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## MEMORANDUM

**DATE:** September 29, 2010  
**TO:** TechMIS Subscribers  
**FROM:** Charles Blaschke and Blair Curry  
**SUBJ:** Guidance on SIG Contracting; Technology Opportunities in Envisioned State Assessments; Mid-Term Elections; RTI Likely Expansion; and State Profile Updates

This TechMIS issue includes several Washington Update items relating to districts' selection and contracting with lead or support partners under School Improvement Grants. Two separate guides are designed for use by districts and/or schools that contract with external providers to develop partnerships to turn around failing schools. A third guide published by the Center on American Progress, written by Dr. William Slotnik, provides advice to SEAs in working with LEAs and lead partners. While the primary intended audiences differ, elements of each of the guides could be cited or used as references by vendors who approach SEAs or districts/schools in hopes of forming partnerships. The yet-to-be published USED guidance to SEAs on helping LEAs select and contract with lead partners as external providers, announced in the August 18<sup>th</sup> policy letter from Secretary Duncan to the Council of Chief State School Officers will likely cite or reference portions of these guides.

Washington Update items in this TechMIS issue address a number of issues and opportunities:

- **Page 1**  
The envisioned two state assessments, which are aligned with Common Core Standards, will create new opportunities for technology use, according to a September 2<sup>nd</sup> announcement by Secretary Duncan. "Smart" technologies will likely be used to provide accommodations for certain students with disabilities and English language learners; and beyond administration of assessments, technology use increases could spill over into the instruction arena.
- **Page 2**  
An updated guide published by the recent merger of the American Institutes of Research with Learning Point Associates, and written by Public Impact officials, provides recommendations and suggestions to district/school officials responsible for selecting and

contracting with external partners and forming partnerships to turn around failing schools. The update references pages in the guide should be of the greatest interest to subscribers who wish to serve as lead or support external providers under School Improvement Grants.

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Mass Insight, which in 2007 published what Secretary Duncan called the “Turnaround Bible,” according to Secretary Duncan, has published a new report on school turnaround models currently used in six districts with which Mass Insight has been partnering for the last several years. Results achieved by the partnerships involving six districts and four lead partners are also highlighted. Recommended responsibilities for lead partners include three- to five-year performance contracts in which the lead partners are held accountable for improved student achievement.

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A new analysis by Center on Education Policy has found that less than 12 percent of districts in its national representative sample survey had implemented any of the four SIG models; however, of the six percent of districts which have implemented the “transformation model,” over 90 percent reported positive results. Recent anecdotal data and discussions with SEA officials which are responsible for SIG implementation suggest that most prevalent model will be the transformation intervention which, however, will vary somewhat among the states in actual implementation. Firms will need to have a modular, flexible “solution.”

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The number of students classified as having specific learning disabilities has declined by about one percentage point between 2001 and 2008, or about 300,000 students, with most knowledgeable observers attributing the decline to general reading instruction improvement through the use of Response-to-Intervention approaches and other initiatives under NCLB, including Reading First and other NCLB AYP provisions. Expansion of RTI will continue regardless of mid-term election results.

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Mid-term election results could have significant impacts on some new education initiatives and education funding as a result of anticipated turnovers of governorships and state legislation chambers, thereby reducing Democratic majority control. Some states’ Race to the Top initiatives may be slowed down.

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In September, a number of White House/Presidential announcements highlighted the release of several reports and recommendations designed to spur the momentum of Federal science, technology, engineering, and math (STEM) initiatives; however, with increasing support from non-profit foundations and firms, unless Congress reauthorizes the America Competes Act and provides increased appropriations, most advancements in STEM will occur at the state and district level as part of other well-funded Federal initiatives such as Race to the Top and i<sup>3</sup> innovation grants.

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New USED Guidance on use of \$10 billion Ed Jobs Fund attempts to clarify eligibility of charter schools, but is silent on guidance for Education Service Agencies which is “creating a messy situation.”

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A number of miscellaneous items are also provided including:

- a) A new guide by William Slotnik, Executive Director of the Communities Training and Assistance Center (CTAC) and published by the Center for American Progress, provides advice to SEAs in working with LEAs and lead partners to turn around failing schools; it diverges from the narrow focus of SIG funds on Tier I and Tier II schools. A winning strategy must also focus on certain district-wide reforms.
- b) The Center on Education Policy recent analysis and report finds that state assessments and NAEP test results have become more similar over the last decade, which makes it easier for publishers to align content with both assessments.
- c) If Congress votes to extend Bush-era tax cuts or remove them, a dozen or more states’ fiscal situations will be affected. For example, if all tax cuts expire, Idaho, Minnesota, North Carolina, North Dakota, Oregon, South Dakota, Utah, and Vermont should expect increases in state revenues without legislators having to vote on a state tax increase.
- d) On September 21<sup>st</sup>, Secretary Duncan announced that 21 communities will receive planning grants under the Promise Neighborhood initiative. The Senate-proposed FY 2011 budget would increase planning and implementation grants under Promise Neighborhoods from 10 million this year to 20 million next year; however, the Senate Report language states that, during the lame duck session, the Senate would consider the nature of organizations receiving current planning grants in deciding whether to propose greater funding for next year.
- e) The FCC has approved several changes in the E-Rate program which have implications for TechMIS subscribers (most positive, some negative).
- f) University researchers, led by Peabody College at Vanderbilt University, have reported that the use of incentives for teachers based on student performance, by itself, does not constitute an effective intervention strategy to improve student outcomes; while the randomized control evaluation design was praised by some researchers, alternative designs will likely to be used in evaluating schools receiving \$442 million in recently awarded Teacher Incentive Fund grants, which take into account teacher “buy-in.”
- g) The new GOP “Pledge to America” could have an immediate impact on education funding or spending if a Republican takeover of Congress occurs as a result of the November mid-term elections. Several GOP-proposed initiatives -- such as rescinding unspent education ARRA stimulus funding (over \$10 billion) -- might cause districts to accelerate spending of obligated funds that currently remain unspent; it is likely, however, that the President will veto such GOP rescission efforts.

- h) The first update on Race to the Top winning states' scopes-of-work to guide districts receiving Race to the Top funding, in terms of their required and permitted activities using such funds, is summarized. The Massachusetts scope-of-work is scheduled to be updated momentarily. Other states' scopes-of-work will be included periodically as they are posted and analyzed.

The state profile updates address state actions regarding the allocation of Ed Jobs funding, Race to the Top, assessment results, teacher licensing/retention, charter schools, and online learning.

Please contact us if you have any questions.

# Washington Update

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Vol. 15, No. 9, September 29, 2010

## Planned State Assessments Aligned with Common Core Standards Will Create New Opportunities for Technology Use

In his September 2<sup>nd</sup> announcement of the two consortia of states selected to develop Common Core assessments, Secretary Duncan stated, “For the first time, state assessments will make widespread use of smart technology. They will provide students with realistic, complex performance tasks, immediate feedback, computer adaptive testing, and incorporate accommodations for a range of students.”

As we reported in our June TechMIS Washington Update (July 1, 2010), both consortia plan to rely heavily on computer-based formative or benchmark assessments; the SMARTER Balanced Consortium will use computer adaptive testing. As Education Week reporter Stephen Sawchuk noted, based on interviews with key leaders of the two consortia, both would “explore the use of ‘technology-enhanced’ items that gauge higher-order critical-thinking abilities, rather than rely solely on multiple-choice questions that don’t lend themselves to measuring those skills.”

Beyond the opportunities for firms which have tools and products that can be used in the above assessment areas, another set of opportunities could be created to provide various types of “accommodations” for both English language learners and students with disabilities. As Secretary Duncan stated, “All English language learners and students

with disabilities will take the new assessments, with the exception of the one percent of students with the most significant cognitive disabilities. Unlike existing assessments, which often retrofit mediocre accommodations in tests, the new assessment systems will be designed, from the start, to accurately assess both English learners and students with disabilities and provide appropriate accommodations. And for the one percent of students with the most significant disabilities, states will have funds to develop an alternate assessment as a result of a soon-to-be competed competition.” While USED plans to continue the alternative assessment requirement for the one percent of students with significant cognitive disabilities, so-called “two percent alternative assessment” which was mandated in 2005, has been disbanded, implying that the one to two million students with disabilities will be taking the same formative and end-of-year tests other students will take. As reported in Education Daily (September 8<sup>th</sup>), “The two grant-winning consortia that will develop a new generation of assessments based on the Common Core State Standards plan to design their assessment systems with ‘substantial involvement’ from experts and teachers of ELLs and students with disabilities, according to the Education Department.” The PARCC Consortium, headed by Achieve, wants to establish a Committee on Accessibility and Accommodations which, according to Education Daily, will “draft a manual for participation and accommodation procedures that will be adopted by each of

the participating states.”

In a recent discussion with Michael Cohen who heads Achieve, I suggested that one of the biggest challenges will be designing assessments following Universal Design Principles and/or providing appropriate accommodations to ensure that assessment results are accurate and useful in informing instruction for individual students with disabilities and/or English language deficiencies. When he was asked what groups would be advising PARCC in this area, Cohen agreed on the magnitude of the challenge and indicated that the PARCC group would be open to suggestions. He also appeared to be receptive to the notion of using the variety of “mobile” smart technologies to ensure appropriate accommodations when and as needed.

In his announcement, Secretary Duncan also stated, “The use of smarter technology in assessments will especially alter instruction in ways that teachers welcome. Technology enables the use of dynamic models and test questions. It makes it possible to assess students by asking them to design products or experiments, to manipulate parameters, run tests, and record data. With the benefit of technology, assessment questions can incorporate audio and video. Problems can be situated in real-world environments, where students perform tasks or include multi-stage scenarios and extended essays.” In our June TechMIS [Washington Update](#), we expanded on some of the additional “spill over” benefits of technology use in assessment into the area of instruction.

For a copy of Secretary Duncan’s announcement, entitled “Beyond the Bubble Tests: The Next Generation of Assessments,” go to:

<http://www.ed.gov/news/speeches/beyond-bubble-tests-next-generation-assessments-secretary-arne-duncans-remarks-state-1>

### **Updated Guide on Districts Selecting/Contracting with External Partners Could be Useful to Firms Seeking Lead or Support Partnership Contracts with Districts/Schools**

Released during a September 24<sup>th</sup> “Congressional briefing” by Learning Point Associates, an updated guide to help districts working with external partners will likely be referenced in anticipated USED guidance on selecting and contracting with external providers called for in Secretary Duncan’s August 18<sup>th</sup> policy letter (see September 1<sup>st</sup> TechMIS [Washington Update](#)). Written by Bryan Hassel and Lucy Steiner of Public Impact the new guide states, “With the current investment that the U.S. Department of Education is making in School Improvement Grants, it is critical for both schools and providers to have the tools they need to ensure that their partnerships are successful. The guide was updated in 2010 to help schools and districts get started.” Unlike the guide published several days earlier by CTAC (see related [Washington Update](#) item) which was directed more toward assisting SEAs, the Learning Point guide primarily targets district/school level officials responsible for turning around failing schools; however, many of the guide’s suggestions should be taken into account by firms who hope to contract with districts/schools as external leader support providers.

The Learning Point guide emphasizes that productive partnerships between schools and external providers are built on the

foundations of *clarity* and *communications* that “give your school or district a better understanding of the issues you will need to consider when embarking on a partnership with an external provider.” The guide focuses on selecting an external provider, establishing a strong relationship and agreement with the provider, working with providers over time, and using evaluation to improve partnership effectiveness. Below are a number of recommendations (and reference pages) which could benefit firms during the initial and contract negotiating phases of partnering with districts.

During the needs assessment and planning phase, the guide states, “The option of collaborating with an external provider on a needs assessment has the advantage of providing an objective view of current practice. An external provider may also be able to provide new or different data not otherwise available to you.” (page 13)

In selecting external providers, schools and districts must ensure the provider offers services that have the following characteristics, among others:

- The provider should be prepared to tailor its approach to the school’s or district’s unique circumstances and needs.
- The provider should have a viable plan to get buy-in from stakeholders.
- The provider’s approach should be grounded in research and backed by evidence on its effectiveness in districts with similar demographics and should include references.
- The provider’s services should be delivered with a strategy for training the school or district to be able to practice and assess skills

independently, and the provider should be able to demonstrate sufficient staffing experience, knowledge, and capability to carry out the work (pages 16-17, 34).

Suggestions for finding potential providers are extensive, ranging from conducting Internet searches to contacting professional organizations. Regarding the latter, the guide states, “One thing to determine when contacting a professional organization is whether it offers its own services or recommends the services of other providers.” (page 27)

When conducting initial conversations with vendors, the guide emphasizes the importance of two-way communications and full disclosure, stating, “the provider has an equal responsibility to determine if the school or district is appropriate for its services.” Important questions are whether the provider’s services are cost-effective, has the provider demonstrated that it is “able to hit the ground running,” and whether the district and provider agree about the outcomes that are expected from the partnership (pages 30-31).

In the process of selecting a provider, it is important that the district’s/ school’s turnaround officials and the provider attain buy-in from a wide range of stakeholders who will participate in or otherwise be directly impacted by the partnership. It emphasizes that even if the provider does not offer a “comprehensive service,” it should still attain buy-in from district, community, and other appropriate stakeholders and should determine “what role various stakeholders will play, strive to create a healthy balance between casting a wide net and creating an efficient process

that allows for closure.” (page 34)

In perhaps the most important area for vendors, the guide outlines support which should be expected from the district during the partnership (pages 33-34). While the types of district-level support policies and procedures and responsibilities are somewhat granular in the guide, not taking into account some of the prescriptive requirements or permitted activities in the School Improvement Grant (SIG) guidance, firms should take the following into account within the context of the districts and SIG guidance:

- There should be clear lines of authority for decision-making about budgets, staffing, scheduling, and programs; the providers’ interventions or practices could require districts to make substantial changes in policy by, for example, allowing waivers.
- Districts should maintain leadership stability, wherever possible, so new practices can continue and if not, ensure that providers have strategies for building capacity so new practices can continue under new leadership (pages 38-39).

The district should ensure that its evaluation procedures align with those of the provider such that the district reports achievement data to schools, and indirectly to providers, on an ongoing and timely manner. This district responsibility has caused major problems in the implementation of SES over the last five or more years.

In determining the length of the contract, the guide recommends long-term contracts with progress benchmarks

because such contracts imply turning around failing schools takes time and effort. Such contracts demonstrate long-term commitments, and may benefit the provider, the school, and the district by justifying substantial investments up front (page 40). In the discussion of how outcomes will be described in the contract, the guide states, “One approach to the issue of setting student-achievement targets, for example, is to offer the provider a potential bonus if the targets are met. Other possibilities include continuation of the contract, which could be broken down into ongoing continuation and renewal of the contract for another year.” (page 41)

There are a number of areas in which problems could develop with external partnerships involving School Improvement Grants. The required and allowed uses of SIG funds are for the most part limited to individual Tier I and Tier II schools implementing one of the four intervention models. However, district-level officials may be interested in having the provider or external vendors provide services and materials that could assist in district-wide reform in such areas as infrastructure, data systems, among others. Clear understandings must be agreed upon between official district-level decision-makers and the external provider if these agreements are not reflected in official contracts. Good “personal rapport” and a clear mutual understanding of the scope of work is key. (page 33)

Another potential problem area relates to state and district procurement procedures which may have to be changed or waived, especially in situations where



contracts have been used only to purchase products or services, not student performance guarantees.

An introductory cover letter to the guide from the executive directors of the two national principals associations warns principals, “Hundreds of new vendors have recently appeared on the education scene, each promoting their tools, trade ware, and training. As a principal, you are faced with the decision of being a knowledgeable consumer and choosing the resources that maximize your school’s effort to improve student performance. The DNA of every school is unique, and your selection of an external partner will be critical to your school’s success.” The letter then boils down the 92-page guide, which includes checklists and tools to help responsible district officials and principals, into nine recommended steps and activities during the selection and contracting process with external partners. In light of the support of these two principals associations and the recent Congressional briefing arranged by House Committee Chairman George Miller (who has postponed related Congressional hearings until December), it is likely that many of the recommendations, tools, checklists, etc. in this guide will be incorporated by reference or otherwise into USED’s Non-Regulatory Guidance in the near future.

The *Guide to Working with External Providers* is available at [www.learningpt.org/pdfs/External\\_Provider\\_Guide.pdf](http://www.learningpt.org/pdfs/External_Provider_Guide.pdf)

## **Mass Insight Publishes a New Report on “School Turnaround Models” in Districts with Whom it Has Been Working for Several Years and Calls for Student Achievement-Based Performance Contracts Between School Districts and Lead Partners**

Following its publication earlier this year of models for state “turnaround offices,” Mass Insight (which in 2007 published the school turnaround “bible,” according to Secretary Duncan) has now published district and partnership models following the same principles, along with the positive results achieved thus far. One of the important components for some TechMIS subscribers could be the contractual and other relationships between districts and Lead and Other Partners, which include the use of performance or incentive contracts.

The six districts with which Mass Insight has been working under funding from the Carnegie Corporation of New York with partial matching from the Bill & Melinda Gates Foundation are: Charlotte Mecklenburg, New Orleans, Chicago, New York City, Baltimore, and Los Angeles. The three principles for professional turnarounds are “conditions,” “capacity,” and “clustering.” *Conditions* include changing the rules and incentives governing people, time, money, and programs, while capacity builds upon local turnaround resources and complements them with Lead partners and sufficient funding. Because all of the six districts are urban districts, Mass Insight also follows the principle of “clustering” in order to scale-up clusters of schools within zones, “intentionally and systematically.” As some vendors have already discovered, attempting to follow the “clustering” principle in rural districts under

School Improvement Grant funding is not possible. Based on the three principles, the Mass Insight report describes how the six districts have implemented turnaround activities and the results which they have achieved thus far.

The Lead Partner is also delegated increased authority for budget, program, and time/scheduling and participates in modifying collective bargaining agreements. It is also responsible for the management of Support Partners. The Lead partners in the four partnership models described in the report are: Academy for Urban School District Leadership (Chicago), Green Dot (Los Angeles), Mastery Schools (Philadelphia), and Friends of Bedford Incorporated (New York City and most recently D.C. Public Schools).

Perhaps of greatest interest to some TechMIS vendors are the relationships outlined between districts and Lead partners and some Support Partners. The recommended responsibilities of a Lead partner include:

- signing a three- to five-year performance contract for student achievement with the district or state, in which the Lead partner is accountable for improved student achievement in a small “intentional” cluster of schools;
- provides authority to Lead partner for decision-making regarding hiring and retaining principals and bringing in new instructional staff where needed;
- providing core academic and student support services both directly or aligned with services of other program and Support Partners, who

are on subcontracts with the Lead partner, and building internal capacity within the schools and the district;

- has an “embedded, consistent, and intense relationship with each school during the turnaround period (5 days per week).”

For a copy of the brief report go to: [http://www.massinsight.org/publications/stg\\_-\\_resources/112/file/1/pubs/2010/07/20/Turnaround\\_Models\\_7\\_19\\_10.pdf](http://www.massinsight.org/publications/stg_-_resources/112/file/1/pubs/2010/07/20/Turnaround_Models_7_19_10.pdf)

### **New Center on Education Policy Analysis Finds That Less Than 12 Percent of Districts Had Implemented Any of the Four Models Prescribed in SIG Guidance; Over 90 Percent of Those Districts Which had Implemented the Transformation Model (Six Percent of the Total) Had Positive Results**

In the third of its series of studies on the impact of ARRA stimulus funding, the influential Center on Education Policy conducted an analysis of its Spring 2010 survey using a representative sample of districts and found that more than one-third of the nation’s school districts were unfamiliar with each of the four School Improvement Grant prescriptive intervention models and less than 12 percent had implemented any of them in one or more schools. Of the six percent of districts that had implemented the transformation model, “91 percent had positive results, while an estimated 9% had unknown, mixed, or poor results.” About 11 percent of the districts surveyed had implemented the turnaround model which CEP defined as “replacing the

school principal and no more than 50% of the school staff and implementing a new or revised instructional program.”

As CEP noted, the lack of district familiarity with all four of the models is not surprising because most school districts across the country “have no schools that meet their state’s criteria for low-performing schools” (i.e., Tier I or Tier II schools under School Improvement Grants). However, CEP found that city districts had significantly greater familiarity with each of the four improvement models than suburban, town, or rural districts largely because city districts had more low-performing schools and, therefore, had more knowledge about the four models, as CEP speculated.

While CEP did find a statistically significant difference in results between the districts’ use of the transformation model versus the other three models, the report again cautions, “Here again, it is important to note that these findings are based on the very small numbers of districts and schools that had implemented the models and that it may be too early to see changes in student achievement attributable to any of the models.” It should also be noted that, by the end of August, two states (Tennessee and Hawaii) had not had their School Improvement Grant applications approved by USED, as evidenced by USED postings; and about half of the SEA SIG applications were not approved until July-August.

CEP also reported that, as of Spring 2010, “Less than 12% of districts had received assistance from the state for each of the four improvement models.” And, at that time, most of the SEA assistance focused on the turnaround and transformation models rather than restart or closure models. During the

last year, SEA assistance to districts eligible for School Improvement Grants occurred in the context of a very confusing situation because: (a) the allocation of SIG Part g funds was more than 12 months late in getting to most states; (b) over the last year, at least four major sets of SIG guidance changes were published by USED; (c) many of the nine states which had received Differentiated Accountability Model (DAM) approval almost three years ago had to retrofit components of the DAM into the transformation and other models; and (d) SIG SEA plans, even those approved by USED may continue to change depending on whether the state also received Race to the Top funding which included a school turnaround component involving many of the same districts and Tier I and Tier II schools.

During the State Title I Directors national summer conference at the end of July, USED reported that approximately 70 percent of the SIG Tier I and Tier II schools that had been approved by the states were using or planning to use the transformation model which tends to support CEP’s findings that over 90 percent of those using the model had experienced “positive results.” Previous CEP studies of approaches used by schools which have exited from restructuring found that the majority of these schools used a number of the required components or permitted activities under the transformation model, such as the use of student assessment data to inform instruction, individualized/small group tutoring (not SES tutoring), and directly related professional development. CEP also found that replacement of large numbers of teachers or even principals had both positive and negative impacts. The most recent Gallop Poll, conducted by Phi

Delta Kappan, also found that more than half of respondents preferred that principals and teachers stay in place and are given outside help to boost a lagging school rather than replacing them. As we have found in our discussions with State District Title I Directors over the last several months, many states have their own special “tweaks” of the transformation model included in SIG guidance. For example, an official directing SIG in Virginia indicated that districts which choose to use the transformation model will use the Virginia “version” and that any Tier III school which receives funding must also use the Virginia transformation model. The Virginia transformation model involves performance-based incentives. The Florida Race to the Top application calls for continued use of certain components included in the State’s Differentiated Accountability Model over the last two years in turning around lowest-achieving schools.

One major implication for vendors is that their service and product offerings must be flexible enough to fit into individual states’ transformation requirements or permissible activities. Another implication is that the specific nature of the transformation model during the second round of solicitation of applications from eligible districts (most likely in November-December) may be changed based on states’ and districts’ experiences thus far. It should also be noted that CEP intends to conduct a second survey, in the winter of 2010-11, to explore the progress of SIG implementation thus far.

For a copy of the report go to:

[http://www.cepdc.org/index.cfm?fuseaction=document\\_ext.showDocumentByID&nodeID=1&DocumentID=313](http://www.cepdc.org/index.cfm?fuseaction=document_ext.showDocumentByID&nodeID=1&DocumentID=313)

## **Continued Reduction in the Number of Students Classified as Having Specific Learning Disabilities is Attributed to No Child Left Behind (NCLB) Provisions and Programs**

As Education Week (September 8<sup>th</sup>) reports, the number of “students with specific learning disabilities” has dropped steadily between 2001-2008, from 6.1 percent to 5.2 percent, a decrease from 2.9 million students to 2.6 million students. Of the 13 disability categories, over 40 percent of the 6.6 million students served under IDEA are classified as having specific learning disabilities. Between 2005 and 2008, however, the total number of students placed and served in special education programs has decreased at a much lower rate from 6.7 to 6.6 million students. As Christina Samuels, who covers special education for Education Week notes, “About 80 percent of children who are classified as learning-disabled get the label because they are struggling to read. So, scholars say, the dropping numbers could be linked to improvements in reading instruction overall; the adoption of ‘response to intervention,’ which is an instructional model intended to halt the emergence of reading problems; and a federally backed push toward early intervention with younger students.”

Directly or indirectly, most of the “scholars” believe the decline in the number of students classified as having specific learning disabilities can be attributed to NCLB programs and provisions, for a range of reasons. Most of the scholars cited in the article attributed some of the decline to the expansion of Response-to-Intervention approaches and funds allocated or set aside for such purposes. The Reading First initiative, which began in 2002, represented

one approach for implementing RTI, along with large increases in Federal funding. Additional funds were provided in the 2004 reauthorization of IDEA which required districts with significant disproportionality (i.e., overrepresentation of minorities being placed in special education programs) having to set aside 15 percent of their IDEA allocation for Early Intervening Services -- of which RTI was a major component -- for at-risk students who were not placed in special education, but who had reading problems. A 2006 TURNKEY survey estimated that approximately \$500 million was spent on RTI at that time; in 2010, based on an annual survey conducted by a number of special education associations and Spectrum K12, we estimate that the amount of funds allocated for specific RTI intervention programs, professional development, and hiring of coaches was between \$4-5 billion.

One of the advisors/architects of the Reading First program, particularly as implemented in Florida, was Dr. Joseph Torgeson who conducted a study which found, in the first year of Reading First implementation, 10.4 percent of third-grade students were identified as learning disabled; three years later, the percentage of third-graders so-classified dropped to six percent. Student identification rates also declined in kindergarten, first, and second grade. It should be noted that, three years into the implementation of Reading First, the Center on Education Policy reported that, in districts which had Reading First schools, almost 70 percent of the non-Reading First district schools had adopted some of the assessment and instructional techniques used in the district's Reading First schools. While the stated goal of Reading First was to ensure that all students

would be proficient in reading at the completion of the third grade, many Bush Administration officials admitted that the most important policy goal was to reduce the number of students that were being placed in special education programs which would reduce the cost of special education and which, in turn, would increase the Federal contribution closer to the 40 percent mandate stated in PL 94-142 (new IDEA) in 1975. Another RTI advocate, USED Assistant Secretary Alexa Posney who is responsible for special education services, citing her experience as State Director of Special Education and later Commissioner in the Kansas Department of Education, noted that the number of students with specific learning disabilities dropped in her state from 56,328 in 2005 to 55,834 in 2008.

For different reasons, Candace Cortiella whose special education watchdog institute (IDEA MoneyWatch.com) was quoted in the Education Week article, "There's too much correlation between the implementation of No Child Left Behind and the drop in numbers." Not only does NCLB require schools to highlight the performance of special education student subgroups for accountability purposes, but also the effect of the "N size" for subgroups. If the "N size" or number of students in the special education subgroup is small enough, then the scores of the subgroup are not used to calculate whether the district meets AYP, which according to Ms. Cortiella may have prompted some of the schools to keep their enrollment in special education subgroup low.

While the article cites other reasons for the decline in the number of learning disabled students placed in special education programs -- such as increases in the number

of preschool children, ages three to five, receiving early intervention services, or the high cost of serving special education students in tight budget times -- the expansion of RTI has certainly contributed to a decline in the number of students identified as having specific learning disabilities who are placed in costly special education programs. As we noted in the June TechMIS [Washington Update](#), RTI really began as a grassroots movement bolstered by Reading First and later IDEA provisions. There are current attempts underway to codify a definition of RTI and provide guidance to ensure fidelity of implementation. And even if there is a turnover in Congressional leadership after the November mid-term elections, it is safe to say that a new Republican leadership -- Congressman Boehner and Senator Lamar Alexander who were instrumental in promoting RTI use under NCLB and reauthorization of IDEA -- will ensure Federal support for RTI. As was recently reported in [Education Week](#), ranking Republican House Committee member John Kline of Minnesota (who would become Chairman under Republican control) opposes any increases in Federal Education programs except for special education.

### **State Mid-Term Election Results Could Have Significant Impacts on New Education Programs and Education Funding**

The results of the mid-term election could affect education initiatives and education K-12 funding in both the short- and long-term. In 37 states, gubernatorial elections will be held. According to the National Conference of State Legislatures, about 83 percent of 7,300 plus state legislative seats are also up

for election. As reported by Sean Cavanaugh ([Education Week](#), September 17<sup>th</sup>), Democrats currently control 60 legislative chambers while Republicans control 36. State superintendent elections will be held in seven states. Significant turnover could impact several programs and K-12 funding.

In ten of the 12 Race to the Top winning states, implementation will just be beginning at election time. In six of the 12 states, because of term limits and other reasons, current governors will be replaced. For example, Rhode Island Governor Donald Carcieri, who supported Race to the Top, and personally participated in the state's winning selection process, will be replaced by one of two candidates neither of whom, according to the [Education Week](#) blog *Politics K-12* has endorsed the state's Race to the Top plan. Current Ohio Governor Ted Strickland, who supported Race to the Top, is up for reelection. His opponent, former Congressman John Kasich has not signed off on the plan. In states with newly elected governors who do not support Race to the Top, implementation could be slowed down or redirected unless other major supporting stakeholders (e.g., key state legislators) remain in place. The impact of governorship turnover could be even greater in states that submitted applications calling for substantial policy changes in order to increase the probability of being selected but that, in the end, were not selected and hence are receiving no additional funding. Implementation of any of the policy changes will likely be slowed down or curtailed in these states. As Cavanaugh notes in [Education Week](#) (September 11<sup>th</sup>), "Of 37 contests for governor this fall, 21 are listed as leaning toward or solidly favoring GOP candidates, according to Rasmussen

Reports, a nonpartisan New Jersey-based polling operation.”

If there is a significant shift in control of state legislative chambers within the two-thirds of the states that are Democratic controlled, the impact on education initiatives and K-12 funding could be great. In the *State EdWatch* blog, Tim Storey, Senior Fellow at NCSL, is quoted as noting that turnover of legislative seats during a mid-term election is typical and predicted that turnover in control will occur in 15 to 20 of the state legislative chambers after the November elections. Those state legislatures under new Republican control, will likely oppose “Federal intrusion” into education as exemplified by Race to the Top and other Federal initiatives which enticed legislative chambers to pass certain legislation or resolutions in hopes of receiving Federal RTTT funds. As the *EdWatch* article notes, a long-term impact on Federal education policy could also occur by “giving the GOP much greater sway in the once-a-decade congressional redistricting process. State legislatures control how districts for the U.S. House of Representatives are drawn.”

### **Reports and Presidential Announcements on Science, Technology, Engineering, and Mathematics (STEM) Gain Headlines in September, While Increased Funding Remains Uncertain**

During the last part of September, several reports, with varying recommendations, were highlighted in White House/Presidential announcements, hoping to gain some momentum in STEM initiatives and funding. On September 16<sup>th</sup>,

the President announced that more than 100 firms have accepted the challenge of remaking STEM education initiatives as part of the Educate to Innovate campaign President Obama announced last year. Supported by several foundations and firms, a new non-profit group called “Change the Equation” has been established to help government entities, as well as private firms, create a self-evaluation mechanism “so that members can measure the effectiveness of their initiatives,” according to Education Daily (September 17<sup>th</sup>). According to the White House, more than \$700 million in financial and mostly in-kind support for STEM initiatives has been committed.

At the same time, the President’s Council of Advisors on Science and Technology (PCAST) submitted its first report which included a number of recommendations. One such recommendation called for greater coordination and partnerships between private and Federal agencies which are involved in implementing the America Competes Initiative which began several years ago. The recommendations include:

- creation of a STEM Master Teacher Corps.;
- recruitment and training of 100,000 of the best STEM teachers over the next decade; and
- creation of 1,000 STEM-focused schools over the next decade.

One of the seven recommendations also included using technology to drive innovation through the creation of an Advanced Research Projects Agency for Education. The predecessor to ARPA in the U.S. Defense Department was DARPA, which funded the creation of what has become the Internet and which supported the

development of several computer-based instructional programs in the 1960s-70s, including PLATO.

The only private sector members of PCAST are Craig Mundie (Chief Research and Strategy Officer, Microsoft Corporation), and Eric Schmidt (Chairman and CEO Google Inc.); the remainder are professors or are otherwise affiliated with universities and non-profit academic entities.

To develop the next generation of “STEM innovators,” the National Science Board, which decides policy for the National Science Foundation would place its highest priority on identifying and supporting gifted and talented programs and holding schools accountable, so that the top students reach their potential. To do so will require schools to use “‘above-level tests’ to identify gifted STEM students, especially those in economically disadvantaged or rural areas.” A number of reporters attending the announcements picked up on the higher emphasis on “high achievers.” An interview in Education Daily with Camilia Benbow, an NSB member who headed the Ad-hoc Task Force on STEM innovations, not only reemphasized the new greater focus on high achievers, but also wanted to ensure that the playing field is level, noting that the talent from certain demographic groups “too often is never tapped.” Regarding the recommendation that schools, and perhaps districts and states, be held accountable for the performance of the top ten percent of their students at each grade level, Education Daily reporter Emily Brown, in interviews with USED officials on the NSB recommendation, reported that such officials “couldn’t immediately tell Education Daily whether ED will consider this accountability measure as it works to reauthorize ESEA,

but assured that under the existing law, top-performing students are monitored closely.”

While the number of firms and other groups supporting STEM initiatives grows, and the PCAST and NSB reports provide “legitimacy” for some new directions, it remains to be seen not only whether Congress will reauthorize the America Competes Act passed several years ago, but also whether increased levels of funding will be appropriated to fuel the STEM momentum. Without such increased funding, the expansion of STEM activities will largely depend upon states’ and districts’ priorities to include such initiatives in parts of large and well-funded Federal initiatives such as Race to the Top, i<sup>3</sup> grants, and even after-school programs.

### **New USED Guidance on Use of \$10 Billion Ed Jobs Fund Attempts to Clarify Eligibility of Charter Schools, but is Silent on Guidance for Education Service Agencies Which is “Creating a Messy Situation”**

In response to questions and comments related to the August 13<sup>th</sup> Initial Guidance for States on the Education Jobs Fund program (Ed Jobs), on September 1<sup>st</sup>, USED published additional “Guidance Concerning the Applicability of Education Jobs Fund Program to Charter Schools.” Even with the new guidance (September 10<sup>th</sup>), the Ed Jobs money is flowing, “but not smoothly,” according to Education Week which cited charter school advocates’ examples of different types of “charter schools” which may or may not be eligible. The August 13<sup>th</sup> guidance (see August 19<sup>th</sup> TechMIS Special Report) was largely silent on the eligibility of education service agencies (ESA) of



which over 500 BOCES, ISDS, regional service centers, and other entities exist in more than 40 states. It is, in the words of a high-level official knowledgeable about the situations in different states confronting ESAs, a “messy situation.” Under the assumption that guidance for ESAs would parallel that for charter schools -- because both could be considered “LEAs” for the purposes of Federal and, in some cases, state funding eligibility -- we summarize the charter school guidance below. We also discuss the likely implicit guidance for ESAs which we have inferred from discussions with several knowledgeable ESA experts who agree that states are “redefining” the eligibility process as the Ed Jobs funds are beginning to flow.

The September 1<sup>st</sup> guidance states that, “A charter school that is an LEA receives Ed Jobs funds on the same basis as other LEAs in the State. State law determines whether a charter school is an LEA or a school within an LEA.” Under NCLB statutory definitions and for the purposes of Title I, an ESA is considered to be an “LEA” and when a school district is both an LEA and an ESA, the ESA activities are considered to be legally separate from the district which has allowed large districts, such as Philadelphia and Pittsburgh, among others which were identified for improvement, to provide SES through their “ESA” (in Pennsylvania, BOCES) as determined by a Federal court decree. However, under laws in some states, an ESA may not be considered an LEA for state funding purposes, a factor which is at the heart of current efforts to define and redefine state interpretations.

However, later on in the two-page charter school guidance, it appears that an exception is allowed in the following situation. “If a

charter school that is an LEA does not have any employees who provide school-level educational and related services, it may use the funds to hire employees to provide these services. It may also pay for compensation and benefits of an employee of another LEA who provides such services to the charter school under a contract with the LEA.” One interpretation offered in the September 10<sup>th</sup> Education Week article is illustrative: “Charters that don’t have any of their own employees -- including those that contract with a charter management organization -- could use the money to hire new employees. That means a charter that gets most of its employees through a management organization could technically ‘hire’ a teacher it already has on staff.” The article quotes a spokesman for the Michigan Association of Public School Academies who called that clause a “bitter pill” to swallow in order to get and use the money, and indicated that such a clause would reduce charter school autonomy.

States which define, for state funding purposes, an ESA as an LEA are likely to allocate Ed Jobs funding directly to ESAs using the state funding formula or the alternative -- which is the Title I formula (e.g., a prorated portion of Title I funds based on the total amount of Title I funding allocated to the districts in its ESA region). If state law allows, the Ed Jobs funds could be directly allocated to the districts which could then contract with an ESA for school-level services (e.g., reading coaches, in-service teacher trainers, counselors, social workers, interpreters, and security officers, among other personnel). The August 13<sup>th</sup> guidance states that an LEA “that contracts with another LEA to provide educational and related services may use Ed Jobs funds to pay that portion of the contract associated

with the salaries and benefits of the employees of the LEA providing the services.” In this case, the contractor would be the ESA which is defined as an LEA.

According to a knowledgeable official representing ESAs, the situation is a “mess.” In some states, such as Connecticut, the definition of an ESA has changed on a weekly basis. Firms that are attempting to “partner” with ESAs and/or consider them “clients” as Lead Partners for a consortium of districts under Race to the Top or School Improvement Grant funding should be aware of the evolving situation as they approach these ESAs. For example, if an ESA is concerned about losing staff, contracting with districts as a Lead partner -- with a for-profit Support Partner -- could be an enticing situation.

Some firms, which are approaching the more than 100 ESAs which are currently involved with districts receiving Race to the Top or School Improvement Grant funding, are proposing their products and services -- as Support Partners with the ESA taking the Lead Partner role -- to Tier I and Tier II schools especially in rural districts. Approximately 30 percent of the nation’s so-called 2,000 “dropout factories” are rural high schools. In some RTTT winning states, such as North Carolina and Ohio, ESAs are assuming an important role in activities directed at rural districts. While many firms “partnered” with ESAs in applications for i<sup>3</sup> grants, according to Brian Talbot, Executive Director of the Association of Education Service Agencies, very few of the 500+ ESAs were included in the 49 winning i<sup>3</sup> grants.

For a copy of the September 1<sup>st</sup> guidance go to:

[http://find.ed.gov/search?q=GUIDANCE+concerning+the+applicability+of+the+education+jobs+fund&spell=1&client=default\\_frontend&output=xml\\_no\\_dtd&proxystylesheet=default\\_frontend&ie=UTF-8&access=p](http://find.ed.gov/search?q=GUIDANCE+concerning+the+applicability+of+the+education+jobs+fund&spell=1&client=default_frontend&output=xml_no_dtd&proxystylesheet=default_frontend&ie=UTF-8&access=p)

## Miscellaneous

- a) Firms which are seeking to become Lead or Support external providers to SEAs need to heed the advice in the “new bible” for turning around lowest-performing schools by William Slotnik, Founder and Executive Director of the Community Training and Assistance Center (CTAC). The Center for American Progress publication, “Levers for Change: Pathways for State-to-District Assistance in Underperforming School Districts,” poses questions and offers recommendations for SEAs and suggests that external Lead and Support Partners, working under contract to SEAs and/or LEAs, are likely to be asked to provide many of the activities for which SEAs may not have capacity or to work with SEAs in developing such capacities. Advice is also provided to states on selecting or approving external Lead and Support Partners. Secretary Duncan recently told Chief State School Officers, USED would be providing new, non-regulatory guidance on selecting and contracting with external partners under School Improvement Grant initiatives (see August TechMIS Washington Update).

In the publication’s lead paragraph, Slotnik emphasizes, “Focusing on individual schools alone is not a winning strategy. Simply put, underperforming schools exist in the context of

underperforming school districts.” This divergence from the narrow focus of SIG policy is shared by many SEA and LEA officials wrestling with school turnaround challenges. The guidance and recommendations in the document focus on three key challenges confronting states:

- “Meeting the *educational* requirements of balancing state responsibilities with federal statutes and traditions of local control
- Building the *organizational* capacities necessary for reconfiguring the current policy compliance system into an effective service-delivery system
- Addressing the *political* implications of balancing political pressure with educational wisdom.”

One of the first steps is for states to identify and select partners prior to any intervention and to develop joint ownership of the intervention. These partners could include teachers’ unions, local universities, and key state and local legislators and policymakers, among others. Slotnik argues that school improvement planning should become the foundation of the education strategy and the “real driver of district-wide reform.” Recognizing that lead or support partners could exist at the SEA or LEA level, he recommends that states “establish experiential and performance standards that can guide the selection of partners. Even and perhaps particularly when service procurement regulations preclude the state from identifying preferred partners, it will prove valuable to have standards that can help both the state and districts when

deciding upon the appropriate partners needed to build student achievement and community capacity.” Moreover, “The key is to know the respective track records with interventions and the kinds of districts and communities in which they have produced demonstrably positive results. Concomitantly, the state should have specific methods of soliciting feedback from service providers who can contribute to improving strategies and processes used in districts.” He cites some rubrics and tools “to guide thoughtful and accountable planning” which CTAC developed with the Massachusetts Department of Elementary and Secondary Education, noting, “These materials make explicit the standards for high quality district-level and school-level redesign and identify key criteria for what should be expected in a comprehensive planning process. They also provide districts with questions to guide the selection and oversight of vendors who would assist in the redesign process.” The Massachusetts School Redesign and Implementation Grant scoring rubric and related materials are available at: <http://www.doe.mass.edu/>

Secretary Duncan’s August 18<sup>th</sup> policy letter to Chief State School Officers announcing the forthcoming SIG Non-Regulatory Guidance to states to ensure that LEAs implement an appropriate process for screening and selecting external partners states, “This guidance will include sample tools and resources from states and districts.” One might anticipate the Massachusetts guidance will be mentioned in such forthcoming USED guidance to SEAs (see related Washington Update on guidance to districts/schools).

- b) A new Center on Education Policy analysis finds that trends on state

assessments and the National Assessment of Educational Progress (NAEP) tests have increasingly become similar over the last decade, thereby simplifying the question faced by many education publishers as to which assessment their instructional content and programs should be aligned. State assessments became increasingly important for accountability purposes, while NAEP assessments provided fodder for “bragging rights.” As CEP concluded, “We found more agreement between trends on state tests and NAEP than is commonly acknowledged. In general, the majority of states with sufficient data showed gains on both their state test and NAEP. The size of the gains tended to be larger on state tests than on NAEP, however.” Between 2005 and 2009, the number of states with test score gains was much greater than those with declines on both sets of assessments for two different indicators - percentage scoring proficient/basic and mean scores. In the 21 states with sufficient data in grade 8 reading, for example, 20 showed gains in the percentage reaching the proficient level on their state tests, while 17 showed gains in the percentage reaching the basic level on NAEP; however, the states with gains were not always the same for both assessments. Within-state grade 4 reading trends moved in the same direction on both state tests and NAEP in 67 percent of the states with sufficient data using the percentage proficient/basic indicator and in 87 percent of the states using mean scores.

As CEP notes, NAEP is often viewed as a kind of audit of state tests, but it has many limitations such as inadequate

motivation of students to perform their best since NAEP does not produce individual scores nor is it taken by all students and it is not tied to specific consequences. NAEP may not assess what is actually taught because it is not tied to state content standards as state tests are. From a policy perspective, CEP notes, “Indeed, comparisons of trends on state tests and NAEP are informative precisely because NAEP is a low-stakes measure of student achievement without all of the external pressures and incentives attached.”

With the increasing number of states indicating a willingness to adopt Common Core State Standards, new aligned assessments are envisioned to be developed by the two recently selected state consortia. As Rich Long, Executive Director of the National Association of State Title I Directors commented in Education Daily, “The state tests are again going to have to be changed, or we’re going to see a pretty significant change, which means that measuring trends is going to be harder. At the same time, it will increase the congruence between state tests and NAEP.”

- c) The current debate in Congress as to whether to let the Bush-era tax cuts expire or to extend such cuts for several more years continues, with final outcomes having state funding implications in some states. Stateline.org reporter Jake Grovum argues, “In more than a dozen states, tax codes are intertwined with federal laws in complex ways that could force state revenues up or down, depending upon the state. The precise outcome depends

on whether Congress decides to extend all of the tax cuts, just some of them, or none at all.” Under scenarios in which some or all of the tax cuts expire, at least nine states that collect state taxes based on Federal taxable income -- as opposed to adjusted gross income -- would gain revenue. These include: Idaho, Minnesota, North Carolina, North Dakota, Oregon, South Carolina, Utah, and Vermont. According to the article, if the tax cuts expire, taxpayers would see their Federal taxable income go up and, in these states, taxpayers would pay more in state taxes as well. Even though these states could make adjustments that would give extra revenue back to taxpayers, because of deficits in state budgets, “keeping things put would allow them to raise revenue without legislators having to vote on a tax increase.”

Another group of states would lose revenue if the Bush tax cuts expire because these states allow Federal taxes to be deducted from their state tax liability. These states are: Alabama, Iowa, Louisiana, Missouri, Montana, North Dakota, Oklahoma, and Oregon.

- d) On September 21<sup>st</sup>, Secretary Duncan announced that 21 communities will receive planning grants under the Promise Neighborhood Initiative, funded this year at \$10 million with an increase to \$210 million in the President’s FY 2011 proposed budget. The grantees, according to USED’s press release, represent a “diverse set of communities in major metropolitan areas, small and medium-size cities, rural areas, and one Indian reservation.” More than 300 non-profit organizations and universities

submitted applications under the Promise Neighborhood Initiative. Three of the winners are institutions of higher education, while the remainder are non-profit organizations; the grantees are located in 19 cities in 12 states. According to Education Daily, three applicants: the Dudley Street Neighborhood Initiative in Boston, the Lutheran Family Health Centers in Brooklyn, and the Westminster Foundation in Buffalo, New York received perfect scores of 100 points. Planning grants ranged from slightly over \$300,000 (for the United Way of San Antonio) up to \$500,000 for 12 of the grantees.

As noted in the last TechMIS Washington Update, the Harlem Children’s Zone Academy, from which the Promise Neighborhood Initiative has been modeled, has been the focus of controversial research about the effectiveness of its components.

The list of the 21 Promise Neighborhood grantees is available at the USED website: <http://www.ed.gov/news/press-releases/us-department-education-awards-promise-neighborhoods-planning-grants>

- e) On September 23<sup>rd</sup>, the Federal Communications Commission (FCC) approved some changes in the E-Rate program which had been previously recommended by FCC Chairman Julius Genachowski and which were included in the FCC’s National Broadband Plan released this Spring. One important change will allow the FCC to initiate a pilot program whereby schools could use E-Rate funds to assist in paying for

electronic reading devices that can download digital textbooks; this would allow schools to update their textbooks more frequently and reduce the need to carry backpacks of textbooks home. Chairman Genachowski stated in an interview that he was “very excited about eTextbooks. Why shouldn’t every kid have an eReader that not only has the most up-to-date textbooks, but also the most advanced interactive tools and content?” This pilot program was particularly welcomed by advocates of “open source.” Murugan Pal, co-founder and President of the non-profit CK-12 Foundation, noted in [eSchoolNews](#) that schools could take an open-content, web-based text from CK-12’s online collection and adapt it for remedial students, for students performing at grade level, and for students performing above grade level. Karen Cator, Director of Education Technology for USED, added that learning in the digital age is “incredibly social; it’s very participatory,” according to this same [eSchoolNews](#) article. As Ian Quillen, in [Education Week’s Digital Education](#) blog, notes that many of the digital advocates with whom he talked for an upcoming story in [Digital Directions](#) said, “they longed for changes in the E-rate program that would help them to expand mobile learning programs using school-issued devices. Currently, such devices cannot be taken home if purchased under the E-rate program.”

The FCC also voted to allow schools to use Internet resources, paid for using E-Rate funds, for local community activities during after-school hours -- not currently allowed under E-Rate

regulations. Such a change would fit nicely into and be conducive to implementation of community engagement activities under new ED initiatives such as Promise Neighborhoods and extended learning time, as well as after-school 21<sup>st</sup> Century Community Centers operated by third-parties. Under another change to the E-Rate program, schools and libraries could use E-Rate funds to lease unused local communication capabilities (i.e., dark fiber) for Internet connections which is faster with lower cost connections than many other local telecommunication carriers.

As with any changes in the E-Rate program, the devil is always in the details which should be available in the form of various rules and guidance in the future.

- f) As widely reported in the education media, researchers for the National Center on Performance Incentives, led by Peabody College at Vanderbilt University, reported that the use of incentives for teachers based on student performance, by itself, does not “constitute an effective intervention that improved student outcomes.” The three-year, Project on Incentives in Teaching (POINT) study was conducted in the Metropolitan Nashville school system between 2007 and 2009. Middle school math teachers voluntarily participated in a randomly-controlled experiment that has been heralded as the “most rigorous study of performance-based teacher compensation ever conducted in the United States” by [Education Week](#). It will likely raise questions about the rationale for the Obama/Duncan Teacher

Incentive initiatives, but it could also have a beneficial effect of questioning whether randomly controlled experiments are the most appropriate approach in evaluating certain approaches involving teacher behavior.

As the report concluded, “While the general trend in middle school mathematics performance was upward over the period of the project, students of teachers randomly assigned to the treatment group (eligible for bonuses) did not outperform students whose teachers were assigned to the control group (not eligible for bonuses).” One underlying assumption of such rigorous evaluation designs is that if an approach is found to be effective in a study, then it will work for all students and teachers nationally (i.e., the “silver bullet”). The researchers acknowledge that, even though the participating teachers generally supported the idea that more effective teachers should be paid more than less effective teachers, “This does not mean, however, that teachers thought highly of POINT. On the whole, they did not put a great deal of stock in the criteria used to determine who received bonuses.... by and large, they did not endorse the notion that bonus recipients were better teachers or that failing to earn a bonus ought to leave one to consider way to improve performance. In short, most participants did not appear to buy into the criteria used by POINT to determine who was teaching effectively. This should be kept in mind when we consider why performance incentives fail to produce greater learning gains.”

In his initial analysis of the report and discussions with various research

groups, Steven Sawchuk reports in Education Week, “That lack of buy-in these studies’ authors postulated might have contributed to the finding of no differences in how the control and treatment groups affected instruction....and because the study looks at incentive programs strictly as pay, it remains unclear how far the findings can be extrapolated to incentives with more features, such as professional development, differentiated roles, or a new teacher evaluation system.”

Discussions with several veteran education research and evaluation veterans point to the need for alternatives to “randomized control” studies in which participants do have “buy-in” with respect to the intervention being evaluated. While “planned variation model” experiments were conducted in the early 1970’s, they offer some possibilities here. For example, one study could assess the effect upon student performance of teachers who wanted to participate in an incentive pay approach; and another could compare improved “climates”/working conditions for teachers who feel strongly that improved working conditions for them would result in increased student performance; another “variation” could be with teachers who feel additional professional development on how to use student data to inform instruction would help them increase their students’ performance.

Shortly after the results were released on September 23<sup>rd</sup>, Secretary Duncan announced the 62 winning applicants of the Teacher Incentive Fund grant

competition funded for two years at \$442 million. His announcement states, “The five-year \$1.2 billion TIF program seeks to strengthen the education profession by rewarding excellence, attracting teachers and principals to high-need and hard-to-staff areas, and providing all teachers and principals with the feedback and support they need to succeed.” Recognizing the need for buy-in on the part of teachers and those groups representing them, the announcement states, “Applicants were also required to demonstrate on a high-level of local educators’ support and involvement?”

A list of the TIF winners can be found at:

<http://www2.ed.gov/programs/teacherincentive/awards.html>

- g) On September 23<sup>rd</sup>, the Republican Party released its “Pledge to America” which included several “halt” initiatives related to the President’s priorities such as stimulus funding and health reform, as well as a number of proactive “to do” initiatives. Unlike the 1994 Contract for America which was announced on the footsteps of the Capitol, the Pledge was released outside of Washington, D.C. in Sterling, Virginia to separate the GOP members from official Washington. If Republicans take over the House after the mid-term election, a number of its recommendations would attempt to impact education funding immediately.

First and foremost, the Pledge states, “There is no reason to wait to reduce wasteful and unnecessary spending. Congress should move immediately to cancel unspent ‘stimulus’ funds, and

block any attempts to extend the timeline for spending ‘stimulus’ funds.” While this is not likely to happen because of a Presidential veto, even the threat of rescissions on non-obligated ARRA funds are likely to increase school districts’ outlays of ARRA funds which have been obligated to them but not spent. The amount of “unspent” education ARRA stimulus funds ranged from 45 to 55 percent in most of the ARRA buckets, such as Title I and IDEA.

Another “halt” initiative would be to “roll back government spending to pre-stimulus, pre-bailout levels, saving us at least \$100 billion in the first year alone and putting us on a path to begin paying down the debt, balancing the budget, and ending the spending spree in Washington that threatens our children’s future.” In addition, the Pledge states, “We will set strict budget caps to limit federal funding on an annual basis...By cutting discretionary spending from current levels and imposing a hard cap on future growth, we will save taxpayers hundreds of billions of dollars.” Groups such as the Center on Budget and Policy Priorities have analyzed a very similar proposal from House Minority Leader John Boehner, released earlier this month, which would result in a \$9 billion reduction in discretionary programs within USED. Boehner had recommended a 22 percent cut in all discretionary funding except for defense, veterans, and senior entitlement programs. Such actions would also require a Presidential signature, which is not likely.



h) As more details emerge from the applications/scopes of work of the states that won funding under Race to the Top, we will summarize key points in the form of brief State RTTT Scope-of-Work Profiles. It should be noted that these scopes of work are expected to be revised on a regular basis. Below is a profile for Massachusetts (dated 9/7/10).

### **Massachusetts Race to the Top State Scope-of-Work Profile September 7 Draft**

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#### **District Activities**

Participation in the Massachusetts Race to the Top program has committed districts to making improvement in six general strategic areas:

- improve principal and teacher effectiveness based on performance;
- ensure effective leaders and teachers in every school and classroom;
- use data to improve instruction;
- increase college and career readiness;
- help develop and use a statewide teaching and learning system; and
- turn around the lowest-achieving schools.

A total of eight projects will be implemented by RTTT districts:

- 1) Implement the statewide evaluation framework, including using evaluations to inform educator improvement, growth, and personnel decisions.
- 2) Align curriculum to Common Core State Standards.
- 3) Strengthen climate, conditions, and school culture in one or more areas

identified through the LEAs' MassTeLLs or other working conditions survey results.

- 4) Create near-real-time access to data in the Education Data Warehouse by implementing the Schools Interoperability Framework (SIF).
- 5) One additional project related to ensuring effective educators in every school and classroom selection of which is at the discretion of the district
- 6) All districts that chose to help develop and use the teaching and learning system must pilot at least one element of that system during the four years of the grant.
- 7) All that chose college and career readiness must develop and implement a plan for increasing the percentage of their graduates that have completed the MassCore curriculum.
- 8) Districts with Level 4 schools are required to choose at least one project from among those in the school turnaround category.

The first five projects are required of all participating districts; the last three are required for districts in the specified categories.

#### **Budgeting**

District RTTT expenditures must be either for a new program or for an expansion of a proven existing program. RTTT expenditures may not substitute for current expenditures or budget cut decisions.

Of the 275 school districts/charter schools participating in Massachusetts' RTTT effort, 55 K-12 districts -- receiving a total of 85

percent of the State's total RTTT allocation -- will each get more than \$200,000 over RTTT's four-year duration.

Districts should plan to spend no more than 5-15 percent of their total RTTT allocation in Year (ending August 30, 2011), reserving the remainder for project implementation in Years 2-4.

District expenditures can include reasonable costs for the development and implementation of the new evaluation system, including stipends, consultants,

substitutes, travel, and supplies/materials.

### **Key Milestones**

By the end of the 2013-14 school year, districts should have created near-real-time access to student data by implementing the Schools Interoperability Framework (SIF). Also by the end of 2013-14, districts should be able to use a State-developed tool to evaluate the impact of at least one district professional development initiative.

# Alabama Update

## September 2010

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Education Week reports that BP has declined to pay Alabama on the State's \$148 million claims for lost tax revenues caused by the oil spill in the Gulf of Mexico. As a result, Governor Bob Riley has cut State aid to schools by two percent in addition to an earlier 7.5 percent cut due to lower-than-expected tax revenues. It is believed the reduction in State funding will not affect salaries, but could have a significant impact on district budgets for supplies and repairs.

# Arizona Update

## September 2010

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Beginning in 2013-14, every third-grade student in Arizona must demonstrate reading proficiency if they are to be promoted to fourth grade. This Spring, close to 5,000 of the State's third-graders scored "far below" proficient on the Arizona Instrument to Measure Standards (AIMS); yet only about 200 were held back. Under the new law, students who are held back must be assigned to a different teacher and must participate in a summer reading program. The law provides waivers for English language learners and students with disabilities.

According to Education Week, the U.S. Department of Education's Office for Civil Rights has determined that Arizona's practices for identifying English language learners (ELLs) violate Federal law. A Federal court is looking specifically at the surveys given to parents for initially identifying ELLs and the process for reclassifying ELLs as proficient in English even if they do not pass all sections of the State's English proficiency tests. For the last two years, Arizona has required that ELLs have four hours a day of English instruction separate from other students. The efficacy of this approach is the central issue in the case known as *Miriam Flores vs. State of Arizona*.

# California Update

## September 2010

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According to State data, California's public elementary and secondary schools have continued their steady improvement on State assessments. The data also indicate that Latino and Black students are gaining at a rate higher than the Statewide average, narrowing the achievement gap between White and minority students. Statewide, 46 percent of schools scored at or above the State's target of 800 on the Academic Performance Index.

As reported in The Sacramento Bee, California's Statewide data system for tracking student information -- the California Longitudinal Pupil Achievement Data System (CalPADS) -- was expected to be fully operational by the beginning of this school year. But it appears that the system -- being developed by IBM under a \$13.9 million contract -- is at least a year behind schedule. An assessment of the system's development has said that IBM had understaffed the project and that the State needs to assume stronger control of the effort. The lack of an adequate data system has been cited by State officials as a principal reason for California twice failing to be selected under the Federal Race to the Top competition. Another IBM project -- the \$9.1 million California Teacher Information Data Education System (CalTIDES) is also behind schedule.

Education Week reports that the California legislature has approved SB 1451 which would require the State Board of Education, as part of its standard practice of reviewing public school social studies textbooks, to look for any of the content included in the newly adopted Texas curriculum standards. The Texas standards included references to the nation being founded on Christian principles and obliquely criticizing affirmative action.

As reported on L.A. NOW, five schools in the Los Angeles area have shown such dramatic improvement on State assessments that they are no longer at risk of State takeover. These schools are Los Angeles High (mid-Wilshire), Huntington Park High (Huntington Park), Audubon Middle (Leimert Park), Harte Middle (Vermont Vista), and Woodcrest Elementary

(Westmont). The schools' scores on California's Academic Performance Index improved by at least 21 points (on a 200-to-1,000 scale) and reached the 600 cutoff level.

Ten years ago, the San Diego school district sought to implement a "Blueprint for Students Success" which called for intensive professional development for the district's reading program, extra-length reading classes, and extended learning time for struggling schools. Ultimately, according to Education Week, the Blueprint was abandoned, in large part, because the district's "top-down" approach did not gain the support of local constituencies, particularly the local teachers union. With this history, the district -- which has 77 schools identified for improvement or restructuring -- did not sign up for California's unsuccessful applications for Race to the Top funding and saw only two of its schools apply for School Improvement Grants. The district has rolled out a new improvement plan that will become final only after more than 75 comment sessions occur throughout the community. Each principal will decide on the specific interventions to be implemented in his/her school.

# Colorado Update

## September 2010

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The Denver Post reports that Colorado has won \$100.6 million grant from the U.S. Department of Commerce to create an affordable Statewide broadband network. Combined with \$34.7 million in matching contributions, the award could provide broadband access for as many as 230 community institutions including 178 public school districts, 26 libraries, and 12 community colleges. Over three years, the grant will cover the cost of laying optical fiber and copper cable and of microwave switching stations that will provide Internet connections to rural communities. The grant application was developed by Colorado's Centennial Board of Cooperative Education Services. The project itself will be led by an intergovernmental agency, EAGLE-Net.

Also reported in The Denver Post, 19 schools in six Colorado school districts will receive \$43 million under the Federal School Improvement Grants program. Most schools will use the "transformation" model, one of four models specified by the U.S. Department of Education.

Nine of the ten largest SIG awards will go to schools in Denver and Pueblo:

- Montebello High (Denver) - \$3.4 million
- North High (Denver) - \$3.1 million
- Central High (Pueblo) - \$2.8 million
- Noel Middle (Denver) - \$2.8 million
- Fort Logan Elementary (Sheridan) - \$2.4 million
- Roncalli Middle (Pueblo) - \$2.2 million
- Pitts Middle (Pueblo) - \$2.2 million
- Riley Middle (Pueblo) - \$2.1 million
- Lake Middle (Denver) - \$2.1 million
- Freed Middle (Pueblo) - \$2.1 million

# Connecticut Update

## September 2010

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According to results from Connecticut's latest (July) teacher licensing exam, 30 percent of potential teachers in the State are not equipped to teach students to read. As reported in The Connecticut Mirror, the State's Foundations of Reading test, consisting of 199 multiple-choice questions and two essays, is intended to measure knowledge of teaching methods reflecting a rigorous approach to reading instruction, including phonics. Such an approach, emphasizing phonics, vocabulary, spelling, fluency, and comprehension was recommended a decade ago by the National Reading Panel, but teacher training programs have been slow to respond. The passing rates for graduates of Connecticut's teacher training colleges ranged from 90 percent at the University of Connecticut to 60 percent at the University of Bridgeport.



# Florida Update

## September 2010

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As reported in the St. Petersburg Times, Florida's class-size rules are having an effect on schools Statewide, causing many schools to push students into online courses. Last year, mandated student-teacher ratios (25:1) were enforced as schoolwide averages; individual classes could exceed the limit. This year, the ratios must hold in every core curriculum course. As a result, some school districts are looking at different ways to meet the class-size requirements, online classes being the most often used. This approach is in keeping with the State legislature's consideration of a requirement that all high school students take at least one online course in order to graduate.

Also according to the St. Petersburg Times, Florida's voucher program for low-income students has seen the number of applications increase by nearly 5,700 over a year ago. Administered by Step Up For Students, the program has stopped accepting applications for the current school year. Last school year, the \$118 million voucher fund provided vouchers of \$3,950 to 28,927 students. This year, the fund is \$140 million and will provide vouchers worth \$4,100. It is anticipated that the fund might increase to \$170 million next year. Corporations have pledged \$97.5 million of this year's voucher fund, with the biggest increase coming from alcoholic beverage distributors.

As one of the successful applicants under Round 2 of the Federal Race to the Top competition, Florida anticipates that vendors of products and services will be partners in many of the State's planned RTTT activities. To ensure that all potential vendors receive helpful information, the Department is taking the following steps:

- Creating a vendor-specific section on the Race to the Top website at <http://www.fldoe.org/arra/vendors.asp>
- Offering potential vendors the opportunity to receive notice when this section of the website is updated by registering at <http://data.fldoe.org/listserv/rtttvendor/default.cfm>
- Creating a unique e-mail address for vendors to use in contacting the Department:

[RTTTVendors@fldoe.org](mailto:RTTTVendors@fldoe.org)

- Holding a voluntary Vendor Symposium in Tallahassee on September 30, 2010, when Department staff will share all vendor-related information as available and appropriate
- Scheduling a vendor fair to be held in a central location where vendors can display their products and services that are specifically designed for schools and school districts.

All competitive solicitations will be posted on the State's Vendor Bid System at [http://myflorida.com/apps/vbs/vbs\\_www.main\\_menu](http://myflorida.com/apps/vbs/vbs_www.main_menu); however, we will also post this information in the vendor area of the Race to the Top website.

# Georgia Update

## September 2010

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Georgia's successful application under the Federal Race to the Top competition called for all public elementary and middle schools to make student achievement in science, one of the proposed schools indicators for making adequate yearly progress (AYP) under Federal education law. Starting in the 2011-12 school year, student performance on science exams will become part of each school's rating. According to Education Week, the State's RTTT application says it will provide additional professional development for science teachers.

A recent report by the Governor's Office of Student Achievement (GOSA) indicates that teacher retention in Georgia is less of an issue than many had believed. The GOSA report includes teachers who leave the profession but who return to the classroom or other education jobs. Using data from 1998 to 2009, the report found that almost "75 percent of Georgia's new teachers remain in public education after five years." The report noted that many teachers are returning to the schools after being away for short periods for such reasons as graduate school or being home with small children.

# Hawaii Update

## September 2010

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Education Week reports that Hawaii has had significant trouble retaining experienced teachers to meet Federal requirements for “highly qualified” teachers and school reform. As part of the \$75 million the State won in the Federal Race to the Top competition, it plans to keep teachers by:

- offering bonuses of \$3,000 or more for teachers who stay in hard-to-staff areas;
- improving mentoring and professional development programs; and
- directing inexperienced teachers to less challenging school environments.

Of the State’s 11,300 teachers, 1,328 were newly hired in 2009; 71 percent had no prior teaching experience and only nine percent had more than five years of experience.

Hawaii’s new State school superintendent is Kathryn Matayoski, who has served as interim superintendent for the past nine months. She has received praise for the leading State’s successful application for \$75 million under the Federal Race to the Top competition.

# Illinois Update

## September 2010

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The Chicago Tribune reports that Illinois is the first state in the nation to require that public schools with preschool programs offer bilingual education to three- and four-year-olds with limited English proficiency (LEP). District officials must determine the English proficiency of such young students and place them in bilingual classes where they will study basic academic skills in their native language while they learn English. The number of LEP preschool children in Illinois has grown dramatically in recent years. In 2008, nearly 14,000 children were enrolled in bilingual preschool programs, up from only about 800 children a decade ago. Some school districts are concerned about the costs of the new requirement in light of cuts in preschool budgets.

The Chicago Tribune also reports that, although a 176-day school year is required in Illinois, most school districts actually deliver fewer instructional days. With a waiver from the State, Chicago students have 170 days of school and other districts allot some of the school days for teacher preparation. Because school cannot pay teachers for extra time, many Illinois districts are increasing the number of partial student days. It is common for school districts to send students home an hour or so early for 30 or more days during the school year. On the other hand, the State will be awarding grants this school year to districts that employ innovative strategies to improve struggling schools, including adding more learning time. And Federal School Improvement Grants lean toward states that are willing to offer longer school days or school years in failing schools.

# Kansas Update

## September 2010

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The Topeka Capital-Journal reports that Kansas will use \$555,000 in Federal stimulus money to purchase 60,000 exams to help eighth- and tenth-graders prepare for college or job training. The State will buy 30,000 ACT Explore tests that help to identify the academic strengths and weaknesses of eighth-grade students and 30,000 ACT Plan exams to help students decide on career paths. Students will be able to take the exams at no cost.

# Louisiana Update

## September 2010

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As reported in Education Daily, Louisiana's Recovery School District and the Orleans Parish school district will receive \$1.8 billion in Federal funds to rehabilitate and upgrade more than 100 school buildings in the New Orleans area that were damaged or destroyed as a result of Hurricane Katrina. The two districts, in partnership with FEMA and the Louisiana Governor's Office, have created a master plan to rebuild schools based on new building codes and energy-efficient standards. The U.S. Department of Education is also expected to award \$12 million in grants to help replace instructional materials and to support after-school and other extended learning initiatives.

The Christian Science Monitor reports that New Orleans has been named by the Thomas B. Fordham Institute as the most "reform friendly" among the 30 cities recently analyzed by the Institute. Emerging from the destruction of Hurricane Katrina five years ago, 61 of New Orleans 88 public schools are charters enrolling 70 percent of the City's 40,000 students. After Katrina, the State-managed Recovery School District (RSD) was set up to take over the City's academically failing schools. Before Katrina 64 percent of the schools in New Orleans were labeled academically unacceptable; by last year only 42 percent were so identified. And, in the RSD, graduation rates rose from 50 percent in 2007 to 90 percent in 2010. The City has received an influx of Federal funds and private donations that have allowed schools to offer extended school days and school years, raise teacher salaries, and invest in technology. As noted above, in late August, the City received \$1.8 billion from the Federal Emergency Management Agency (FEMA) which is expected to fully fund the City's recovery master plan.

# Maryland Update

## September 2010

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The Baltimore Sun reports that the Maryland State Board of Education has voted to make environmental education a part of the high school curriculum but stopped short of making it a graduation requirement. Advocated by the Chesapeake Bay Foundation, the new regulation environmental education will not be a separate class, but will be integrated into such existing courses as biology. Every five years, school districts will have to report to the State on how environmental subject matter is included in required student courses.



# Massachusetts Update

## September 2010

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As reported in the Boston Globe, Massachusetts will receive \$250 million under its successful application under the Federal Race to the Top competition. A total of 275 Massachusetts school districts will share in the State's RTTT funding. The awards will be allocated to districts according to the Title I formula for distributing money to districts with economically disadvantaged students. (See Washington Update item)

Education Week reports that Massachusetts first online public school has opened this school year. The Massachusetts Virtual Academy (Greenfield) will be limited in enrollment to 500 K-12 students; the first year enrollment is expected to be 250. Academy students take all of their classes online and have a certified learning coach to see that they complete their assignments. The curriculum materials for the Academy are provided by K12. Faced with a State requirement that 25 percent of its students live in the district operating the school, Greenfield was granted a waiver from the State which called for only two percent local enrollment. School districts that have students attending the Academy are paying Greenfield up to \$5,000 per student.

The Boston school district has implemented a new website tool that will track the district's progress in meeting its goals over the next four years. As reported in the Boston Globe, the "real-time accountability dashboard" will initially track district performance using such measures as graduation rates, student scores on State assessments (MCAS), and the percentage of students enrolled in college-level courses. The data will be made available for each of the district's 135 schools. The new data system has arrived at the same time as several philanthropic groups (e.g., the Boston Foundation) plan to release reports on the district's progress in achieving the goals toward which the organizations had made donations.

# Michigan Update

## September 2010

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Last January, the Michigan legislature created the position of School Reform/Redesign Office for the State. As reported by the [Detroit Free Press](#), the State's most persistently low-achieving schools would be organized into a Statewide Reform/Redesign District. The State is now seeking a Reform/Redesign Officer to act as superintendent of that district.

# Minnesota Update

## September 2010

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Education Week reports that Minnesota will receive \$167 million as part of the Ed Jobs program. The money will be distributed according to the State's education funding formulas. The State's three largest school districts will receive \$24 million of the State's share: Anoka-Hennepin (\$7 million), St. Paul (\$9 million), and Minneapolis (\$8 million).

Also reported in Education Week, a 2009 Minnesota State law will require charter school authorizers to improve their oversight of their schools. By June 30, 2011, authorizers will have to apply to the State and demonstrate that they have the staff and financial resources to perform additional oversight. Many of Minnesota's current 47 authorizers say they cannot meet the new criteria. According to the Minnesota Association of Charter Schools, more than half of the State's charters -- serving 35,000 students -- are uncertain as to the status of their authorizers next summer.

# Missouri Update

## September 2010

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As reported on *EdMoneyWatch*, Missouri is slated to receive \$190 million through the Federal Education Jobs Fund. The money could save as many as 3,300 teacher jobs Statewide. However, the funds will not be allocated to districts for the 2010-11 school year because the State legislature -- which will not meet until January 2011 -- must first approve the supplemental appropriation. Missouri will distribute the funds using its existing school funding formula which is weighted toward low-income school districts.

# Montana Update

## September 2010

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According to the Billings Gazette, Montana has implemented a new mechanism for measuring the academic success of students after high school. The State is participating in the National Student Clearinghouse, a national database containing enrollment status and academic achievement at 3,200 schools.

In early September, the Montana Digital Academy began operation with 64 teachers and 500 students. Headquartered at the University of Montana, the Digital Academy has been funded for its first two years by \$2 million in Federal stimulus money. As reported in The Missoulian, the Academy is free for Montana students but funding will have to be renewed by the legislature in January. The Academy, established with the support of the legislature (both parties), State school administrators, and the teachers union, has as its most popular courses: Spanish I, psychology, digital photography, Chinese, and Algebra I.

# Nebraska Update

## September 2010

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The *State EdWatch* blog on [Education Week](#) reports that Nebraska's Republican Governor Dave Heineman has argued that the additional Medicaid costs imposed on Nebraska by the new Federal health care law will result in cuts to the State's education spending. A State study has found that the expanded Medicaid coverage would, over the next ten years, cost the State between \$526 million and \$766 million in unfunded mandates. The State Board of Education passed a resolution criticizing such unfunded Federal mandates and called on the State legislature to preserve education funding.

# Nevada Update

## September 2010

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The Las Vegas Sun reports that Nevada has submitted an application under the Federal Promise Neighborhoods program which is modeled after the Harlem Children's Zone in New York City. To operate in Clark County (the Las Vegas area), Promise Neighborhoods is intended to help at-risk children to succeed in school and life through a "cradle to college" approach. The project team must be led, not by the school district, but by a non-profit organization, or an institution of higher education. The project was not funded by USED. Other funding sources are being considered.

# New Jersey Update

## September 2010

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Despite barely losing out on \$400 million from the Federal Race to the Top competition, New Jersey plans to go ahead with much of the school reform agenda in its RTTT application. As reported in the *Schools and the Stimulus* blog on [Education Week](#), the State's RTTT application called for a system to evaluate teachers based on student achievement, improving the State's data system for tracking student performance, supporting charter schools, and supporting the turnaround of struggling schools. State officials and lawmakers have reiterated their commitment to these reform efforts.

A new law, signed by Governor Chris Christie in early September, expands New Jersey's existing school choice program. As reported on [pressofAtlanticCity.com](#), the current choice program was a five-year pilot that allowed only one choice district in each county. The new law expands the current choice program to any school district interested in accepting students from other districts. Such choice districts would have to apply to the State and detail the programs they will offer. The students' home districts would be responsible for transportation to the choice district. Sending districts could limit the number of students leaving the district to 15 percent of total enrollment or ten percent per grade. The new law is supported by both the State school boards association and the State teachers union because it keeps State aid in the public schools.

The New Jersey Education Department says it will require schools to provide eighth-graders who fail State tests -- NJ ASK -- with immediate remedial help and to document the progress of such at-risk students. A report from the State found that, last school year, more than 10,000 seniors failed a last-chance graduation exam called the Alternative High School Assessment. The State is also requiring that this year's entering freshmen pass an end-of-course assessment in biology in order to graduate.

As has been widely publicized, Mark Zuckerberg, founder and CEO of *Facebook*, has donated



\$100 million to a foundation whose principal goal is reforming the Newark school district. The Newark Star-Ledger reports that the foundation hopes to raise another \$100 million in matching donations. For the past 15 years, the district has been under State control because of its chronically low performance with graduation rates of only about 50 percent and 85 percent of its students who go to community colleges requiring remedial classes. Under a new plan, district control will be given to Newark Mayor Cory Booker who will institute an extensive reform program which is expected to be opposed by the teachers' unions. Among the changes will be an expansion of charter schools, higher achievement standards, and new methods for evaluating school and teacher effectiveness.

# New York Update

## September 2010

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A recent article published in Education Next suggests that New York City public school students who stay in K-8 schools before entering high school do better in language arts and mathematics than their counterparts who go from elementary to middle school. Moreover, it appears the earlier students move to middle school the greater the gap between them and K-8 students.

As reported in The New York Times, the number of New York City elementary and middle school students retained in grade has risen dramatically as a result of higher standards on State exams and the City's tougher promotion policy. This year, 11,321 students in grades 3-8 are repeating a grade -- nearly five times as many as last year. In the eighth grade in particular, eight percent of all students (more than 5,000) were held back. Summer school has proven to be less effective in helping struggling students. This summer's six-week, half-day program helped only about half of its participants to be promoted, compared with 82 percent the year before. Because of the city's tight budget, no additional money will be used to help these students. Rather, teachers will devote an average of 37 minutes each week to developing "team-based strategies" for addressing the student failures. The district will provide one intervention specialist for every 60 schools to help principals develop these plans.

# North Carolina Update

## September 2010

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As reported in Education Week, North Carolina was successful in the Federal Race to the Top competition despite the fact that the State did not lift its cap of 100 charter schools Statewide. The State won RTTT funding because its application promised to create “charter-like” schools with the same kind of flexibility as a charter school while remaining under school district control. The charter plan was one of four ways the State gave districts to fix more than 130 consistently low-performing schools.

# Ohio Update

## September 2010

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The Columbus Dispatch reports that Ohio's School Funding Advisory Council has recommended that funding for charter schools go directly to the schools rather than going through school districts. The Council's report also recommended that the State establish more consistency in charter school funding by using three-month average enrollments rather than monthly counts. Moreover, the report said that charter school funding should not be broken out into a separate line item in the State budget; concern was expressed that a future, unsupportive governor could use a line-item veto.

The Columbus Dispatch also reports a sharp increase in the number of charter schools in Ohio over recent years. This year, 40 new charters have opened; now the State has nearly 350 such schools. The growth in charters comes despite limitations on where new schools can operate.

New charters can open only in:

- Ohio's eight major urban school districts;
- Lucas County (where the State's first charter began); and
- Attendance boundaries of school districts with D or F ratings from the State.

Each new charter school must be affiliated with another successful school. Several of the new charters are operated by a chain (DropBackIn Academies) that target high school dropouts; four of these are in Cleveland and four are in Columbus.

# Oklahoma Update

## September 2010

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The Oklahoma legislature has approved a measure -- House Bill 3393 -- that creates a scholarship program for special needs students and calls for the per-pupil State aid for such students to go to the school they attend. Thirteen private schools have been approved for participation in the program. Parents may apply for the private school scholarships and receive between \$5,000 and \$13,000 per year in State money depending on each student's age and disability.

Currently, there are six virtual schools operating in Oklahoma, managed by such companies as K12, Inc, Advanced Academics, and Illuminated Learning. The most controversial is located in the rural White Oak district; 920 of the district's 970 K-8 students are attending the K12-operated virtual school. The arrangement calls for K12 to receive 95 percent of the per-pupil State aid for the virtual students and the district to retain five percent. A recent decision by the State school board gave the White Oak virtual program accreditation with probation. It should be noted that White Oak's high school program was transferred, because of low enrollment, to another rural district, Wynona.

# Oregon Update

## September 2010

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Oregon plans to fill its projected FY 2011 education budget shortfall of \$155 million by using funds from the Federal Ed Jobs fund (\$118 million) and the State reserve fund (\$34 million). According to the New America Foundation, the State will address the remaining \$3 million shortfall by reducing funds for the State's School for the Deaf and early intervention special education programs. If such cuts are made, Oregon may become out of compliance with the Federal Individuals with Disabilities Education Act and could lose as much as \$23 million in Federal funding in the next fiscal year.

As reported in The Oregonian, this year's test scores in Oregon showed improvement in nearly every subject and grade level. In math, students in every grade tested had a record-high pass rate on the State assessment. High school reading showed similar large gains. Writing was one area that did not show overall improvement, largely because the pass rate for tenth-graders was lower than in 2009. Despite the overall improvement, nearly half of Oregon's tenth-graders could not meet State standards in math or writing.

OregonLive.com reports that Oregon secondary students will be allowed to use their computer's spell checker during the State writing exam. In the test, students write an essay that is scored on six traits such as organization, sentence fluency, and conventions (e.g., spelling, capitalization). Conventions, fixable by spell check, has been the most heavily weighted element of a student's score.

# Pennsylvania Update

## September 2010

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According to State data, Pennsylvania school districts have seen their reserve accounts increase by 83 percent in the six years between 2003 -- when Governor Ed Rendell first took office -- and 2009. Education Week reports that these reserve accounts now total \$275 billion. State officials and lawmakers have said districts should be using the reserves rather than raising property taxes. Others, however, indicate the reserves have declined in recent years; drops in local revenues have caused districts to use \$500 million in reserves in each of the last two years.

As reported in the Pittsburgh Post-Gazette, Pennsylvania high school students are currently placed in one of four categories -- advanced, proficient, basic, and below basic -- according to their performance on the Pennsylvania System of School Assessment (PSSA) test. The State is in the process of developing ten Keystone Exams to replace the eleventh-grade PSSA tests by 2012-13 and requiring students to meet rigorous standards in six disciplines in order to graduate. The first Keystone Exams -- in Algebra I, biology, and literature -- will be field-tested in November and offered voluntarily in the Spring.

According to Pennsylvania State data, the principal reason school districts in the State failed to make adequate yearly progress (AYP) last school year was the performance of special education students. The lowest scores were by eleventh-graders, 91 percent of whom scored below proficient in science, 81 percent below proficient in math, and 77 percent below proficient in reading. In writing, special education fifth-graders had the lowest scores with 71 percent below proficiency. Even with the low special education scores, 82 percent of Pennsylvania schools made AYP -- due largely to small "N" of students in special education subgroups -- although AYP performance targets will increase significantly this year.

# Rhode Island Update

## September 2010

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As reported on [CNNMoney.com](http://CNNMoney.com), Rhode Island is seeking to reclaim \$32.9 million in State aid to school districts in order to help close the State's \$320 million budget deficit for the coming year. This is the same amount Rhode Island districts received from the Federal Ed Jobs Fund. Districts had hoped to use the money to hire back or replace the approximately 450 teachers who have been laid off or retired. Part of the reason for the State's budget shortfall in Federal Medicaid assistance; Rhode Island is receiving only \$70 million in Medicaid money, not the \$107 that had been budgeted. The Ed Jobs money would have provided additional staff for such programs as a broader choice of foreign languages, more gifted-and-talented instruction, full-day kindergarten, or additional reading and math instruction.

According to [The Providence Journal](#), as of this Fall Rhode Island has 15 charter schools serving more than 3,200 students, with 3,000 students on waiting lists. Last Spring, a new State law was passed, as part of the State's successful application under the Federal Race to the Top competition, which raised the cap on the number of charter schools in the State. At the same time, State education officials have declared that charter schools will be held to higher standards than traditional public schools and that charters failing to show significant academic performance on the part of their students could be closed. The Rhode Island Education Commission and the State Board of Regents are responsible for authorizing and monitoring charter schools including deciding whether to close schools or reauthorize them for five-year periods.



# South Dakota Update

## September 2010

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CNNMoney.com reports that South Dakota is one of many states that is using the money its districts receive from the Federal Ed Jobs fund as an excuse to reduce State aid to districts. The State, which has had few teacher layoffs, plans to cut State payments to districts by the \$26.3 million they will get in Ed Jobs money. State officials say they do not want schools to get used to the extra money that will not be available next year.

U.S. Representative Stephanie Herseth Sandlin (D-SD) is conducting a hearing to gather ideas on how to improve the education of American Indian students. As reported in Education Week, the hearing is taking testimony from teachers and administrators from several Sioux tribes concerning K-12 schools, tribal colleges, and school facilities. The discussions will include assessments of the impact of Federal education laws on students on reservations.

# Texas Update

## September 2010

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The Dallas Morning News reports that the State plans to cut education spending by ten percent in the next two-year budget. Looking at a potential revenue shortfall of as much as \$21 billion, Texas budget officials have proposed \$262 million in education reductions for the 2012-13 biennial budget. The biggest reduction -- \$48 million -- is expected to be in English textbooks for grades 2-12 and books for English language learners in grades K-8. Other areas of cuts include books for spelling, handwriting, and supplemental materials for secondary science classes, as well as teacher merit pay (\$22 million cut) and planned new science labs (\$35 million). The legislature will begin formal work on the budget in January.

As reported in Education Week, Texas is eligible for \$830 million from the Federal Ed Jobs Fund. But the U.S. Department of Education has rejected the State's initial application because it contained "conditional assurance" that the State would conform to Federal spending requirements -- "conditional" on agreement by State legislators. Governor Rick Perry has decided to apply again for the Ed Jobs money intended to save education jobs. Initially, the Governor had said the State would refuse the money because of restrictions, specific to Texas, which would ensure that the funds would not be used for other purposes. The two Texas Senators have introduced a bill in Congress to waive the strict MOE requirement placed only on Texas. The Governor has also proposed to offer grants of ten percent of the savings Texas school districts achieve by sharing such services as accounting and transportation. The Governor is in a tight reelection race with his Democratic challenger, former Houston mayor Bill White.

The Dallas Morning News reports that, next year, Texas high school students will have to pass a series of end-of-course exams in order to graduate. This May, hundreds of thousands of students took the exams and the results are discouraging to State education officials. On the Algebra I test, for example, only 57 percent of students met the passing standard and only 12 percent achieved "commended performance." The percentages of correct answers in other subjects were also discouraging: biology -- 57 percent; geometry -- 52 percent; chemistry -- 46 percent; U.S.

history -- 54 percent; physics -- 58 percent. Under the State's testing law, next year, high school students will have to take three tests each in English, math, science, and social studies and must achieve a passing average on the three tests in each subject area in order to earn a diploma. Students in the "recommended" and "distinguished achievement" diploma plans will also have to pass college readiness exams in Algebra II and English III.

As reported in The Dallas Morning News, Texas charter schools are more likely than traditional public schools to receive either the best or the worst State ratings. Based on State data -- including scores on the Texas Assessment of Knowledge and Skills (TAKS) -- it is clear that the top-rated charter schools demand more from their teachers and parents, as well as from their students. Among the more common characteristics of these highly rated charters are: more classroom time, more rigorous classes, extra effort by teachers (often longer work days), stronger commitment by parents, a school culture of high expectations, clear and measurable goals, and private donations to offset the lack of State money for facilities.

It is estimated that 300,000 Texas children are home-schooled, a number that has been growing at about seven percent each year. In 2008 alone, more than 22,600 secondary students withdrew from public schools to home-schooling, a 24 percent increase over the year before. As reported in the Houston Chronicle, State education officials are concerned that some school districts are disguising high school dropouts as home-schooled students. The State is conducting an audit of home-school families to validate the numbers.

The Houston Chronicle reports that, last year under Federal supplemental educational services (SES) requirements, more than 48,000 low-income Texas students -- only about a quarter of those eligible -- received private tutoring in reading and/or math at a cost of \$67 million. Parents of students in low-performing schools are allowed to pick tutors from a State-approved list of more than 200 SES providers. The State's evaluation has determined that nearly 85 percent of tutoring companies had no significant impact on student achievement. Many district officials are calling for more rigorous standards for tutoring providers.

The Houston school district has spent \$8 million in the last year to tutor 7,700 students at hourly rates that range from \$15 to \$100. This school year, the district is establishing its own math tutoring program separate from the Federally-mandated SES which must be outside of school hours.

# Utah Update

## September 2010

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The Salt Lake Tribune reports that education leaders in Utah are pushing for a continuation of the State's optional, extended-day kindergarten program, arguing that it has been extremely successful. Last year, 18 percent of Utah's kindergarteners participated in the program -- 64 percent of those from low-income families. However, with the State facing a \$44 million budget shortfall, the \$30 million, State-funded program -- slated to expire at the end of the 2010-11 school year -- is at risk. On at least two measures -- district tests and the DIBELS reading assessment -- extended-day kindergarten students who started last year behind their peers in traditional kindergarten classes caught up by the end of the school year.

# Wisconsin Update

## September 2010

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The Milwaukee Journal Sentinel reports that the Milwaukee school district, facing a shortage of special education teachers, has begun hiring teachers through alternative certification programs. These programs allow teachers to work toward full certification while teaching with “emergency” credentials. The programs provide intensive summer training as well as full support during the school year. Detractors argue that a few weeks of summer training is not enough time to give teachers the skills to deal with the needs of special education students.