible Points

A new report entitled *Leaders and Laggards: A State-by-State Report Card on Educational Innovation*, issued by the U.S. Chamber of Commerce (COC), points to the states which might have a leg up in gaining points for having conditions conducive to reform under the State Success Factors and Great Teachers and Leaders criteria categories which collectively constitute 263 of the 500 total possible points in the Race to the Top grant competition. The report, prepared by the left-leaning Center for American Progress and Fred Hess, Policy Director of the Conservative American Enterprise Institute was released on November 9th, following Secretary Duncan’s speech before the Chamber which called for its “members across America to take a more active role in education reform.” Referred to by the COC as the first study to evaluate the “innovation gap in education on a state-

by-state basis,” the report compiled data from existing databases or recent surveys on eight categories, including hiring and evaluation of teachers, firing of ineffective teachers, technology and overall state reform environments. While there is not a one-to-one match between the criteria used in the report’s rating system to the criteria included in the Race to the Top final rules, the above areas, particularly those related to teacher hiring and firing, are similar, which could suggest the limited number of states which appear to have a leg up in the Race to the Top grant competition.

Under the general “Hiring & Evaluation” category, only Texas and Tennessee received A ratings, with 23 other states getting Bs. Among the subcategories of “Hiring & Evaluation,” Texas, Tennessee, South Carolina, and Florida got As for “Strength of teacher evaluations; no other states received even a B rating. Five states - - Georgia, Maryland, New Jersey, Arkansas, and Kentucky -- received Bs for “Strength of alternative certification” with no states earning an A. Six states -- Texas (27%), Mississippi (25%), District of Columbia (23%), Louisiana (22%), New Jersey (21%), and New Hampshire (20%) -- showed a “Percentage of alternatively certified teachers in excess of 20 percent.” Regarding hiring decisions, Hawaii (95%), Utah (87%), and Delaware (86%) showed a “Percentage of principals who report a major influence over teacher hiring” higher than 85 percent. And Texas, Tennessee, Louisiana, D.C., Colorado, and Arizona had “National programs to recruit non-traditional teachers.” Examples of such national programs include Teach for America, the New Teacher Project, and Troops to Teachers, among others.

Based on principals' survey responses, the following states received an A rating in terms of low barriers to removing "poor-performing or incompetent teachers" (e.g., barriers such as union resistance, tenure, and other factors): Mississippi, North Dakota, Nebraska, Pennsylvania, Vermont, Virginia, New Jersey, Georgia, Texas, New York.

The report also addressed "pay for performance" programs. Under the Teacher Incentive Fund (TIF) created in 2006, approximately \$200 million has been provided through more than 30 five-year grants to 19 states and more than 35 districts. As the report notes, the National Council of Teacher Quality has identified ten states which have "pay for performance" programs that are open to all teachers and connect pay to evidence of student achievement. Exemplary state programs include: Minnesota's Q Comp Program, a comprehensive school reform model based on the teacher advancement program pioneered by the Milken Family Foundation, the Denver Pro Comp System, and the Mission Possible Program in Guilford County, North Carolina.

States were also rated in terms of their general state reform environment with heightened emphasis on alternative measures of student performance and growth. States which use reliable graduation rates as part of their statewide accountability system include: Arizona, Florida, Indiana, Iowa, Louisiana, Massachusetts, Michigan, New York, North Carolina, North Dakota, South Carolina, Texas, Vermont, and Washington. All states except Texas and Alaska have indicated their support for common academic standards being developed by NGA/CCSSO.

Under the general "technology" category, six states received "A" ratings: West Virginia, Oklahoma, Louisiana, Maryland, South Dakota, and Virginia. All of these and 23 others have established virtual schools. The report also identified 13 states which use computer-based assessments. In discussions with the source of this information, Editorial Projects in Education, it became clear that states which use computer-based assessment for areas such as test prep and test retaking, some alternative types of assessments for categories of special education students, and other non-high stakes assessments were not included in the Editorial Projects in Education survey on which the ratings were based.

For a copy of the report, go to: www.uschamber.com/icw/reportcard

Miscellaneous

- The Alliance for Excellent Education has issued a new policy brief entitled *Teaching for a New World: Preparing High School Educators to Deliver College- and Career-Ready Instruction*. The brief argues that secondary school teachers do not receive adequate pre-service preparation or in-service professional development to prepare all students for college and careers, identifying five critical areas in which teachers must demonstrate competency, including:
 - the ability to work with diverse learners, including special education students and English language learners;
 - the capacity to teach adolescent literacy skills regardless of the content area;

- the ability to effectively use assessment and data to impact teaching and learning;
- the ability to teach in specialized teaching environments, including urban and rural settings; and
- the ability to convey content knowledge to students in a clear manner, tailored to the academic discipline.

The full report is available at: <http://www.all4ed.org/files/TeachingForANewWorld.pdf>

- In its 2009 *Online Learning Policy Survey*, the Center for Digital Education reported that half of the states have statewide online learning programs and seven others are in planning stages. Forty-four states participated in the survey which was conducted through the summer 2009 according to Center officials. Enrollment in courses over the last year had increased by over 50 percent in six states and a similar number of states experienced enrollment increases from 25 to 50 percent. The largest state-led online program is the Florida Virtual School whose enrollment has climbed to more than 124,000 students, representing a 25 percent increase over last year. The Center's 2009 report indicated that Alaska, which is one of the seven states in a planning stage, is planning to "utilize funds from the ARRA to establish a state virtual school."

In its 2008 report, which has profiles on all 50 states, the Center found that, at that time, 37 states said online learning was "part of the state's strategy for school reform." That survey was done before guidance on stimulus funding was

available. An update on that question this summer found that 27 states indicated online learning to be part of their strategy for school reform through enhancing curriculum, increasing student access, and/or addressing teacher shortages and overcrowded classrooms. The report notes that online programs have a "major impact in rural areas" in such areas as finding qualified teachers for advanced courses and allowing students to take courses they may otherwise not be able to access. Of the 12 states with no programs or plans in 2008, seven indicated, at that time, that online learning was part of the state's strategy for reform, including the remaining states: Delaware, Maine, Montana, Nebraska, Nevada, California, New York, and Rhode Island have most likely included online learning to some extent in their state reform plan, possibly relying on the use of some stimulus funding.

In many rural or sparsely populated states, it is very likely that small, rural districts that have schools which are likely to receive School Improvement Grant funding will likely be looking for assessment and instructional interventions delivered online as part of their transformation models. According to the Alliance for Excellent Education, about 20 percent of the so-called high school "dropout factories" are located in rural districts. In some of these districts, opportunities could be substantial for firms with such online services delivered directly to schools rather than attempting to partner with state-led online services such as Virtual Schools which could be considered in most cases as state-subsidized competitors.

For a copy of the report go to:
www.centerdigitaled.com

- The Bill & Melinda Gates Foundation has officially announced that it will provide almost \$300 million to several districts and a charter school consortium which could also be prime candidates to receive the stimulus funding under Race to the Top (RTTT) or Investing in Innovation (i³) Funds. The districts include: Hillsborough County, FL (\$100 million), Pittsburgh, PA (\$40 million), and Memphis, TN (\$90 million). Also receiving a grant is the College-Ready Promise Coalition of Los Angeles (\$60 million) which includes five charter-management groups including Green Dot, Aspire Public Schools, Alliance College Ready Public Schools, ICEF Public Schools, and Partnerships to Uplift Communities. Stephen Sawchuk, in his November 19th Education Week article, noted, “Each will begin by setting out a definition of effective teaching, crafting a new system for evaluating teachers on a combination of measures, and offering personalized feedback to teachers based on results.” A priority emphasis appears to be the hiring and retention of highly-effective teachers in low-performing schools through the use of financial and other incentives. In the article, Vicki Phillips, Director of the Gates Foundation’s education initiatives, indicated that she hoped that the Federal stimulus funding will supplement the sites, giving two funding sources “the potential to be really powerful.” The Gates Foundation is also providing funding to a number of districts to study the measures of teacher effectiveness. These districts include

Charlotte-Mecklenburg, NC and New York City, NY.

Not to be outdone by the Gates Foundation, the Ford Foundation recently announced a pledge to provide \$100 million to transform urban high schools by focusing on teacher quality, student assessment, and extended learning. As reported in Education Week November 5th, the initiative is being directed by Jeannie Oakes who until recently headed the Institute for Democracy, Education, & Access at UCLA which serves schools in Los Angeles, New York, Newark, NJ, Philadelphia, Chicago, Detroit, and Denver. Oakes has said that she plans to help Los Angeles win a grant under the planned Federal Promise Neighborhoods initiative which places public schools at the center of a comprehensive strategy of combating poverty and improving education achievement.

- USED recently published in the Federal Register a brief notice which would require Title I schools to report the salaries of each teacher, information which could be used to determine whether a school/district meets comparability requirements in Title I. Several influential groups have argued that such a requirement should be incorporated into the reauthorization of ESEA. If recommendations of groups, such as the Center for America Progress are followed, individual teacher salaries not school salaries could be used as measures to require districts to ensure greater equitable distribution of resources by assigning higher paid teachers to Title I schools. As we and several other policy analysts have

recommended, rather than using only individual salaries to determine comparability among schools, the criteria should also take into account the use and cost of technology-based support systems, professional learning communities, and related initiatives by adding such pro-rated costs to the salaries of, particularly, lower-paid teachers. Such an approach could be more effective, especially at the middle and high school levels, in dealing with Title I students. This point was raised recently at an education forum attended by the Executive Director of the National Association of State Title I Directors who indicated “this could be an interesting notion.” In its response to draft Investing in Innovation grant guidance, SIIA emphasized that the impact of technology should go beyond only increasing math and reading scores, but also should take into account its impact on improved working conditions and teacher retention and support. (See November [Washington Update](#)).

Beyond the [Federal Register](#) notice, according to Stephen Sawchuk in [Education Week](#) (November 16th), the Department has “indicated that it plans to require districts to report information on wages including:

- total salaries in each school;
 - salaries of instructional staff such as paraprofessionals only;
 - salaries of teachers only; and
 - non-personal expenditures, if available.
- A new report from the Center on Education Policy identifies state trends in the use of exit exams, and identifies states offering alternative pathways to

graduation for general education students, as well as for students with disabilities. CEP also recommends that “States should increase funding to ensure that all students are prepared for the exams and are given assistance in preparing for re-takes of the exams if they do not pass on their first try.” The report corroborates what we have reported in numerous State Profile Updates: states that had initially provided remediation funds to help students prep for test retaking have cut back on this funding. The report also found that 19 of the 26 states offer alternative pathways to graduation for general education students who have difficulty passing the regular exit exam. These states allow students to demonstrate mastery in other ways including the use of the SAT and portfolio assessments which are the most common alternatives. While 22 states offer alternative pathways for students with disabilities, only two states (Idaho and Minnesota) have alternatives for English language learners. The report also includes, for 26 states, a number of characteristics of state exit exams, including subjects tested, grade level alignment, and when tests are first administered, as well as states that are phasing out exit exams. For a copy of the report go to: www.cep-dc.org

- In a TechMIS Special Report dated October 29, 2009, we described the waivers that have been granted by USED to state Title I programs. The possible waivers for states included:
 - allowing schools and school districts identified for improvement to provide their own supplemental educational

- services (SES) if approved by the SEA;
- allowing SES in addition to school choice for schools in the first year of improvement status;
- permitting a school or school district to exclude ARRA funds when calculating:
 - the 20% set-aside for SES and school choice;
 - the 10% district and school set-asides for professional development;
 - per-pupil SES amounts.
- allowing districts to waive the carryover limitation more than once every three years; and

- allowing districts to waive the requirement that school choice options be made available at least 14 days prior to the start of the school year.

The earlier special report provided state-by-state waiver information in tabular form. The following states have been added since the Special Report was sent to TechMIS subscribers: Arkansas, California, District of Columbia, Florida, Hawaii, Idaho, Maryland, Nebraska, Nevada, New Jersey, North Dakota, Oklahoma, Oregon, and South Carolina. Attached herein is an update of that table including USED waiver letters available as of now.

State Waiver Letters

Types of Waivers

State	Letter Dated	LEAs Provide own SES		Exclude ARRA				Carryover	14-Day Notice
		LEAs Provide SES in First Year		20% Set-aside	10% LEA Set-aside	10% School Set-Aside	20% SES Calculation		
Alabama	8/14 & 9/16	X		X	X	X	X	X	X
Alaska	8/13 & 9/16	X	X	X	X	X	X	X	
Arizona	8/24 & 9/16	X	X	X	X	X	X	X	X
Arkansas	10/23			X	X	X	X	X	
California	10/23 & 11/6	X						X	X
Colorado	8/11	X		X	X	X	X		X
Connecticut	9/11	X	X	X	X	X	X	X	
District of Columbia	10/15		X	X	X	X	X	X	
Florida	10/23	X		X	X	X	X	X	
Georgia	8/13	X		X	X	X	X	X	
Hawaii	11/2			X					
Idaho	10/15	X	X	X	X	X	X	X	X
Illinois	9/16 & 9/16	X		X	X	X	X		X
Indiana	9/23	X		X	X	X	X		
Iowa	8/31	X		X	X	X	X	X	
Kentucky	9/4	X	X	X	X	X	X	X	X
Louisiana	8/27			X	X	X	X	X	X
Maine	9/23			X	X	X	X	X	X
Maryland	11/2			X	X				
Massachusetts	8/24	X	X	X	X	X	X		X
Michigan	9/23	X	X	X	X	X	X	X	
Missouri	8/7	X	X	X	X	X	X	X	X
Nebraska	8/26	X	X	X	X	X	X	X	
Nevada	10/8		X	X	X	X	X	X	
New Hampshire	9/23		X	X	X	X	X	X	
New Jersey	10/2		X	X	X	X	X	X	X
New Mexico	8/3	X	X	X	X	X	X	X	X
North Carolina	9/4 & 9/16	X	X	X	X	X	X		
North Dakota	10/2			X	X	X	X	X	
Ohio	8/14	X	X	X	X	X	X	X	
Oklahoma	10/15	X	X	X	X	X	X	X	X
Oregon	10/23	X	X	X	X	X	X		
Pennsylvania	8/27	X		X	X	X	X		X
Rhode Island	8/24	X	X	X	X	X	X	X	
South Carolina	9/9	X	X	X	X	X	X	X	X
South Dakota	8/14	X		X	X	X	X	X	
Tennessee	8/27 & 9/16	X	X	X	X	X	X	X	X
Utah	9/16 & 10/15		X						X
Virginia	9/4, 9/16 & 10/2		X	X	X	X	X	X	X
Washington	8/13 & 8/31	X	X	X	X	X	X	X	X
West Virginia	8/24 & 9/23		X	X				X	X
Wisconsin	8/13	X	X	X	X	X	X	X	
Wyoming	9/16	X	X	X	X	X	X	X	X

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

As we attempt to do every quarter, we have included a list of districts that recently received funding commitments from the SLD for applications submitted over a year ago. We believe that most of the funding commitment letters represent appeals that were filed by districts when they were notified that certain requests in their applications were denied. In many cases, these districts went ahead and purchased the product in question, paying the whole pre-discount price. Because the SLD eventually found many of these appeals to be meritorious, these districts can request a check instead of a credit through the so-called BEAR process. Those districts doing so can use the discount refund to purchase non-eligible E-Rate products and services such as instructional software and professional development. If a district staff person is interested in purchasing a non-E-Rate eligible product or service, then he or she should contact the district E-Rate office to determine whether a check was requested for the refund amount through the BEAR process and, if so, whether some of that money can be used to purchase the desired product or service. The accompanying chart shows the funding commitments greater than \$50,000.

E-Rate

Funding Year 2009, Quarter 3 (Jul-Sep) Commitments

(greater than \$50,000)

Applicant	City	State	Amount Committed
2008 Commitments			
YSLETA INDEP SCHOOL DISTRICT	EL PASO	TX	\$6,377,183
ROBSTOWN INDEP SCHOOL DISTRICT	ROBSTOWN	TX	\$1,253,683
TULSA CITY-COUNTY LIBRARY SYS	TULSA	OK	\$267,900
SOUTH ORANGE MAPLEWOOD BOARD OF EDUCATION	MAPLEWOOD	NJ	\$174,625
TURNER COUNTY SCHOOL DISTRICT	ASHBURN	GA	\$170,586
RAHWAY SCHOOL DISTRICT	RAHWAY	NJ	\$122,983
PPEP TEC-CELESTINO FERNANDEZ LEARNING CENTER	TUCSON	AZ	\$75,890
SANFORD SCHOOL DISTRICT	SANFORD	ME	\$72,292
SKYLINE SCHOOL DISTRICT	PEORIA	AZ	\$71,280
THE CHILDREN'S STOREFRONT	NEW YORK	NY	\$51,064
2009 Commitments			
YOUNGSTOWN CITY SCHOOL DIST	YOUNGSTOWN	OH	\$748,583
ZION SCHOOL DISTRICT 6	ZION	IL	\$174,205
YOUNGSTOWN & MAHONING CO LIB	YOUNGSTOWN	OH	\$97,104
YOUTH OPPORTUNITIES UPHELD INC	WORCESTER	MA	\$87,219
ZANEIS SCHOOL DISTRICT 72	WILSON	OK	\$86,719
YOUTHBUILD ALBUQUERQUE	ALBUQUERQUE	NM	\$77,177
ZOE LEARNING ACADEMY	HOUSTON	TX	\$60,072
YUBA CO OFFICE OF EDUCATION	MARYSVILLE	CA	\$56,956
YOUTH CO-OP CHARTER SCHOOL	HIALEAH GARDENS	FL	\$51,946
YOUTH IN TRANSITION	BALTIMORE	MD	\$51,365

Arizona Update

December 2009

According to The Arizona Republic, at least 490 Arizona schools failed to make adequate yearly progress (AYP) under Federal education law. A total of 65 Arizona schools were identified as “failing” or “underperforming” by the State’s assessment system, Arizona LEARNs.

Arkansas Update

December 2009

As part of Governor Mike Beebe's initiative to coordinate education, career training, and economic development -- known as *Arkansas Works* -- 43 "career coaches" will be assigned to high schools across the State beginning in January. Also as part of *Arkansas Works*, up to \$8,000 per student may be available to help pay for career training and education. The expansion of *Arkansas Works* will cost between \$10 million and \$12 million to be covered by Federal money from the Temporary Assistance for Needy Families (TANF) program.

The Fayetteville school district has been awarded a \$99,500 State grant, through the Federal Enhancing Education Through Technology program, to help geometry students improve their academic performance and technology literacy.

California Update

December 2009

As reported in the Los Angeles Times, California would be eligible to receive up to \$700 million under the Federal Race to the Top (RTTT) program. California has already changed a law that prohibited the State from using student test scores to evaluate teachers -- a requirement for RTTT funding. The State legislature is considering a comprehensive education bill that would lift the existing cap on the number of charter schools, another RTTT requirement. The State's teachers unions have expressed strong opposition to both measures.

According to a report in Education Daily, an Administrative Law Judge has found that the U.S. Department of Education acted inappropriately by withholding \$1 million in Title I administrative money from California in 2008 because the State did not have a fully approved standards and testing system under the Federal No Child Left Behind Act. If the ruling is upheld it could result in USED placing greater future emphasis on competitive grants as opposed to formula funding for educational reform.

As reported in Education Week, there is a growing shortage of qualified school principals in California. State data indicate that an estimated 40 percent of existing principals are expected to retire over the next decade with many more likely to leave prior to retirement. One highly regarded Statewide professional development program for school leadership -- the California State Leadership Academy -- was eliminated by budget cuts in 2003.

According to the Press-Enterprise, six California schools or school districts report using some of the 16 digital math and science textbooks that have been approved for compliance with State curriculum standards. The State is not pushing schools to use the digital books rather than conventional textbooks. The State next plans to initiate a second round of digital textbooks for history and social studies, according to the California Learning Resources Network which evaluates the State's learning software and other electronic tools.

The Los Angeles Times reports that the enrollment of the Los Angeles school district has fallen from 747,000 in 2003 to 678,000 this year, aggravating the district's continuing budget crisis. Much of the enrollment decline can be attributed to charter schools. Enrollment in charter schools has grown by 19 percent (9,500 students) this year alone while district enrollment has dropped three percent (19,000 students).

A study funded by the Eli & Edythe Broad Foundation indicates that Los Angeles students taught by Teach for America (TFA) teachers performed better than students who were taught by other teachers. Covering 2005 and 2006, the study compared California State assessment results for students of 119 second-year TFA teachers with those for students of 1,190 non-TFA teachers in the same subjects, grades, and schools. Test scores for students of TFA teachers were 3-4 points higher than non-TFA teachers. The Broad Foundation sponsored the study to determine if its investments in Los Angeles were paying off.

Colorado Update

December 2009

As reported in Education Week, Colorado has declared its intention to make an aggressive bid for a grant under the Federal Race to the Top (RTTT) program. Headed by Lieutenant Governor Barbara O'Brien, the State's effort has included a series of open meetings across the State, an outreach campaign that would demonstrate buy-in from various stakeholders. Colorado has set up four committees keyed to the four assurances specified in the Federal stimulus law. Unlike in many other states where teacher unions have urged the state not to apply for RTTT, organized teachers in Colorado have been sending representatives to each of the State's RTTT committees.

As reported in The Denver Post, Colorado had been planning to apply for, and hoping to receive, up to \$300 million from the RTTT program. When the final rules for RTTT were released, Colorado became set to receive only a maximum of \$175 million based on state population. The State's RTTT application will be written in early December with expected help from the Bill & Melinda Gates Foundation. State officials have said they are going to apply for a plan well in excess of \$175 million expecting that USED may scale it back or, if one of the larger states is not selected, to receive additional funds. The State has indicated that, even if not selected for RTT, Colorado will implement much of its blueprint for education reform anyway.

Florida Update

December 2009

A new report from the Center for Digital Education has ranked Florida the tops in the nation when it comes to online education for the second year in a row. The survey particularly cited the Florida Virtual School which has been operational for ten years and the State's new full-time, K-12 online school which enrolled 2,100 students in its first year. Following Florida in the Center's national ranking are: (2) South Carolina; (3) New Mexico; (4) Hawaii; (5) Michigan; (6) Louisiana; (7) Idaho; (8) Minnesota; (9) Oregon; and (10) Arkansas.

In an article in the American School Board Journal, Naomi Dillon highlighted the success of the Florida Virtual School (FLVS) despite a ten percent cut in the school's \$116 million budget. Although the FLVS original class offering was an AP course, a recent survey indicated that about 25 percent of the school's students were taking classes for credit recovery in order to graduate. School officials believe that, over the next five to ten years, the FLVS will rely more heavily on data-driven instruction and a hybrid learning model that combines independent study for self-directed students and one-on-one help for struggling and at-risk students.

The Florida Department of Education is, for the first time, using student scores on the Florida Comprehensive Assessment Test (FCAT) to determine the percentage of graduates from the State's teacher preparation colleges whose students made a year's gain last year. Following the lead of Louisiana, the first state to rate teacher colleges in this way, Florida found that Florida International University has the highest percentage at 85 percent while the University of West Florida was lowest at 70 percent. State officials cautioned that the data represent only one year and could change dramatically from year to year.

Georgia Update

December 2009

The Atlanta Journal-Constitution reports that the Georgia Department of Education is considering petitions from five national charter school operators to establish virtual charter schools. Currently, Georgia has 122 charter schools but only one virtual charter school -- Odyssey/Georgia Virtual Academy -- which serves about 5,000 Georgia students. Odyssey has asked the State for full funding but its request was tabled until the school's progress could be more completely monitored. At issue is the authority of the Georgia Charter Schools Commission to grant charters without local district approval. Districts' fear the State-granted charters will divert State aid money into the charter schools.

Idaho Update

December 2009

A new report from the Education Alliance of Idaho outlines four broad goals and 17 specific recommendations for improving the state's educational quality. Created in 2007, the Alliance is comprised of educators, parents, and business leaders. Among the Alliance's recommendations are:

- allowing high school students to graduate with as many as 30 college credits; and
- demanding more rigor in high school math and science courses (the State has already added an additional year of math and science beginning with the Class of 2013).

Critics of the report say it makes no mention of early childhood education and would place added burdens on the State's budget that could already face major cutbacks in its \$1.4 billion budget for 2010-11.

Illinois Update

December 2009

A recent study by the Consortium on Chicago School Research at the University of Chicago indicates that Chicago students who were moved to new schools because of school closings between 2001 and 2006 show no significant improvement in academic performance. In fact, the announcement that a school would be closing (usually in January) correlated with lower-than-expected student scores on standardized tests given that Spring. School closings are one element of the district's "turnaround" plan which now includes a strategy of keeping students in their current schools but replacing principals and teachers.

Kansas Update

December 2009

Kansas has experienced serious revenue shortfalls that have resulted in significant cuts to State funding for public education. This year, the State has cut school funding by \$130 million -- \$215 per student -- equal to 4.8 percent. According to The Morning Sun, State aid is now \$4,215 per pupil -- down from a high of \$4,430 and further cuts are expected. Future per-pupil cuts could well offset any additional funds local schools receive for increased enrollments. The Topeka Capital-Journal reports that, as part of an effort to address Kansas' \$260 million budget deficit for next year, Governor Mark Parkinson has cut \$36 million from State spending for K-12 education. In addition, the Governor will not seek a supplemental request of \$156 million that would have gone to schools for unexpected enrollment increases and other factors. The budget cuts are likely to mean local school districts will have larger class sizes and possibly lay off some staff.

Louisiana Update

December 2009

As reported in The Advocate, Louisiana plans to replace its existing high school exit exam in favor of end-of-course tests. In exam trials last year, 24 percent of the 39,000 students who took the English 2 exam failed as did 34 percent of the 48,000 who took the Algebra I test. There is evidence that Louisiana is narrowing the achievement gap between White and Black students.

According to Education Week's Politics K-12 blog, Louisiana education officials have decided not to go after a share of the Federal Race to the Top (RTTT) money, believing the program will eventually become an unfunded mandate on local school districts when the Federal funds end after two years. Louisiana had been considered a prime candidate for RTTT funding. It was rated as one of the two (with Florida) most competitive RTTT states by the New Teacher Project and was one of 15 states originally funded by the Bill & Melinda Gates Foundation to help prepare the State's RTTT application.

According to a report from the National Governors Association (NGA), Louisiana's State accountability system rewards schools for both dropout prevention and recovery. The State's Graduation Index, begun in 2007, represents 30 percent of the score for each Louisiana high school. The NGA also cited Louisiana's Dropout Early Warning System (DEWS) which identifies students at risk of dropping out. Among the indicators included in DEWS are: (1) absent ten percent of the time; (2) GPA of 1.00 or less; (3) a drop in GPA of .50 or more; and (4) over the typical age for their grade level. The NGA particularly noted the New Orleans Recovery School district which increased its graduation rate for seniors from 39 percent in 2007 to 67 percent in 2008.

Maryland Update

December 2009

As reported in the Baltimore Sun, local school districts have been warned by Governor Martin O'Malley and Maryland State legislators that the State expects to see a \$2 billion revenue shortfall next year and State aid to education will be cut. Education comprises 40 percent of the State's \$13 billion operating budget. Among the Governor's cost-cutting recommendations to districts is increasing purchasing power by consolidating -- across district lines -- the acquisition of materials including textbooks.

As reported in The Washington Post, Maryland is seeking a grant from the Bill & Melinda Gates Foundation to help the State draft a proposal for Federal Race to the Top program. If successful, Maryland -- like neighboring Virginia -- could receive an award of \$150-250 million for the reform of its schools.

Massachusetts Update

December 2009

As reported in The Boston Globe, the Massachusetts legislature is considering a bill that would allow more charter schools in the State -- particularly in low-performing school districts -- and give the State the authority to take over failing schools. State officials believe the measure would give the State a better chance at receiving funds from the Federal Race to the Top program. Local school districts would be allowed to convert failing schools into “charter-like” schools that would be freed from source teacher union rules and would have greater flexibility with respect to curriculum, staffing, scheduling, and budgeting.

As reported in the Boston Globe, the Massachusetts Senate has passed an education bill that would give local school districts more authority to intervene in under performing schools, establish a system for specialized schools in local districts, and sharply increase the number of charter schools in low-performing districts. The bill would double the number of charters schools allowed in districts with the lowest State assessment scores. State officials believe that, if the bill is approved by the House in January, it will greatly improve the State’s chances to compete for Federal Race to the Top funding.

The Boston Globe reports that 14 Boston schools are scheduled for major overhaul or closure because of chronically low scores on the State assessment. Among the affected schools are three -- Orchard Gardens Elementary, Harbor Middle, and English High School -- that are part of the district’s highly publicized pilot program that gives administrators the flexibility to deviate from district curriculum mandates and union rules. Other schools subject to intervention are eight elementaries (William Blackstone, Paul Revere, Ralph Waldo Emerson, Curtis Guild, John Holland, John F. Kennedy, Elihu Greenwood, William Henry Trotter, and Maurice J. Tobin), as well as Dearborn Middle School and Odyssey High School. The district is planning to work with the schools to develop turnaround plans for each of the schools which are scheduled for approval in December with implementation to go into effect by next Fall.

Minnesota Update

December 2009

According to the Star Tribune, a number of Minneapolis-area school districts are using student performance data to target individual students for special help. The St. Paul school district has set, as a goal, improving student achievement by ten percent across all demographic groups. The Minneapolis school district is also using computer-driven data to advance student performance. The Anoka-Hennepin school district is targeting a ten-percent reduction in the number of students who fail to meet standards.

Urban Educator reports that the Minneapolis school district, in partnership with the City's police department and Department of Health and Family Support, has launched a youth violence prevention campaign. The campaign will include public service announcements on radio and television.

Mississippi Update

December 2009

As reported in the Clarion Ledger, Mississippi's new State superintendent of education is Tom Burnham who served in the same role for five years in the 1990s. More recently, Burnham has been State superintendent in North Carolina and Dean of the School of Education at the University of Mississippi.

Missouri Update

December 2009

The Columbia Missourian reports that revenue shortfalls from the Missouri Lottery (\$40 million less than expected) could shutter the Missouri Virtual Instruction Program, a three-year-old, online public school that offers Internet-based classes for several thousand K-12 students. Governor Jay Nixon announced that the school's second semester funding would be eliminated as part of a \$204 million budget cut. Terminating the virtual school leaves many students with half-earned credits and puts them at risk of failing to graduate. The MVIP began with about 2,000 students and a \$5.2 million budget in the 2007-08 school year. It grew to 2,500 students and \$5.8 million the following year, but was scaled back to 1,600 students and \$4.8 million this year, with about 2,000 students turned away.

Nevada Update

December 2009

As reported in the Las Vegas Sun, Nevada had effectively declared its ineligibility for the first round of Federal Race to the Top (RTTT) funding. Currently in place is a union-supported 2003 law that explicitly prohibits the use of student test data for teacher evaluations, a clearly stated requirement for RTTT. The State teachers union has, however, reversed course and is working with the legislature to change the law. In neighboring California, the legislature changed a similar law in order to become eligible for RTTT. Nevada is, however, still eligible for the Federal School Improvement Grant (SIG) program and is currently working on its application.

New Jersey Update

December 2009

A number of New Jersey high schools are enrolling marginal students in mandatory test-preparation classes in order to improve scores on the State's High School Proficiency Assessment (HSPA). Often, the classes use workbooks provided by the test developers. Currently, all New Jersey students must pass the HSPA (or an easier alternative exam which is strongly discouraged by the State) in order to graduate. Eventually, the State expects to replace the HSPA with end-of-course exams.

New York Update

December 2009

Education Week reports that David Steiner has become New York State's new education commissioner. Dr. Steiner served for four years as dean of the Hunter College School of Education at the City University of New York. He replaces Richard Mills who retired after 14 years as the State's top education official.

The Buffalo News reports that New York has approved a reform plan for teacher preparation that places greater emphasis on classroom experience and streamlines the process for alternative certifications. Among the features of the proposed reform plan are:

- Evaluations of prospective teachers would be based far more heavily on classroom performance.
- Academic requirements for professionals from other fields to become teachers would be reduced with training focused on teaching skills.
- Cultural institutions, research centers, and non-profit organizations would be allowed to certify teachers.
- Bonuses of up to \$30,000 could be offered to teachers in high-need schools and high need subjects (science, technology, math, special education, ESL).

North Carolina Update

December 2009

This year, the North Carolina legislature retroactively eliminated the requirements that, in order to graduate, high school students must pass State competency tests in reading and mathematics and a computer-skills test. As a consequence, thousands of students -- as far back as 1981 -- who failed to graduate because of the requirements could be eligible to receive diplomas. Starting with this year's seniors, students will be required to pass end-of-course exams in five subjects -- Algebra I, English I, Biology, Civics/Economics, and U.S. History -- in order to get a diploma.

The Pamlico County school district has received a \$1.25 million grant to purchase laptop computers for high school students and other technology for elementary and middle schools. The money comes from the Federal E²T² program and Federal stimulus (ARRA) sources. The County had previously received an IMPACT grant that put Promethean *Activboards* in every classroom. The new grant allocates \$645 per elementary and middle school student and \$1,200 per high school student. At the primary level, the money will go toward Apple iPod touch technology, elementary schools are expected to get laptop carts, and middle schools have proposed using the money for small laptops.

Ohio Update

December 2009

The Columbus Dispatch reports that a Federal court has approved an arrangement which is intended to level out the current disparities in special education spending among Ohio school districts. The agreement represents a partial settlement of an 18-year-old lawsuit against the State of Ohio. By making sure that districts meet Federal special education requirements, the State could, in effect, force parents of children with disabilities comparison shop school districts to find appropriate services.

According to Education Week, Ohio voters approved a measure that would, for the first time, allow gambling casinos in the State. A portion of the revenues from the gaming operation would be set aside for public education.

Oklahoma Update

December 2009

In mid-November, the Oklahoma Board of Education asked State officials to release Rainy Day Funds to offset the 7.1 percent of funding school districts lose each month because of State revenue shortfalls. A total of more than \$28 million in State aid has been cut in the past four months alone. The Board also asked for \$226 million in State appropriations for the next fiscal year (beginning July 1, 2010) to cover unfunded operational expenses that have occurred in the past four years, as well as increases in employee benefits and instructional materials.

Pennsylvania Update

December 2009

The Pittsburgh Tribune Review reports that only 69.6 percent of those taking the GED in Pennsylvania pass the exam -- one of the nation's lowest pass rates. Currently, there are more than 1.6 million adults in Pennsylvania without high school diplomas and, unlike some states, Pennsylvania does not require GED test-takers to take a GED prep class. In 2002, the GED was revised to be more rigorous. Some State officials believe that a required standardized GED preparation would improve its pass rate.

Rhode Island Update

December 2009

The Providence Journal reports that Rhode Island has proposed a new strategic plan to improve education in the State over the next three to five years. Among the features of the plan are:

- increasing the State's high school graduation rate from the current 70 percent to 80 percent by 2012 and 85 percent by 2015;
- offering higher pay to teachers whose students demonstrate improved performance;
- expanding online courses and establishing a Statewide virtual high school;
- transforming failing schools, particularly those in urban districts; and
- developing data systems that help teachers improve their instruction.

The State is hoping to receive a portion of Federal Race to the Top funds to implement many of these reforms.

South Dakota Update

December 2009

As reported in the Argus Leader, the South Dakota Board of Education passed a new set of high school graduation requirements, including upper-level math and science classes. Beginning next school year, all entering high school freshmen will have to take Algebra II, Geometry, and either Chemistry or Physics. Students will also have to take a semester each of physical education and health. Health advocates are pleased with the change. Some educators, however, have criticized the rules, saying not all students will be able to handle the more advanced math and science courses.

Texas Update

December 2009

As reported in [The Texas Tribune](#), last session the Texas legislature refused to raise the cap of 215 on the number of charter schools allowed in the State. State officials, in an effort to circumvent State law, have decided to allow existing, high-performing charters to open multiple schools under their current agreements. It is estimated that this approach would yield 15-20 new charter campuses. A legal reading of the State law supports the arrangement because the law placed a limit on the number of charters, not charter schools. Texas teachers unions oppose the approach, but the State charter school association is very happy with it.

Between 2005-06 and 2008-09, 99 Texas schools participated in a \$10 million --a-year pilot teacher merit-pay program. As part of the pilot, teachers were involved in the design of the performance-incentive plans for their own schools. As reported in the [Education Week](#) blog, *Inside School Research*, the program did not result in significant improvement in student test scores. An evaluation of the program found that, because “the incentive structures were so weak” (less than the \$3,000 minimum recommended by the State), there was no correlation to the size of the bonus. The evaluation reported some evidence that the incentive pay did contribute to lower teacher turnover.

The [Houston Chronicle](#) reports that Texas has proposed a new, more rigorous rating system for teacher training programs. The State Board for Educator Certification is expected to finalize the new rules in February. At the heart of the new system is linking a teacher’s ability to improve student test scores to the teacher’s training. In this way, the State could identify teacher colleges and other training programs that produce the best -- and worst -- teachers.

According to [Inside School Research](#), educators from 19 Texas school districts (including Houston, Dallas, and El Paso), along with academic researchers, have established the Texas Consortium on School Research. The consortium is intended to address real-world problems of

educators and to create, over time, a “community of practice” for sharing findings and strategies. The Texas Consortium is modeled after the 19-year-old Consortium on Chicago School Research and will receive Gates Foundation support in seeking an i³ grant.

The Houston Chronicle reports that Houston’s Knowledge is Power Program (KIPP), the district’s largest charter school operator, has received a \$10 million gift from the Bill & Melinda Gates Foundation. The gift will be used to secure a \$62 million bond to help KIPP begin construction on schools that would allow a doubling of KIPP’s 11,500 enrollment in the next five years. The Gates money will help save KIPP about \$10 million in interest costs and allow continuation of KIPP’s \$100 million expansion plan. The Gates Foundation could make a similar gift to Houston’s YES Prep Public Schools, another school operator.

Virginia Update

December 2009

The Washington Post reports that, despite Republican victories in Statewide elections, an easier path for charter schools in Virginia does not appear imminent. Currently, the State has only four charter schools and places tight limits on the kinds of schools that can be established without the approval of local school boards. Governor-elect Robert McDonnell has proposed creation of an avenue by which charter school applicants can appeal rejections by local school districts (whose decisions are currently final) as well as a way for other authorities to approve charters.

The Washington Post reports that Virginia has initiated a study of minority students' participation in education programs for gifted students. According to State data, African-American students comprise 26 percent of the State's 1.2 million K-12 enrollment, but only 12 percent are in gifted programs. Similarly, Hispanics represent nine percent of all students, but only five percent of gifted student. Representatives of some minority groups have said the study is simply a way to avoid more concrete action.

A report in The Washington Post suggests that the success of many previously low-performing Virginia schools could be attributed to extensive use of the State's alternative test. The Virginia Grade Level Alternative is a portfolio assessment, available to some special education students and non-native English speakers, that has teachers document learning through a binder of class work. Many educators believe portfolios produce fairer and more accurate results for English language learners. But others suggest that school-by-school performance may be skewed by the number of alternative assessments used. Statewide, the number of portfolios used has more than doubled to 47,000 over the past three years.

Wisconsin Update

December 2009

In early November, two days after President Obama made a trip to Wisconsin to pitch the Race to the Top (RTTT) program, the Wisconsin legislature passed a bill that removes a State ban on using students test results for teacher evaluations. As reported in Education Week, the new law clears a major hurdle for Wisconsin's bid for RTTT funding. Governor Jim Doyle has called for a special legislative session to vote on an education reform that would allow Milwaukee's mayor to take over the City's low-performing school system.