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## MEMORANDUM

**DATE:** February 29, 2012  
**TO:** TechMIS Subscribers  
**FROM:** Charles Blaschke, Blair Curry, and Suzanne Thouvenelle  
**SUBJ:** FY 2013 Proposed Budget; Updates on State Waivers; School Improvement Grants; and State Profile Updates

On February 6<sup>th</sup> we sent subscribers a Special Report on tentative State Title I allocations for next school year beginning in July, which indicated that some states are receiving more than a ten percent increase even though the overall national Title I funding is about level. Additional opportunities could occur among the 700 districts with recent increases of poverty student enrollments of more than ten percent; these will be addressed in our preliminary district Title I allocation report once such allocations are determined.

The enclosed Special Report shows that the Administration's proposed FY 2013 education budget would level-fund Title I and other large formula programs while increasing a number of competitive grants, such as Race to the Top. Because increases in Federal funding for most programs is not likely, what is important are the proposed changes in language around certain programs such as 21<sup>st</sup> Century Community Learning Centers, STEM, and others which are being "telegraphed" to states, some of which will incorporate the language in their SEA waiver request or will be implemented by the Administration through other regulatory relief measures.

Two TechMIS Special Reports address waivers. One highlights "leaked" letters sent to several of the 11 states in December expressing significant concerns which were addressed in negotiations and a subsequent document sent by USED to second round states to help them finalize their waiver requests, suggesting specific "considerations" they should take into account in order to expedite approval. The second Report includes an update on the 11 approved waivers which highlights either changes or priorities relating to SES set-aside funds and other Federal funds used to support implementation of different interventions in both Priority and Focus Schools. Both of these reports should point to specific opportunities which become available shortly in approved states, especially among Focus Schools which, in most cases, begin implementation in September. As with the SIG program, "pre-implementation" uses of funds for

planning, remediation, and related professional development could begin shortly in some states.

Washington Update items include:

- **Page 1**  
Results of a recent survey of SEA officials by the Center on Education Policy indicate K-12 budget cuts have appeared to have “bottomed out” in most states even though over 80 percent of districts continue to anticipate funding cuts this school year; progress on implementing major Federal reform initiatives varies among initiatives within states.
- **Page 3**  
The Council of the Great City Schools has released a report on the first year of School Improvement Grant implementation which indicates different patterns compared to SIG implementation nationwide. Also, previous use of Part a School Improvement Grants under the SEA 4% set-aside prior to 2010 suggests the types of activities (e.g., one-on-one in-school tutoring) which would be implemented by states/districts if greater flexibility were provided, as under waivers and ESEA reauthorization proposals.
- **Page 5**  
USED releases preliminary state FY 2012 allocations for Title IIA Improving Teacher Quality State grants, which total about \$2.5 billion.
- **Page 6**  
A number of miscellaneous items are also include:
  - a) During the second White House Science Fair on February 7<sup>th</sup>, President Obama announced a number of STEM initiatives which were included in the proposed FY 2013 budget.
  - b) A new Issue Brief from the National Governors Association describes strategies used in 36 states that provide school districts and schools with increased flexibility to implement “competency-based” mastery vs. seat time credits to students, some of which could provide opportunities for firms with appropriate products and services.
  - c) A new report from the Brookings Institution may provide political ammunition for opponents of the Common Core Standards.

State profile updates address a wide range of issues including news accounts of waiver requests, state education funding, teacher/principal evaluations, social promotions, state assessments, and governors’ state-of-the-state addresses.

Call us if you have any questions.

**Special Report:**  
**The Administration's Proposed FY 2013 Education Budget Would Level-Fund Title I and Other Large Formula Programs, with a Limited Number of Competitive Grant Programs -- such as Race to the Top -- Receiving Funding Increases; However, Opportunities in Level-Funded Formula Programs Could be Created by Proposed Language Changes Which Could be "Telegraphed" Unofficially to States and then Approved Under the Ongoing SEA Waiver Initiative and Other Regulatory Relief Measures Encouraged by the Administration**

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

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*February 29, 2012*

The FY 2013 education budget proposed by the Obama Administration includes level-funding for most education formula programs such as Title I and IDEA, while large "flagship" competitive grant programs, such as Race to the Top and Promise Neighborhoods, would see increases. The budget is not likely to be approved by Congress before the election. Some of the proposed "consolidations" and changes in existing programs, such as Striving Readers, could receive reduced funding when a budget eventually is passed. With virtually no "new money" becoming available in the FY 2013 budget, the major opportunities could be related to those proposed "language" changes and redirected priorities which could be implemented without Congressional approval through the SEA Waiver process or other "regulatory relief" measures, some of which could benefit TechMIS subscribers.

As a reflection of the overall priority being placed on education in the FY 2013 budget, as the New America Foundation confirms, USED will receive the largest absolute increase in discretionary funding than any other non-security agency. Moreover, even though the Budget Control Act passed last year calls for a sequestration of pending fiscal year 2013 appropriations to take effect in January 2013, the President's FY 2013 budget request calls for Congress to reverse possible sequestration. Knowledgeable observers have reported that USED has a Plan B or Plan C budget should sequestration occurs, but that it has not made such information available to states and districts which are shortly beginning their budget planning process for next year. The proposed education budget would increase 2.5 percent to \$69.8 billion in FY 2013, with

most proposed funding increases related to America Jobs Act funding and funding for postsecondary education programs including some new initiatives noted below.

The \$533 million School Improvement Grant program -- which would be renamed “School Turnaround Grants” -- would, under the proposed budget, have new flexibility for districts to “develop their own improvement strategies and interventions for most schools.” However, for lowest-performing schools, such as Priority Schools under the SEA Waiver Initiative, LEAs and their partners would still have to implement the turnaround model, restart model, school closure or transformation model; however, with the exception of the closure model, each of these models “allows flexibility for locally designed plans that recognize and meet a broad range of student needs and local circumstances.” The SEA Waiver guidance would require the four prescribed models to be used in any Priority School that receives at least some SIG funding; however, for the remaining Priority Schools and Focus Schools, other interventions would be allowed. It is interesting to note that the recently-approved Florida waiver request did allow the state or appropriate districts to develop a fifth model, referred to as a “hybrid” model (see related [Washington Update](#) item). Although it is not clear as to whether this approach would apply to all or only a few SIG-funded Priority Schools, it is conceivable that this new flexibility reflected in the budget proposal could be incorporated into the second round of SEA waiver requests which are likely to be made by 25-30 states on or about February 28.

In the proposed budget, states would also be allowed to reserve a portion of their SIG funding to build their capacity to serve low-performing schools and to “assist schools in identifying school needs and in supporting school improvement, and by reviewing and ensuring the effectiveness of external partners.” USED would also be allowed to set aside a portion of the SIG funding for national activities which would include “developing capacity of non-profit groups” to turn around low-performing LEAs and schools. Also, during the 2013-14 school year, the SIG budget proposal expects that, in most states, SIG funds would be used primarily for a new cohort of approximately 500 new schools, identified through a competitive process. LEAs could receive three-year awards, totaling up to \$6 million, for each identified school and would be eligible for two additional years of funding to support a school’s ongoing improvement if the school is showing progress. The two-year extension was not in the initial SIG guidance in 2009, but was included as part of the last addendum in 2010. Most observers feel that many of these changes could be incorporated into new SEA waiver requests or could be approved through amendments to recently-approved waiver requests.

During the National Title I conference, USED officials noted that FY 2012 SIG funding would be used by only eight states in a new round of competition, with the remaining states using their allocations for continuation grants. Based on a follow-up discussion with state Title I officials and representatives, it appears that, in a number of states, schools were approved to receive SIG grants pending their demonstrating a capacity actually to implement their proposed approaches. Funds to be allocated to these “districts/schools” were carried over from last year to this year and will likely be awarded without the state having to institute a new competitive round. However, there could be some opportunities in these states as some SIG schools might have lost their SIG funding because of the lack of progress or the schools were actually closed. In such cases,

opportunities could exist for replacement schools in these districts.

The language in the proposed FY 2013 budget for Title I, now referred to as College- and Career-Ready Students, points to several subtle, but significant, changes which could have implications for TechMIS subscribers. For example, the budget document states that schools falling between the fifth and tenth percentiles in performance (the lower-performing half of the so-called Focus Schools) would have to use “research-based, locally determined strategies.” For other schools that are not closing significant, persistent achievement gaps, LEAs would be required “to implement data-driven interventions -- which could include expanded learning time, supplemental educational services, or other strategies -- to support those students who are farthest behind and help close those achievement gaps.” These lower-performing Focus Schools -- which are supposed to be the next ten percent above the lowest five percent of performing schools (called Priority Schools) -- and schools with the largest achievement gaps are lumped together, without a distinction, with the lowest-performing five percent of schools which earlier had been required to use different types of interventions. One interpretation could be that USED considers the schools in the fifth to tenth percentile to be the highest priority among the Focus Schools and may require them to use more rigorous, perhaps prescribed interventions, while the remaining Focus Schools -- those in the tenth to 15<sup>th</sup> percentiles -- would have significantly greater flexibility to use “data-driven interventions.”

Language in the proposed budget also states that LEAs could “use up the 20 percent of their Title I, Part A allocations to implement effective school improvement strategies and carry out strategies designed to ensure the equitable distribution of effective teachers and school leaders.” The SEA Waiver Initiative allows LEAs and schools to get out from under the 20% SES/parent choice set-aside, funds from which could be used for the new 20% allocation. Although the budget proposal does not discuss the 10% set-aside for professional development, USED officials have emphasized that states receiving waivers do not have to set aside the 10%. The 20% SES/parent choice set-aside -- which might amount to between \$800 million and \$1 billion -- could represent the largest amount of freed-up money to be used to pay for interventions in Priority and Focus schools over the next two years.

While the budget document implies that the existing Title I formula consisting of four components would remain intact, it also notes that its reauthorization proposal would “strengthen Title I ‘comparability’ requirements to ensure that the high-poverty schools in each LEA receive State and local funding (for personnel and relevant non-personnel expenditures) comparable to those received by the LEA’s low-poverty schools.” Currently, to justify “comparability,” average teacher salaries are used as the primary measure. By including “relevant non-personnel expenditures,” the budget proposal could create opportunities for lower-paid, younger teachers to be assigned to high-poverty Title I schools without violating comparability requirements if, for example, technology-delivered training and support are provided on-demand for these lower-salaried teachers. If these non-personnel expenditures are counted toward comparability requirements, one might be able to convince districts and perhaps states to request waivers where such initiatives could be implemented now under the SEA Waiver process, rather than waiting for any type of Congressional action. While it is clear that the Secretary’s waiver authority does

not allow waiving of “supplement-not-supplant” requirements, it appears that waivers or regulatory relief could be allowed regarding such changes in the comparability measures.

Language in the proposed budget appears to go beyond the “Optional Waiver” provision under the SEA Waiver Initiative which allows districts to use 21<sup>st</sup> Century Community Learning Centers’ funds for in-school extended learning activities beyond the traditional before-school, after-school, and summer school programs. As the budget proposal states, “All local projects would provide additional time for students, including both students with the greatest academic needs and those who are meeting State academic achievement standards, to participate in (1) academic activities that are aligned with the instruction those students receive during the regular school day and are targeted to their academic needs; and (2) enrichment and other activities that complement the academic program. Projects could also provide teachers the time they need to collaborate, plan, and engage in professional development within and across grades and subjects. This enhanced flexibility would allow communities to determine the best strategies for enabling their students and teachers to get the time and support they need, particularly in the context of supporting rigorous and comprehensive interventions in their lowest-performing schools.” The explicit inclusion of all students in 21<sup>st</sup> Century Community Learning Center funded programs goes beyond the traditional participation of only low-achieving students. Opportunities for teachers to collaborate, plan, and engage in professional development are also a new area of emphasis. The language in the proposed budget also makes it very clear that 21<sup>st</sup> Century Community Learning Center funds can support activities which can be integrated into or otherwise complement school improvement activities, especially in Priority Schools under the Waiver Initiative, and for hands-on STEM-related projects (see related [Washington Update](#) item). Several groups such as New America Foundation feel that the inclusion of extended learning time “could provide an opportunity to offer more extensive early education programs.”

Under the Investing in Innovation Fund (i<sup>3</sup>), a portion of the \$150 million funding request for FY 2013 would be set aside to support the Advanced Research Projects Agency-Education (ARPA-ED) which would be modeled after similar agencies in the Defense Department and the Department of Energy. It would be designed to “pursue breakthrough developments in education technology and learning systems, support systems for educators, and educational tools.” If the new ARPA-ED were, in fact, modeled after the Defense Department counterpart created during the 1960s, one would expect that the private sector, along with third-party non-profit intermediaries which provided “interfaces” between defense contractors and DoD, would be major participants. However, under the current i<sup>3</sup> program, funded over the last three years, participation of for-profit firms has been extremely limited to a “stepchild role,” if at all, not taking a lead role in any development or scale-up type projects. Indeed, the vast majority of such funds have gone to Federally-subsidized non-profit groups or state and district consortia.

One of the winners in the FY 2013 budget would be the Institute of Education Sciences which would receive a \$27.5 million increase to \$621 billion in 2013. The component receiving the largest increase would be Statewide Data System grants which would receive a \$15 million increase to support more “rigorous evaluations” and the improvement of state data systems and their usage. The Title III English Language Acquisition Program which would be level-funded;

however, the proposed reauthorization would allow increased flexibility for competitive grants “to develop and establish innovative dual-language, transitional bilingual, and other language instruction educational programs for ELLs,” according to Education Daily (February 16<sup>th</sup>).

The proposed America Jobs Act would receive about \$60 billion in new funds of which \$30 billion would be for K-12 and community college school construction and \$25 billion to maintain K-12 education jobs similar to the Education Jobs fund which runs out this year.

Included in the budget is \$5 billion, as part of the America Jobs Act, to reshape the teaching profession. Some observers feel this is a political ploy to obtain teacher support in the upcoming election and does not have a chance of passing under a consolidation of existing programs. About \$2.9 billion would be allocated for the Excellent Instructional Teams program which includes \$2.5 billion to strengthen teacher evaluations and to achieve an equitable distribution of teachers. Twenty-five percent of program funds (compared to 1.5 percent in the current Title IIA Teacher Quality Program), approximately \$600 million, would be set-aside to be used to support principal and teacher recruitment, training, and support programs. Many of these projects are currently being conducted by such non-profit organizations that lost money in previous budgets such as Teach for America, the National Writing Project, and the National Board for Professional Teaching Standards. In its analysis, the New America Foundation raised a number of questions unanswered by the budget regarding to use of the 25 percent set-aside program including: would the set-aside be distributed competitively or by formula and to whom would the funding go -- districts or states?; and has the Administration identified certain types of interventions that it would specifically like to fund with this money? USED’s response was that competitive grants would go to LEAs, SEAs, and other entities which have proven programs, whose interventions meet “the evidence bar,” according to Education Daily (February 22<sup>nd</sup>). If it is allocated under competitive grants, then less formula funding would be available for states and districts. While funding for “renamed” current programs may be provided, the allocation based on competitive grants is very uncertain. Funds for a reformed Striving Readers and the proposed STEM initiative replacing the Math and Science Partnership Program would also be funded under the \$2.9 billion component of the American Jobs Act.

Most increases called for in the FY 2013 budget are in the higher education (especially two-year colleges) arena and are directed toward the priorities of increasing the number of students who not only have access to college, but also graduate. Indeed, John Kline, Chairman of the House Committee on Education and Workforce indicated, in a press release that Republican support for the goal of modernizing Federal job training programs to ensure workers have the resources necessary to compete for jobs. He said, “The Committee will give the president’s proposal the consideration it deserves.” Announced in the President’s State of the Union address, one major initiative which has direct implications for K-12, as well as for some TechMIS subscribers, relates to the proposed \$1 billion College Affordability and Completion component of the Race to the Top initiative. Funds would be awarded to states with strong records of increasing college affordability and quality which could be demonstrated in such ways as “making a consistent state financial commitment to higher education; operating institutions that reasonably stabilize or contain the growth in what students pay for college; measuring and publicizing institutional

value in terms of financial returns and other outcomes; making use of data to drive policy; and improving alignment of standards from K-12 to higher education and across colleges.” As Education Week notes, “. . .the administration is now pushing a set of proposals that would steer a greater share of federal money to states -- and institutions -- that are able to graduate students and prepare them for the workforce.” Although the overall budget proposal is not likely to be passed, the notion of increasing college efficiencies and improving college graduation rates -- especially of students in high-demand areas -- and creating job readiness in high-demand areas could be woven into a number of other programs by reallocating discretionary funds in existing USED and Department of Labor programs. During a February 17<sup>th</sup> press conference, Secretary Duncan hinted that TRIO and Upward Bound might be good candidates for doing this. Certainly, the demand for college remediation services would not only be boosted by such efforts, but funding from state legislatures could also play an increasingly major role in the future.

Related to the Race to the Top proposal is a smaller \$55.5 million program, referred to as “First in the World,” which would support effective strategies for improving college completion. For example, through the use of technology, it could pay startup costs for activities such as improving early college preparation to reduce the need for remediation and developing competency-based instruction and assessments, along with incentive payments that reward grantees for successful outcomes.

During a question-and-answer session at the press conference releasing the FY 2013 budget, Secretary Duncan argued that, while some feel the proposed budget funding is dead on arrival, one should consider education funding as an “investment and not an expense.” To further boost the point, he emphasized that, of all the non-security agencies, USED received the largest proposed funding increase, indicating the priority the President places upon education.

Joel Packer, Executive Director of the Committee for Education Funding, raised the question of sequestration, noting that on January 2, 2013, USED could face budget cuts of nine percent in all areas, other than Pell grants, which would “wipe out all of the increases “the President proposed.” Prefacing his question, he stated, “It would be really helpful if the Department did an analysis of what would sequestration mean, how many students would lose services, how many educators would lose jobs, etc. That would help us and help you work together get a broad deficit reduction plan enacted that stops sequestration and allows us to have these investments.” While Secretary Duncan said that he did not see the country “going in that direction,” he referred the question to Assistant Secretary Carmel Martin who reinforced what the Secretary said and added, “There are options on the table for fulfilling the requirements of the Deficit Reduction Act and not having to move forward with sequestration.” Several highly-respected analysts later questioned the wisdom of USED’s position of not releasing any of the analysis which all feel must have been conducted.



**Special Report:**  
**USED Letters to Some States Called for Higher Levels of  
Accountability in Waiver Request Negotiation, Particularly for Special  
Education and English Language Learner Groups, While Asking for  
Specific Examples of the Types of Interventions Subsequent  
“Guidance” for Next Rounds Applicants Includes a Wider Range of  
“Considerations” for States to Take into Account**

*A Technology Monitoring and Information Service (TechMIS)*  
**SPECIAL REPORT**

*Prepared by:*  
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*February 29, 2012*

Subsequent to our analyses of the 11 state requests for waiver approvals reported in our November and December TechMIS Special Reports, USED letters, which were “leaked” to the press and sent to several states in late December requested additional information to be included in the approval process. USED wanted to raise the “accountability bar” in terms of annual measurable objectives (AMOs) and other performance criteria and requested additional information, clarifications, examples, etc. of the types of interventions and resources which will be used to pay for them. Given the backgrounds and priorities of approximately a fifth of the 20+ peer reviewers suggest that their specialties relate to RTI and intervention approaches, such raised questions and concerns are not surprising. Below we highlight some of the types of information USED requested from several states.

In its December 20<sup>th</sup> letter to Colorado Commissioner Robert Hammond, USED expressed a significant concern about “The lack of evidence that Colorado will implement rigorous interventions in priority and focus schools.” Specific concerns included:

- the lack of detail on evidence-based interventions, especially for English language learners and students with disabilities;
- the lack of examples of specific interventions LEAs will be required to provide for focus schools, including interventions for different school levels and academic improvement needs;
- the lack of detail about interventions to be used in Title I schools to narrow achievement gaps.

As a footnote to what we pointed out in our November analysis of Colorado’s proposal to use Title I funds for set-asides in non-Title I schools, the letter also states, “Please note that Colorado

is prohibited from using ESEA Title I, Part A funds to support public school choice and supplemental educational services (SES) options in low-performing non-Title I schools, as currently described in your request.”

The December 20<sup>th</sup> letter to the Georgia SEA expressed several similar concerns including:

- the lack of resources devoted to turnaround efforts in priority schools, including how resources will be leveraged and State or local funds will be repurposed to support the larger number of priority schools the State intends to identify;
- the low exit criteria for priority and focus schools and the requirement that schools meet expectations for only one year.

A number of concerns with Indiana’s waiver request included:

- insufficient capacity to implement, with fidelity, interventions in priority and focus schools;
- inadequate description of how Indiana will ensure its LEAs leverage the funds they were previously required to reserve as set-asides, SIG funds and other Federal funds, along with state and local funds, to support implementation in priority, focus, and other Title I schools;
- conflicts with current state laws on allowing schools to move in and out of priority status each year.

Concerns directed at Florida’s application regarding proposed types of interventions to be used in different categories of schools were limited and called for few explanations perhaps because Florida was one of the eight Model Differentiated Accountability states identified in 2007.

It is interesting to note that the USED concerns did not address the fact that Florida has a mirror image State law similar to NCLB’s SES sanctions and the U.S. Secretary of Education does not have the authority to waive a State law. Until the Florida State law has changed to allow more of the 20% SES set-aside to be freed-up to be used for interventions in priority and focus schools, a major question in Florida relates to whether or not there exists enough Title I and other Federal and perhaps State funding to purchase and implement such interventions, even after waiver approval. Discussions with knowledgeable Florida officials suggest that the Florida strategy was to get conditional approval and then seek relief from the State SES law which obviously has yet to occur and could represent a major obstacle.

USED and peer reviewers’ concerns about New Jersey’s waiver request related to whether details on a comprehensive intervention strategy for focus, priority and other Title I schools including specific examples of interventions for focus schools targeted to student needs. Peer reviewers also called for more information on criteria for schools to exit from Priority and Focus School status.

Questions raised about Minnesota’s waiver application regarding the use of interventions were limited, which was not unexpected as several of the peer reviewers were from the University of

Minnesota's National Center for Education Outcomes. NCEO is a generally recognized leader in RTI research and development which has likely influenced Minnesota's overall education system.

Following the "leaked" letters and the peer review process in Round 1 of the SEA Waiver Initiative, USED then sent "Summary of Considerations to Strengthen State Requests for ESEA Flexibility" to states preparing to submit waiver requests at the end of February and/or during the recently-announced Round 3 of applications in September. Many of the "considerations" are focused on ensuring flexibilities while maintaining accountability for particular subgroups of students (e.g., students with disabilities and English Language Learners). Some of the ways to demonstrate accountability could provide opportunities for firms with particular products and services who wish to help states during the negotiated review process over the next couple of months or before the September Round 3 deadline. As we anticipated in previous TechMIS reports, many of the "considerations" relate, directly or indirectly, to response-to-intervention approaches, some of which are highlighted below.

As noted earlier, most of the concerns and issues identified by peer reviewers during Round 1 related to inclusion of students with disabilities and English Language Learners in the proposed state accountability systems and interventions which are designed to meet their specific needs -- proposed "interventions were often generic, rather than specific" to the needs of the subgroups. Additionally, some of the strategies for these subgroups emphasized the use of "remedial and developmental programs, rather than rigorous instruction for all students, and, in some requests, there was a lack of focus on improving content instruction for all students in all classrooms." Clearly, the peer reviewers were concerned about the lack of specificity for Tier 1 interventions (i.e., core instructional programs) to serve all students, as well as Tier 2 and Tier 3 interventions, ranging from types of "small group instruction" to "one-on-one" approaches. Multiple suggestions by peer reviewers on what SEAs should include in their future requests or during negotiations to improve in this area are:

- including descriptions of research-based interventions specifically designed for students with disabilities in an LEA's request;
- creating a single resource that describes available interventions, including research-based interventions for students with disabilities/ELLs, and how the SEA expects LEAs to apply those interventions in Priority, Focus, and other Title I schools;
- explaining the relevance of specific interventions and resources for improving achievement for all students and subgroups and how progress will be tracked and evaluated;
- implementing an early warning system so struggling students are identified early and provided with interventions through a response-to-intervention-like structure; and
- identifying successful practices that accelerate student learning as opposed to offering only remedial and developmental instruction.

While the above concerns were expressed about the types of interventions needed to meet the needs of ELLs, one additional consideration was how the school improvement planning process

and needs analysis could be improved to identify the reasons for persistent low performance among ELLs. How to evaluate teachers of English language learners and students with disabilities was also a common concern across virtually all of the 11 waiver SEA waiver requests. One suggestion was for states to be more specific in describing how all staff would be trained to use tiered instructional frameworks and accommodations for both learning and assessment and how the Universal Design for Learning (UDL) principles would be incorporated into a state curriculum design. Another concern directly related to English language learners was the need for states to articulate a plan to provide professional development to all teachers who teach English language learners and to teachers on how to support English language learners in acquiring content knowledge as they develop English language proficiency. Peer reviewers also felt SEAs should identify what instructional support materials for reading/language arts, mathematics, and science would be used to help teachers address the academic (vs. native) language that English language learners need to access content.

By mid-February all of the initial 11 SEAs requesting waivers had their waivers approved with three states -- Florida, Georgia and Oklahoma -- receiving conditional approvals. About the same time, USED announced that states needing more time to develop their waivers should request a “one-year freeze” on the number of schools identified for improvement in order to prepare their application for a newly created deadline of September 6<sup>th</sup>. To receive approval for a waiver to freeze NCLB sanctions, SEAs have to agree to apply for a full-fledged waiver and meet other conditions such as adopting Common Core-types standards and provide student progress data to help districts inform instruction.

For a copy of the USED publication on considerations, go to:  
<http://www.ed.gov/sites/default/files/considerations-strengthen.pdf>

# Special Report: State Waiver Request Updates

*A Technology Monitoring and Information Service (TechMIS)*  
**SPECIAL REPORT**

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*(revised February 29, 2012)*

*In our November 29, 2012 and December 7, 2012 Special Reports, we identified key points of the State initial waiver requests from 11 states. Based upon the approval process, some additions and revisions appear to have been made. Below, after each state's waiver request information we present items that appear to have been added or changed in the approved waivers in those areas of most interest to TechMIS subscribers.*

## **Colorado**

The Colorado Waiver Request differs from those of other states, according to the official November 14<sup>th</sup> press release, in several respects, including:

- Primary focus is college- and career-readiness and uses measures other than reading and math, such as writing, science, and ACT scores, along with dropout rates.
- Use of its acclaimed growth model for identifying Priority and Focus Schools and establishing benchmarks;
- A heavy focus on English language learner growth and proficiency; and
- Performance frameworks and categories used to target Title I School Improvement and Title I Choice and SES set-aside funds, among others.

Regarding SES and professional development set-asides, the emphasis is even greater than under most NCLB requirements, as explained below.

The State's two-year-old "accountability system" will assist in transitioning to the waiver plan. According to State Commissioner Robert Hammond (as reported in Education Daily, November 16), Colorado's lowest-performing schools include five percent referred to as Turnaround Schools and ten percent as Priority Improvement Schools. Of the 79 Turnaround Schools, 42 are Title I; there are 191 Priority Improvement Schools including 117 Title I schools. Overall, 23 percent of the State's Title I schools fall into the two categories, which is more than the five percent minimum threshold in the Federal waiver guidance. Definitions from USED in its guidance and in Colorado statute differ somewhat and hence, the number of schools in several categories which could be the foci of initial USED negotiations could vary. Focused on these

two categories, the waiver plan notes, “Colorado sees limited value in intervening in schools that are making adequate growth.” Hence, the final numbers in the two categories could change. In terms of specific listings required by USED guidance, Colorado’s Attachment A, lists 286 schools as Priority Schools, of which 164 are Title I. In the main text, the specific numbers are unclear; however, not all Priority Schools listed are recipients of SIG funds.

All Priority Schools must submit a Unified Improvement Plan (UIP), required by State law, which includes a description of improvement strategies (which must address the timelines for how performance will improve). The UIP uses a research-based approach identifying specific changes in practices that will result from action steps, which are similar to general SIG requirements. However, the “choice” and “SES” component, for which significant changes are proposed, is unique and has implications for most TechMIS subscribers.

The waiver application would require *districts with* Priority Improvement and Turnaround Schools to set aside 15% of the district’s Title I funds to cover the cost associated with choice and SES. Any remaining 15% set-aside funds will be required to provide extended learning opportunities, including before- and after-school programs and summer school in Priority Improvement and in Turnaround Schools. The extended learning opportunities will focus on math, literacy, science, and other core subjects, and resigns scheduling to allow more time for planning, analysis, lesson development and professional development. Any unencumbered set-aside funds can be carried over to the next year for set-asides for extended learning opportunities or as “regular” Title I funds.

School districts that have Priority, Improvement, or Turnaround Schools may continue to set aside the 10% for professional development, similar to existing district improvement set-asides. However, a Priority Improvement or Turnaround district that has no Priority Improvement or Turnaround Schools *must* set aside an additional 10% of its Title I funds for professional development in areas where the district’s overall performance falls short of expectation.

The proposed plan for choice and SES would be expanded to include low-performing, non-Title I schools and districts; moreover, districts would have increased flexibility in the use of set-aside funds. The waiver application argues that there is mismatch between the amount of funds schools receive under Title I and the degree of poverty in the school/district; this is generally recognized as being true nationally. The plan states, “Limiting consequences and identifications to only Title I schools, excludes many students, including many economically disadvantaged students.” The plan concludes, “Therefore, under Colorado’s plan, Title I set-aside funds and school improvement funds may be used to provide choice options and interventions in low performing schools regardless of that school’s Title I status.” As we and others have speculated, requiring non-Title I schools to set aside funds for SES and choice would require a significant bending of the rules under the Secretary’s waiver authority limitations.

Research-based strategies for Priority Schools include several options, one of which is “Employing a lead turnaround partner that uses research-based strategies and has a proven record of success working with the schools under similar circumstances, which turnaround partner shall

be immersed in all aspects of developing and collaboratively executing the turnaround plan and shall serve as a liaison to other school partners.” Charter school and education management organizations must also have a proven record of performance in directly-related areas.

Under state law, if a Priority Improvement or Turnaround School does not exit from its status in five years, a State Review Panel can recommend additional sanctions including school closure. The proposed waiver plan would identify schools with the lowest growth standard and lowest graduation rates for disaggregated groups of students as Focus Schools. The application process relies heavily on academic growth gaps. Using this methodology, 17 schools would be designated as Focus Schools, two of which are Title I schools. Using the disaggregated graduation rate data, an additional 17 high schools, one being Title I, would be identified as Focus Schools. Using a variety of measures, methodologies, and calculations, the application states that there are a total of 34 schools that would be identified as Focus Schools that are not Turnaround or Priority Improvement Schools, 11 of which are identified as priority based on graduation rates. In terms of interventions, the plan also states that Focus Schools that are identified as Turnaround or Priority Improvement will be required to conduct the same activities described in 2.D.III of the application (i.e., for the 5% Priority School) including completing the UIP, notifying parents, and offering choice and SES for Turnaround Schools implementing a turnaround option. The bottom line is that there is very little difference in terms of the types of interventions that are required or encouraged between Priority and Focus Schools. However, Priority Schools that receive SIG money are subject to using the SIG turnaround model interventions, while Priority Schools that are not SIG recipients appear to have greater flexibility. And for Focus Schools, the SEA has the option of providing even greater flexibility, although from what is written it would appear that requirements between the two groups of schools are very similar.

**Update:**

- *Colorado will use state and school district performance frameworks and performance categories to target Title I School Improvement and Title I Choice and SES set-aside funds.*
- *SES Choice is a Title I Consequence for Priority Schools*
- *29 schools, currently served by SIG are implementing a reform model with an additional four schools identified with graduation rates less than 60% for three years. These schools are Turnaround or Priority Improvement Schools*
- *Districts that meet the demand for Choice or SES by the end of the first semester will be required to use the remaining set-aside funds to provide extended learning opportunities and summer school Priority Improvement or Turnaround Schools.*

## **Florida**

Below are the highlights of the Florida Waiver Request as they relate to Differentiated Accountability (DA) being applied to Priority and Focus Schools, as well as some directly

related NCLB provision changes. As indicated in the State's model, approved in 2007, "The support and assistance provided to each school in Florida's model is individualized depending on the needs of that school." A "tiered" approach will be used by LEAs and schools.

The State's five regional support centers will be critical in the selection of specific interventions. Priority/Intervention schools are those that received an "F" grade -- 35 schools of which 29 are Title I (using "actual" data). In the final count, next Summer the number could be as high as 112. Interventions would be managed initially by the LEAs which have to submit Intervention Option Plans indicating the model selected and how it will be implemented. If a school does not exit Priority/Intervention status during the first year, it may choose from the State Turnaround Models, including a Hybrid Model which may "blend both LEA control with governance and autonomy found in external provider." A Priority School may exit when it increases performance to a "C" grade or higher or can be placed in a "hold" status if it makes some progress but not enough to exit Priority/Intervention status. Priority Schools must implement "the most robust interventions." Professional development will include RTI and after-school time for teacher collaboration. The LEA must use the State's Problem Solving/Response-to-Intervention process. This State Introductory RTI course focusing on mathematics and science will be used to implement a Multi-Tier System of Support.

The application states that, using the most recent school grades, there are 174 schools that would qualify for "Focus/Correct" school designations -- about nine percent of the State's Title I schools. Following State statute, each school must have a School Improvement Plan, approved by the LEA, which will serve as a blueprint that includes components for RTI, literacy, leadership teams, and public school choice. An additional component is a District Improvement Assistance Plan (DIAP) due in September of each year. Title I funds can be used for acquiring research-based reading, math, science, and writing programs and funding extended learning opportunities. The document states, "The interventions selected are based upon school transformation principles that have a proven track record of success that are both substantive and sustainable over time." Schools with a "D" grade are Focus Schools and can exit that status when they reach a school grade of "C." Those remaining with a "D" grade for three consecutive years must revise their curriculum and increase learning time to reflect at least 300 hours of additional instructional time for all students. About 60 percent of the hours can be used for increased learning time and 40 percent for after school programs.

Other highlights include:

- By focusing on the 25 percent lowest-performing students, there exists no need for an N size in determining progress.
- To encourage the use of innovation, charter schools are exempted in law from most of the statutes and rules that apply to other schools and are provided a wider degree of flexibility.
- In addition to the State's Problem Solving/Response-to-Intervention, Florida's Positive Behavioral Support System will also be emphasized.



The major body of the application does not directly address the State law which mirrors the Federal NCLB SES set-aside provision. The Feds cannot “waive” the State law. However, officials with whom we talked indicate that, once the waiver is approved, efforts will heighten to remove the State statute in order to allow SES freed-up set-asides to be used for other options, such as extended learning time.

**Update:**

- *School Improvement Grants and Title I funds are strongly encouraged to be used to extend instructional time for students with summer reading camps offered for struggling third-grade readers and LEAs must be committed “to extend the instructional day through the use of instructional technology at the family’s home.”*
- *The purchase of high-quality instructional materials to support teaching and learning aligned with the Common Core may utilize Race to the Top funds (Student Standards Tutorial project) and state-appropriated instructional materials funding (of which 50% must be used to purchase materials on a state approved list).*
- *The LEA must identify/select the new or revised instructional programs for reading, math, science, and writing or must provide a justification for continuing the current instructional program in these subject areas.*
- *The LEA will use the Florida problem-solving/response-to-intervention process to analyze student progress through interim assessments to inform instruction using the Florida Assessment for Instruction and Reading.*
- *LEAs must implement a multi-tier system of support including Florida’s Positive Behavioral Support: RTI for Behavior (FLPBS: RTIB).*
- *The Secretary’s approval letter also included certain conditions that the state has to be met otherwise the waiver would expire on July 27, 2012. One related to modification of its inclusion policies to ensure that all students, including English language learners and students with disabilities, must be fully included in the State’s system of differentiated accountability. Another related to SIG funding.*
- *It is important to note that, the State’s approved waiver indicates, “In order to provide LEAs the flexibility to make sustained improvement, Florida is requesting the authority to offer LEAs the ability to implement a fifth [SIG] option. This option may be a Hybrid Model of other options (such as a district-operated charter school) or another option altogether as long as an LEA demonstrates that the option is as, or more likely, to turn around the school in the same, or in less, time than the current four options.” [under SIG schools]*

*It is not clear whether this apparently approved option is available to newly identified Priority Schools which are already receiving SIG funds or only to those Priority Schools which do not receive SIG funding which, according to USED prior guidance, should be acceptable. If this option is available to LEAs with Priority Schools already receiving SIG funding or will receive new SIG funding, this flexibility appears to be somewhat unique to Florida.*

## **Kentucky**

Kentucky's waiver application says that Priority Schools will include those identified by State statute as being persistently low-achieving (PLA) -- those in the bottom five percent of all districts that failed to make AYP for the last three consecutive years. Priority Schools must select one of the four SIG intervention options. Current school leadership must be replaced unless the State's Commissioner of Education provides an exception. Governance in Priority Schools includes a school-based decision making council to evaluate the effectiveness of accelerating student learning, which the application states is "an innovative component of the model."

The intervention process is managed through the Kentucky Department of Education's (KDE) Office of District 180 which has three Centers for Learning Excellence that are affiliated with regional universities across the State. Each Priority School has an Education Recovery Director who works with the principal to build skills and capacities. And each school must develop a Comprehensive School Improvement Plan (CSIP) which generally follows the requirements and elements under SIG funding. Requirements for priority districts parallel those for Priority Schools.

Examples of suggested interventions include redesigning school months, days, or years to provide additional time for student learning and teacher collaboration, as well as other SIG requirements such as: using data for continuous improvement; mechanisms for family and community engagement; establishing a school environment that includes schoolwide anti-bullying programs; information from the Kentucky System of Interventions to address school environment concerns; and the use of local providers to meet student and family needs. In terms of deadlines, Priority Schools all receive SIG funding and fall under the SIG timelines.

For a school identified as a Focus School it must fall among the 10% lowest-performing Title I schools in the State. The SEA will use three options, including the Third Standard Deviation Model, which is intended to ensure that group data is not lost: "All schools with individual gap groups under-performing in the third standard deviation below the mean... will be called Focus Schools. The calculation is done by comparing each individual gap group to the average of all students in the state. In practical terms, this calculation can be considered an AMO goal for each subgroup in a school." The minimum N-size for subgroups is 25 students. The document states that the Third Standard Deviation Model allows Kentucky to locate individual subgroups across all schools in each subject area that need to be targeted for improvement. Using this model, a preliminary simulation found that 364 Kentucky schools would be listed as Focus Schools. The Office of District 180 will provide research-based interventions and resources be used by Focus Schools based on identified needs and "will review submissions, assess levels of implementation and recommend new or revised interventions as needed." The development by Focus Schools of their Comprehensive School Improvement Plan would be guided by the Commissioner's Raising Achievement Closing Gaps Council.

The total number of Focus Schools in Kentucky is approximately 410, of which 278 are Title I schools. The total number of Priority Schools is 41.

**Update:**

- *Kentucky plans to use the following funding streams to support its implementation of differentiated accountability, consequences and support systems:*
  - *1003(a) funds targeted toward academic achievement and building capacity in Priority and Focus schools*
  - *Any present or future 1003(g) funds -- to be awarded to Priority Schools*
  - *District option to designate future 21CCLC funding to support extended learning within the school day as well as during non-school hours*
  - *Title I, Part A set-asides to be used to support school improvement activities, especially within Focus and Priority schools*
  - *Priority and Focus schools that do not meet the 40% poverty guidelines WILL be allowed to become school-wide programs if other requirements are met.*
- *1003(a) funding will be divided and distributed first based on a per-pupil amount to implement school-specific data-identified needs and then through application to the Innovation Fund which will be competitive and will require assurance that the initial amount and set-asides are being used consistently to support school improvement.*
- *Kentucky will allow the use of the 20% LEA set-aside to be used for Kentucky approved PD and other school-specific needs.*
- *Kentucky has some processes in place to ensure quality of external staff/vendors.*

## **Minnesota**

Unlike some of the other state waiver applications, Minnesota's request heavily emphasized its philosophy of turning around failing schools and appeared to customize its approach based on some of the unique features and contextual factors within the State.

The 5% lowest-performance Priority Schools includes those with the lowest Multiple Measurements Ratings (MMR) as well as Tier I School Improvement Grant recipients that are implementing one of the four SIG turnaround models. MMRs combine four achievement measures: proficiency, individual student growth, growth gap reduction, and graduation rates. The preliminary count of Priority Schools, to be refined later, includes 55 schools, eight of which are non-Title I schools receiving School Improvement Grants. An additional 11 Title I schools are also receiving School Improvement Grants. The remaining 47 Priority Schools receive Title I funding. Priority Schools that implement the turnaround "principles" (not the four SIG models) outlined in USED "Flexibility" guidance are required to set aside 20 percent of their Title I funds to be used for State-approved school improvement activities. Some of these funds are likely to be freed-up 20 percent set-aside funds originally intended for SES and parent choice. Proven track records are required for principals and other turnaround "leadership" participants such as a contracted vendor. The application's major components include Professional Learning

Communities and General Teacher Professional Development which are facilitated by extended learning opportunities. The extended learning opportunities should be “explored to find researched-based models,” which suggests a degree of skepticism about extended learning time that differs from other state requests. Priority Schools are also required to audit any pre-kindergarten programs and ensure that instruction is high-quality and aligned with K-12 standards which is another high State priority. Using data to inform instruction and providing time for collaboration on the use of data are emphasized and the State’s application especially addresses non-academic factors that impact student achievement such as student social, emotional, and health needs, and wrap-around student support activities especially for schools with high numbers of days missed as a result of student suspension. Priority Schools are also required to implement “true engagement activities for parents and the community.” While response-to-intervention (RTI) is emphasized in Priority Schools, “fidelity of implementation” will be measured based on the Minnesota Common Principles of Effective Practices (CPEP).

Planning for Priority Schools will begin in the Spring of 2012 for efficient implementation of interventions in the Fall, with all Priority Schools implementing all turnaround principles no later than 2014. In order to exit from Priority School status, a school must finish above the bottom quartile of Title I schools Statewide for two consecutive years. Exceptions to this exit rule are the 19 schools implementing SIG turnaround models.

Focus Schools selected will be based on the school’s contribution to the Statewide achievement gap and will be identified once every three years. Differing from other states, Minnesota will use a six-year adjusted, cohort-based methodology to select secondary Focus Schools under the 60 percent or less graduation rate criterion. This is because a number of charter schools operate in a manner similar to Alternative Learning Programs which work exclusively for students who are at risk of dropping out and are often multiple grades behind their cohort. As the application states, “Using the six-year rate allows a state to avoid misidentifying schools that have unique situations.” Three years worth of data will be used in determining graduation rates of Focus Schools to minimize misidentified small schools with wide statistical variations in graduation rates from one year to the next. While not final, the number of Focus Schools will be 85.

Interventions in Focus Schools will be tailored to the needs of subgroups such that the school can meet growth expectations and interventions aimed at improving graduation rates. The interventions will be based on needs assessments conducted by the LEA and the Statewide System of Support (SSOS) facilitators. Twenty percent of Focus Schools’ Title I funds will be set aside for State-approved school improvement activities. The needs assessment will determine the root causes of low performance for subgroups; interventions will be “environmentally specific” and will be developed using resource staff with culture and language backgrounds. This is particularly critical in Focus Schools with significant American Indian populations. Interventions for Focus Schools will be selected from a “cadre of interventions that can be employed to address the specific needs at the Focus Schools” by increasing subgroup performance. The State’s SSOS facilitators will help select interventions that will be “not only appropriate for skill level but also take into consideration the cultural, social and emotional level of students served.” To increase ELL subgroup performance, SSOS facilitators will train

instructors on the new WIDA standards and how to use data from WIDA assessments to tailor instruction to student needs. For secondary Focus Schools, an example of an intervention would be “to implement a set of diagnostics to determine level of college- and career-readiness of students through the use of data and reports from EXPLORE, PLAN, and ACT assessments.” At the high school level, Minnesota’s Early Indicator and Response System (MEIRS) will be used as an early warning system to identify potential dropouts and develop student-specific strategies.

**Update:**

- *Title I funds will be withheld from LEAs that fail to comply with school improvement requirements at Priority Schools until they have submitted a revised plan that reflects the budget priorities.*
- *Mandatory set-aside for state-approved district improvement activities which are linked to “turnaround principles” must be put in place if LEAs with Priority Schools consistently fail to improve student achievement.*
- *If an LEA does not provide Pre-Kindergarten programming, it may choose to use a portion of its school improvement set-aside to do so.*

## **Tennessee**

During a webinar on November 8<sup>th</sup>, Tennessee Commissioner of Education Kevin Huffman outlined key components of the State’s waiver request submitted on November 14<sup>th</sup>. The webinar was also designed to solicit feedback from communities, parents, teachers, and education groups -- the kind of consultation which Secretary Duncan recently announced is a critical indicator of stakeholder “buy-in” to each state’s waiver request. Highlights relevant to most TechMIS subscribers are outlined below.

The State’s Achievement School District would be responsible for the 5% Priority Schools and for re-directing any freed-up SES and other funds to implement turnaround and other reform initiatives. In addition to SIG funds, Race to the Top funding would also be provided for implementing such interventions. The 10% low-performing Focus Schools, a concept which Huffman said is “new” to the state -- unlike the lowest 5% Priority Schools -- would be required to implement certain SEA-determined interventions to “close achievement gaps.” The interventions would be “tiered” based on the severity of a school’s needs. One of the goals would be identification of “exemplary” schools from which other schools could adopt best practices (i.e., tiered interventions) that are effective. A list of the 10% Focus Schools would be finalized during the Summer of 2012, although they are identified in a preliminary manner in the application.

A primary State emphasis would be district-level, rather than school-level, improvement with all districts expected to have an Annual Measurable Objective (AMO) growth of four percent annually. Focus Schools would have an AMO growth of six percent for a district as a whole in order to reduce achievement gaps for schools in the district by at least 50 percent over eight

years.

In a nutshell, district reforms are critical for the 10% Focus Schools which will receive tiered interventions. Some Focus Schools would also be allocated SIG funds as well as Race to the Top funding. LEAS will have increased flexibility to use Title I SES and other set-aside funds to implement interventions, such as extended learning. The Commissioner noted that most districts had indicated a preference for doing so. In response to a question, he also said that the waiver request would not affect 21<sup>st</sup> Century Community Learning Centers programs and funding; however, he asked any concerned parties to send emails expressing their concerns. He also noted that the N-size for identifying schools for improvement (using the state's AMO growth rather than AYP calculations) would be 30 students, down from the 45 students currently used. This would apply to Focus Schools. The Commissioner said that he felt there was a "small chance, but not likely" that ESEA would be reauthorized during the process of implementing the waivers. This is an important indicator because the major broker for ESEA reauthorization is Senator Lamar Alexander from Tennessee. The Commissioner also said that, since the ESEA bill would not include AYP requirements and would rely on the states' accountability models, the current Tennessee plan would likely conform to many requirements in ESEA and would be a nice, easy fit.

The Tennessee Department of Education (TDOE) proposes to expand its current list of Priority Schools to 85 -- all of which are Title I schools -- constituting the State's five percent lowest-achieving schools. As the application states, "more of the lowest performing schools get the additional support they need to be successful," hence, all of the Priority Schools have to apply and will be approved by the TDOE to adopt one of the four SIG models. The application also notes that Tennessee, partnering with the Louisiana Recovery School District, received a \$30 million i<sup>3</sup> grant which is designed to support and expand high-quality charter schools. This suggests that charter schools will be involved in numerous interventions for Priority Schools; these schools will be evaluated every two years.

The Achievement School District (ASD), which has significant decision-making power over Priority Schools, will have the "same authority and autonomy afforded to any LEA under state law regarding the procurement of goods and services. This includes but is not limited to personal, professional, consulting, and social services; and the procurement and/or leasing of property." For schools under the responsibility of the ASD, a five-year minimum is required for implementation of interventions. Other Priority Schools have a three- or even two-year potential exit opportunity, depending on the levels of performance increases which are achieved. By 2014, 35 schools under ASD will be fully implemented while the remaining 30 schools would be those initially labeled as LEA innovation zones or SIG turnarounds.

Under Focus School interventions, the SEA's nine Field Service Centers (FSC) will match Focus Schools with other schools having common characteristics that are achieving much better results and will otherwise facilitate the adoption in Focus Schools of best practices demonstrated in similar schools to have been successful.

Approximately 100 Focus Schools will be given grants, through competitive applications, of \$100,000 per school, with funds coming from the 4% SEA set-aside for school improvement, Race to the Top, and State funds. Final identification of Focus Schools would occur in the Summer of 2012, with additional identifications occurring three years later.

It is important to note that Title I-derland, in its blog, has praised the Tennessee approach for measuring achievement gap reduction in Focus Schools by six percent annually. As it notes, "...it does appear that the plan combines growth and achievement AMOs with interventions in an elegant manner. Let's call it a Tennessee waltz (at least for now)."

**Update:**

- *Priority and Focus schools will be allocated substantial funding beginning with \$40 million in SIG funding in 2012. These funds will flow through the LEA and will be used to build LEA capacity, invest in data systems and invest in rigorous and innovative school improvement plans. These funds will focus first on priority schools.*
- *Tennessee LEAs will have the authority to decide if and how they wish to provide public school choice and choice-related transportation to students attending Title I schools. LEAs may also provide extended learning time or targeted remediation services that address individual academic needs. Students receiving supplemental education services will be tracked and transparent information about student performance will be provided to LEAs so they can make the best possible decisions.*

## **Georgia**

The Georgia application follows USED waiver Flexibility guidelines very carefully in terms of selection of Priority Schools which will be the State's Title I and Title I-eligible schools which fall into the category of the lowest 5% based on: (a) state assessments; or (b) high schools with graduation rates less than 60 percent over several years. The School Improvement Division of the Georgia Department of Education (GaDOE) will assign a specialist to work with each Priority School to coordinate funds/services under SIG and Race to the Top for that school. A non-negotiable "set of actions and interventions" will be included in the Memorandum of Agreement. Those between GaDOE and the Priority School to implement the seven turnaround principles. Those of particular interest are:

- hiring coaches to engage teachers in job-embedded professional learning;
- providing additional learning time for students and for teacher collaboration;
- participating in a State-led Georgia Assessment of Performance on School Standards (GAPSS analysis); and
- implementing a plan for student, family and community engagement.

Under "use of time" to ensure opportunities to learn and collaborate, a data analysis using School Keys will be conducted to determine which processes need to be changed, eliminated, or expanded. A School Improvement Specialist working with the Regional Education Service

Agencies (RESAs) with responsibility for Priority Schools/districts will select/influence research-based action strategies and interventions for incorporation into school improvement plans and provide support for implementation. SES and choice set-asides (20%) would be waived (with freed-up funds used for the Flexible Learning Program (FLP) 5% set-aside), but the current 10% set-aside for professional development will remain. Georgia is also requesting that SES/choice requirements be waived because data indicate that (1) less than 5% of eligible students take advantage of the choice option; and (2) results from SES analyses show that students receiving SES have not outperformed matched controls on State tests of achievement in any area for the duration of the program.

In lieu of SES, GaDOE is proposing a Flexible Learning Program that allows LEAs flexibility in designing programming tailored to the needs of their school and with the capacity to serve more students in need of similar support. The FLP would be initially funded through the minimum 5% Title I set-aside for the same schools currently mandated to implement SES. By 2013-14, all Priority and Focus Schools will be included.

High priority will be placed on the State-led GAPSS analysis which will drive the selection of interventions and other subsequent initiatives. Summer Leadership Academies will be held for Priority School staff, among other things, to select research-based strategies, actions, and interventions that will be incorporated into the school improvement plan. The Memorandum of Agreement will also include requirements for collaborative planning time being provided during the school day for teachers.

The anticipated timeline for implementation includes:

- January-June 2012 -- professional learning for School Improvement Specialists
- September 2012 -- release of reports for all Georgia schools, including plans for interventions which will be “driven by areas of need...with a focus on the subgroup data.”
- July 2013 -- identification of Priority and Focus Schools with implementation to begin during the 2013-14 school year.

The Focus School is “a school, that based upon the most recent data available, is contributing to the achievement gap in Georgia.” The number of Focus Schools will be equal to the lowest achieving 10% of all schools in the State. A Memorandum of Agreement between districts and the State will have non-negotiable actions and interventions required of each Focus School, similar to the Priority Schools, with an emphasis on providing additional learning time for students and additional time for professional development and teacher collaboration, with a particular emphasis on collaboration between regular education teachers and special education teachers/English language learner specialists. Like Priority Schools, Focus Schools will be required to offer Flexible Learning Programs under the assumption that five percent of Title I funds must be so allocated.

In addition to GaDOE specialists which will be provided in the areas of English language



learners, students with disabilities, and at-risk students, “the GaDOE will broker services from other support agencies (e.g., Regional Educational Service Agencies (RESAs), Georgia Learning Resource Services (GLRS, etc.) to meet the specific needs of the focus schools.”

The additional learning time provided by Focus Schools must be in core academic areas (e.g., science, social studies, and writing), enrichment activities, or teacher collaborative and professional development time. The primary goal of Focus Schools is to “promote achievement based on underperforming subgroups and high needs students.” All Focus Schools will receive newly-developed tools and resources from the State. Districts are expected to provide additional resources to Focus Schools.

The projected timeline for Focus Schools includes:

- January-June 2012 -- professional learning for School Improvement Specialists, followed by release of reports on all Georgia schools
- final identification of Priority and Focus Schools will occur in July 2013, with full implementation in the 2013-14 school year.
- Focus Schools that exit the lowest 10% will continue to receive RESA services for two additional years.

Georgia is dedicated to a RTI process to identify students in need of small group or individualized supplemental instruction. Key components of the State’s RTI process include a 4-Tier delivery model providing support aligned to student need through the implementation of standards-based classrooms, evidence-based instruction, evidence-based interventions with increasing levels of intensity based on progress monitoring and the use of ongoing assessment data to determine academic and behavioral needs. Each school will have a Data Team to serve as the “driving force for instructional decision making in the building.”

To implement the plan some components will likely require some state legislature action.

**Update:**

- *Subgroup data will be analyzed and an improvement plan will be facilitated by the RESA or GaDOE School using State school improvement funds and 1003(a) funds*
- *The Title I 1003(a) SEA 4% set-aside will be aligned to support the improvement plan specific to areas of concern*
- *School Improvement plans will be supplemented using Title I Part A, Title I 1003 (a), and State school improvement funds*
- *In addition to all support and interventions, GA’s School Keys, Implementation Resource and GA Assessment of Performance on School Standards (GAPSS) analysis resources will be in place to support Response to Intervention, Positive Behavior Intervention and Supports and commitment to continuous improvement.*

## **Indiana**

The Indiana waiver request reflects the philosophy of State Superintendent Tony Bennett which has three tenets -- competition, freedom to choose, and accountability. His vision of an accountability framework uses "easy-to-understand (A-F) categories for school performance, includes measures of both pass/fail and growth, and puts a strong focus on closing the achievement gap by targeting growth for the lowest 25 percent of students.”

Priority Schools would be those that receive an “F” or are otherwise persistently low-achieving schools, defined as a school receives a “D” or an “F” for two or more consecutive years. Approximately 16 percent (154) of Title I schools would be identified as Priority Schools. The Indiana growth model will be used to monitor progress toward the State Superintendent’s goal that 90 percent of students pass math and English language arts state assessment, 25 percent of high school graduates pass AP or IB exams or earn college credit in high school, and 90 percent of students graduate with a meaningful diploma.

State law calls for a six-year plan under which interventions are implemented for identified schools; the goal of the waiver initiative is to accelerate this to a four-year process beginning in 2012-13. Both Priority and Focus Schools have to submit annual intervention plans which include progress reports that are reviewed to determine changes in interventions.

The selection of interventions is grounded in the Mass Insight Readiness Framework; Indiana is one of several states using the Mass Insight model. The State Board of Education appoints a Turnaround School Operator (TSO) that runs all or part of the school. Only the lowest-performing schools are assigned TSOs, while other low-performing schools are assigned Lead Partners following the Mass Insight model. Each TSO signs a one-year contract with the State which includes performance targets the TSO must meet to remain in good standing. Lead Partners engage stakeholders to establish buy-in and are often embedded into the schools. The State Superintendent is hoping to accelerate the turnaround deadlines and will ask the legislature to take up the issue during the next legislative session which begins in January 2012. The goal is to commence implementation during the 2012-13 school year, far ahead of the 2014-15 required timeline.

The Mass Insight Readiness model includes three types of interventions -- readiness to learn, readiness to teach, and readiness to act. Interventions are tied to “rigor tiers” with Tier I designed for all students or staff; Tier II targeted on a core curriculum, data-driven instruction, and community partnerships; and Tier III highly targeted to meet individual or subgroup needs including ELL, exceptional learners and other at-risk populations.

In Year 1, Focus Schools must select at least three interventions, one from each of the three readiness domains. In Year 2, Focus Schools must make necessary modifications to the interventions or the “fidelity of implementation.” In Year 3, Focus Schools must make further modifications, if necessary, increasing the rigor tier or fidelity of implementation and report to

the State on progress being made. In Year 4, Focus Schools must implement interventions with rigor as stipulated by the Indiana Department of Education and, if LEAs do not comply, school improvement funding will cease. The same year-to-year iterative process is to be used for Priority Schools.

**Update:**

- *Currently schools similar to focus schools have to set aside 10% of their Title I budget for professional development will be required to select meaningful, rigorously implemented interventions tied to the Mass Insight readiness framework IDOE uses to drive improvement.*
- *LEA proposals for school improvement interventions in their Priority Schools must complete a “Funding and Intervention Alignment Worksheet” to ensure that they are leveraging appropriate federal and state funds to support and sustain school improvement interventions.*
- *The IDOE will provide a guidance document for using RTI.*

## **Massachusetts**

The State proposes to integrate the current State system for identifying and intervening in lowest-performing schools and districts into the waiver initiative. Approximately 40 Level 4 (i.e., “level” is an SEA designation) and Level 5 schools will be designated as Priority Schools; however, the Commissioner has discretion in final selection. In their District Improvement Plans for Priority Schools, districts must describe the “theory of action” of the selected school-level interventions and detail how the district will select external providers and the district will monitor implementation to determine if interventions are working. Examples of meaningful interventions include:

- the use of individualized professional learning plans for principals and teacher leaders;
- building on procedures and competencies used by groups such as Teach for America, New Teacher Project, and the Boston Teacher Residency Program;
- redesign of the school day to facilitate implementation of school-based Learning Communities for teachers;
- use of tiered intervention supports, especially for ELLs and students with disabilities;
- use of English learner coaches to provide “on demand” coaching;
- use of Universal Design for Learning Principles as part of tiered systems of support (RTI); and
- use of the State’s *Galileo* Instructional Data System to help teachers use assessment data to inform instruction.

For districts with Priority Schools, “meaningful interventions” have to be implemented no later than the 2014-15 school year.

The number of Focus Schools will be the 10% of the State’s Title I schools with persistently low

subgroup achievement levels and graduation rates. The selection process will initially focus on high schools that have had graduation rates below 60 percent over the last four years. Focus Schools will be the State's Level 3 schools.

Within 90 days of having a school designated as a Level 3/Focus School, the district will have to submit a plan which will include an intervention that meets the SEA's "interpretation of the needs assessment or other information, such as findings from a review of the district and its schools" by the State's accountability office. Implementation will begin immediately after planning is completed, preferably in the school year in which the school was identified as a Focus School, but no later than the start of the following year. A district with one or more Level 3/Focus Schools will be required to reserve up to 25 percent of its Title I funds to support implementation which will be set aside at the district level. As the application notes, "This will enable the district to address needs in multiple Title I schools or to use Title I funding for district-wide support (e.g., instructional coaches or school networking activities). We anticipate that by giving districts some degree of flexibility in how to use these resources, they will be able to maximize the benefit based on the unique needs of their Level 3/Focus Schools." Districts will be able to amend their Title I grant application to reallocate unspent funds for interventions on a case-by-case basis. The SEA may require a district to carry over unspent funds for an intervention in a given year to fund the intervention in the following year.

The SEA waiver application requires a detailed approach to be used by districts to implement a tiered system of support for an entire Focus School, or "across a network of Title I schools to meet the academic and non-academic needs of all students, including students with disabilities, English language learners, and students who are academically advanced."

Extended learning time through redesigns of school days or years -- after-school, before-school, weekends, summers -- would be very focused on individuals or subsets of students at all levels. Another priority being emphasized is Coordinated Early Childhood Education programs which can "employ an intergenerational component to help parents develop a home environment that supports their children's learning needs, provides opportunities to monitor the progress of their child and communicate with school personnel, and provides assistance to parents to tutor their children at home to reinforce work done in school."

External partners will be selected through the use of a rigorous review and approval process and could include technical assistance organizations, community-based organizations, or "Commendation" schools. The "Conditions for School Effectiveness Research Guide," developed by the Regional Education Laboratory -- Northeast and the Islands, will be made available for use in selecting external partners where appropriate and research-based interventions with evidence of effectiveness. Examples of interventions which are "encouraged" include the Massachusetts Tiered System of Support (MTSS) through use of instruments such as DIBELS, GRADE, and the SEA Expanded Learning Time Initiative (ELT) which is in the sixth year of implementation in 19 schools. The SEA has a database, developed through its review of district programs, of interventions used with English language learners (and former ELLs) and other at-risk students which will likely also be encouraged for use. It will also make available

the SEA's "Guidance and Promising Practices and Exploring Best Practices in Redesign" documents.

In addition to quantitative and qualitative tools to support leadership, meaningful interventions identified in the waiver request include school-based learning communities for peer-led support and accountability; a tiered instruction system of support focused on system-level change in classrooms, across a Level 4 school, or across a network of Title I schools to meet academic and non-academic needs for all; adequate learning time (by redesigning school day); school-based services dedicated to students' social emotional and health needs; family-school partnerships; analysis of strategic uses of resources and budget; aligned curriculum supported in professional learning communities through a six-stage process; effective instruction within the tiered system of support particularly for ELL; and a balanced system of formative and benchmark assessments guided by Universal Design for Learning (UDL), valid research, MCAS result analysis and input from professional staff.

In feedback gathered to prepare the State's waiver, educators voiced strong support for flexibility from public school choice and supplemental education services (SES) requirements. Massachusetts will no longer mandate NCLB school choice and supplemental educational services (SES) as currently required under NCLB. Supports and interventions will instead include: expanded learning opportunities for struggling students, which may include tutoring and other supports offered through strategic partnerships; professional development that is embedded, sustained, and connected to educators' needs; and other supports aligned to ESE's 11 Conditions for School Effectiveness, including those that address students' social-emotional needs and family—school engagement. Specific focus will be placed on the particular needs of students with disabilities and English language learners (and former ELLs). Districts will be required to reserve up to 25 percent of their Title I, Part A funds to address identified needs.

**Update:**

- *MA proposes allowing set-asides of up to 25% at the district level, allowing the district to address sub-group needs in multiple Title I schools or using Title I funding for district-wide support.*
- *Districts will only be allowed to amend their Title I application to reallocate unspent funds after careful analysis and they may be REQUIRED to carry over unspent funds for an intervention in a given year to fund the intervention again in the following year or over multiple years.*

## **New Jersey**

The 5% lowest-performing Priority Schools include three subcategories:

- Title I schools with the lowest absolute proficiency levels;
- High schools among the lowest performing ones that also have low schoolwide graduation rates; and

- Previously identified Tier I or Tier II schools under the SIG initiative.

The preliminary count of Priority Schools is 72 Title I schools and two non-Title I schools.

Primary responsibility for identifying interventions will be turnaround experts located in seven Regional Area Centers. Priority School interventions will include CCSS-aligned curriculum and assessments, professional development to improve instruction, data systems, guidelines for identifying and using extended learning opportunities, and innovative strategies to support low-performing students. The turnaround experts in the RACs can also select resources, materials, or programs they feel will best meet the needs of students in specific Priority Schools under their direction. All turnaround experts will be trained for operations beginning in the Spring of 2012. The types of interventions selected will generally be aligned with SIG model intervention components, including school climate and family and community engagement. The RACs will be responsible for helping each Priority School develop an Individualized School Improvement Plan. If districts refuse to implement their Priority School plan, the NJDOE will be able to withhold Title I monies until the district comes into compliance. In non-Title I districts, the State will use State regulatory policies to do the same. Some of the unique conditions/characteristics of interventions include:

- In each Priority School funded with Title I funds, a full-time climate and cultural specialist will be assigned.
- NJDOE model curriculum unit assessments and quality interventions will be used for all students two or more grade levels behind in reading and math.
- Interventions must be supported by 100% of a Priority School staff.

Regarding use of time, “this intervention may include extended learning time during the day..... it may also include extended learning opportunities in the form of either before school or afterschool programs consistent with CCSS. The NJDOE may partner with organizations, either for-profit or not-for-profit, and school-based entities to identify best practices and strategies for effective extended learning opportunities.” Schools may provide these services directly or contract with appropriate providers.

It appears that a high priority is being placed on increasing effective family and community engagement in Priority Schools, especially through extensive professional development for families and community engagement staff. Measures will include those on a school climate survey.

Beginning in the Fall of 2013, all Priority Schools will receive “targeted interventions,” as determined by the RACs and as agreed to by the LEA, for a two-year period which will provide schools “the time needed to implement required changes and demonstrate improvement in student achievement.” That period may be extended to three years if the NJDOE determines, in its sole discretion, that a Priority School is making substantial progress. Priority Schools that fail to implement the required interventions or fail to demonstrate required improvement in student academic achievement may become subject to state-ordered closure or other action.

During the Winter/Spring of 2013, the RACs will determine appropriate interventions and levels of interventions required for each Focus School, which have to develop school improvement plans for implementation during the 2013-14 school year.

Priority and Focus Schools fall into two categories -- those that have had an extensive review in the last 24 months, considered “quality-reviewed schools,” and those which are not considered “non-quality reviewed schools.” For quality-reviewed schools, identified interventions “will be implemented by the districts beginning in September 2012.” For non-quality reviewed schools, reviews will take three to six weeks to complete and, at the end, a list of targeted interventions will be completed. Planned execution of targeted interventions for non-quality reviewed Priority Schools should begin in the Fall 2012. For non-quality reviewed Focus Schools, implementation must occur no later than the Fall of 2013.

The process for identifying Focus Schools which totals 144 thus far, has resulted in 125 Title I schools and 19 non-Title I schools.

There appear to be some unique aspects of the State’s waiver application. As noted in the Wall Street Journal (November 17<sup>th</sup>), “It’s the state’s strongest proposal yet to tie student performance to funding.” The state’s largest education association said it “supported much of what was in the waiver.” According to the Journal, “If approved, the waiver would free up funding that is currently used for tutoring programs in failing districts to be used for other fixes. For example, money could be used for extra instruction on Saturdays or after-hours,” State Education Department spokesman Justin Barra said. He also noted that, the state “already has the authority to make changes included in the waiver application, but that power hasn’t been used.”

The only description of SES in the application was a description of how it currently exists under NCLB. The Department received many comments from parents and LEA staff on the elimination of the 20 percent set-aside for SES and choice-related transportation. Comments included the idea that perhaps providers should be more strictly approved and evaluated and that the public does not want students to lose access to these tutoring services. It is unclear as to what the State is proposing with regards to SES at this time.

Though it was not addressed in the draft outline, the NJDOE provided additional guidance in the waiver application on the use of Title I funds to make clear that under the new accountability system, RACs would work with LEAs to spend funds in a number of possible ways to extend learning time, as deemed necessary. These options could include, among others, tutoring, Saturday school, or extending the length of the school day. The RACs may identify any of the following interventions in any Priority School that fails to utilize instructional time and time for teacher collaboration to prepare all students including English Learners, students with disabilities and low-achieving students to be college- and career-ready. Intervention may include extended learning time during the school day or it may also include extended learning opportunities in the form of either before school or afterschool programs consistent with CCSS. The NJDOE may partner with organizations, either for-profit or not-for-profit, and school-based entities to identify best practices and strategies for effective extended learning opportunities. To the extent the

RACs identify before school or afterschool is not mentioned.

New Jersey is proposing some legislative/regulatory changes regarding teacher evaluations and professional development. Rather than the current focus on clock hours and seat-time, the goal would be to drive outputs that encourage innovation with approaches to improving academic achievement via PD, such as devoting increased time to expanding Professional Learning Communities (PLCs). PLCs are referenced in several other places in the waiver application as a means to support teachers.

**Update:**

- *The New Jersey SEA will be allowed to distribute funds reserved for SES/choice to LEAs in serving the State's priority and focus schools.*
- *New Jersey requests the flexibility for 21<sup>st</sup> CCLC funds to be used to expand learning during the school day as well as before and after school.*
- *By waiving required interventions like SES, NJ will be able to provide more customized rewards, supports and interventions for schools based on performance. RACs will work with LEAs to spend funds in a number of possible ways to extend learning time as necessary including tutoring, Saturday school, extending the length of the school day and others.*

## **New Mexico**

New Mexico will be using an "A to F" grading system (similar to Florida) which is based on three general factors: current performance, achievement growth, and other factors that contribute "meaningfully" to overall goals. School growth considers performance of both the school and individual students. Currently about 770 schools are designated as in need of improvement. Priority Schools will be those with "F/F," "F/D," or "D/F" ratings for two consecutive years and which are part of the lowest five percent of all Title I schools.

Priority Schools have to implement all seven State-defined Turnaround Principles, while Focus Schools have to implement four of the seven. The Priority School Bureau within the State's Public Education Department (PED) will align existing tools and State law to each of the seven Turnaround Principles for both Priority and Focus Schools. "Fidelity implementation" of interventions, including RTI, is emphasized heavily in a manner similar to other states such as Minnesota. As the application states, "To ensure that interventions being used in Priority Schools are effective, PED will place a command focus on the fidelity of implementation. As schools implement tools such as formative assessments, instructional coaching, or response to intervention, the state expects to see data that reinforces the school's selection of such tools, as well as data to support their continued use. If over time student achievement is not increasing, the expectation is that schools, with the support of their district and the state, will shift funding to tools that do yield a return on investment." New Mexico's waiver request also emphasizes that the PED will also ensure that specific interventions selected by Priority Schools are aligned to



the needs of the students. As an example, if Hispanic students are struggling more than other groups, the school will be required to implement an intervention program that addresses the unique needs of that student group. Continuous evaluation will occur and, through an iterative process, additional interventions will be used until student progress is achieved.

The document identifies, in Attachments 18 and 19, specific tools and professional development activities which are aligned to each of the Turnaround Principles. The SEA/PED will partner with districts with both Priority and Focus Schools to align and select interventions and prepare individual school budgets.

Funding for interventions in both Priority and Focus Schools will come primarily from the 20% set-aside for SES which will be freed up as well, to the extent guidance allows, School Improvement Grant funding and other allowable Federal funding sources, including general Title I Part A funds.

Extended learning time -- longer school days or years -- is referred to as one of several strategies principals can implement, particularly principals in School Improvement Grant sites.

**Update:**

- *Title I funds along with SIG, other Federal funds and external funding will be used, as permitted, to support effective strategies and interventions; the 20% set-aside under Title I will be used for research-based interventions that support the 7 Turnaround Principles.*
- *10% of Title I allocation will be set aside annually for professional development.*

## **Oklahoma**

The State will identify 60 Title I schools as Priority Schools, along with similar non-Title I schools comparable to the Title I schools. All Tier I schools receiving SIG funds will be identified as Priority Schools, as well as any school with a grade “F” defined by State law. As part of the waiver request, the State will be using a grade “A-F” system along with the differentiated accountability and support system already in State law. Individual school grades, both Title I and non-Title I, will be based 33 percent on student test scores, 17 percent on student learning gains, 17 percent on improvement of the lowest 25 percentile of students, and 33 percent on whole school improvement. The criteria will include such factors as attendance, graduation rates, parent involvement, school culture, etc. Districts must demonstrate the capacity to implement turnaround principles beginning in the 2012-13 school year for at least two years for each Priority School. If not, control is relinquished to the SEA. Funds for Priority Schools would include all Federal formula and competitive grants, including SIG funds. The SEA can reserve up to 20 percent of a district’s Title I allocation to allow the SEA to begin or continue implementing turnaround principles in Priority Schools. Priority Schools can be designated as schoolwide programs.

To implement turnaround principles in Priority Schools, the State Board of Education may choose to contract with an education management organization (EMO). All Priority Schools are encouraged to implement positive behavioral interventions and support (PBIS) models, along with response-to-intervention (RTI) models to help achieve environments conducive to safety, discipline, and instructional improvement. Family and community engagement components operated by an EMO or "appointed leadership" will be audited using tools such as the Family Engagement Tool provided by the Center for Innovation and Improvement. All Priority Schools will be required to use the *Ways to Improve School Effectiveness* (WISE) online planning tool developed by the State. A modified version will be used in planning reforms in alternative schools or Focus Schools discussed later.

Priority Schools can amend existing 21<sup>st</sup> Century Community Learning Center grants and, if approved by the State, can use 21<sup>st</sup> CCLC funds for the following:

- school community partnerships, including alignment between schools and community-based faith-based organizations;
- expanded learning activities;
- engaged learning, including hands-on student-centered learning and meaningful experiences in science, math, physical activity, music, arts, and other subjects; activities must compliment, not replicate the traditional school day and provide opportunities for mentoring and tutoring, apprenticeships and college and career exploration, and family engagement focusing on the most at-risk students;
- professional development in both content areas and youth development to form "healthy" relationships between the staff and students;
- "intentional programming," among other things, to develop specific sets of social skills, and align instruction with school activities to help students catch up with their classmates.

Extended learning opportunities will not only target Priority and Focus Schools, but other schools in the lowest 25 percent performing schools in the State. These schools, referred to as Targeted Intervention Schools, must implement interventions and strategies consistent with the research-based Menu of Interventions and Supports for School Improvement which includes:

- public school choice and supplemental educational services;
- job-embedded professional development;
- extended school day, week, or year;
- instructional and graduation coaches;
- partnerships with businesses and industry; and
- high-quality alternatives to suspension;

Both RTI and PBIS were singled out. Districts with Priority and Focus Schools are encouraged to use RTI models currently being developed under a State Personal Development grant (IDEA funds) delivered as a blended model. Oklahoma has adopted the Digital Learning Council model and includes distance learning in its "roadmap for reform" which supports, not only well-implemented RTI approaches for at-risk students, particularly English language learners and students with disabilities, but also teacher professional development and collaboration as part of

the professional learning communities components.

Focus Schools are identified based on the achievement of subgroups and closing gaps between subgroups. As the request notes, “Because Focus Schools will have vastly different intervention needs based on the subgroups that are underperforming or graduating at lower rates, it is imperative that Focus School interventions be designed to target the specific needs of the school, its educators, and its students.” Not only will every Focus School be required to use WISE, but all staff in a Focus School must participate in State-provided training in the use of the Oklahoma Data Review Model. Each district with at least one Focus School will be required to set aside a percentage, not to exceed 20 percent of its Title I allocation, to implement rigorous interventions, including tutoring, and to provide school choice options for parents. The actual percentage will take into account the number of Priority and Focus Schools in a district, the progress they have made, and other subgroup gap measures. At least five percent must be provided for parent choice. The remainder of the Title I set-aside in Priority and Focus Schools must be spent on the Menu of Interventions and Supports for School Improvement (in Attachment 12 of the State's waiver request).

Some of the key timelines for Priority and Focus Schools include:

- determination of funding amounts for Priority and Focus Schools -- before June 1, 2012;
- contract with an EMO or appoint a C3S (State-controlled schools) leadership group -- no later than March 1, 2012;
- begin implementation of turnaround principles in all Priority Schools -- August 1, 2012.

**Update:**

- *All LEAs are currently required to set aside a minimum of 1 percent, up to a maximum of 5 percent, of their Title I, Part A funds in order to specifically serve students who are identified as homeless. To help support these needs and assist students with meeting CCSS, schools can provide additional tutoring and supplemental educational materials as well as pay for class and testing fees.*
- *At least 5% of LEAs Title I, Part A allocation must be available to provide school choice options.*
- *Remainder of set-aside can be spent on research-based interventions on a state intervention list for Focus and Other Criteria Schools, including choice and SES, along with a variety of other things.*
- *Title I Focus Schools that are not operating Title I Schoolwide Programs may begin operating Schoolwide programs if the LEA is implementing interventions consistent with the Turnaround Principals or interventions that are based on the needs of the students in the school and designed to enhance the entire educational program at the school.*
- *Set-asides for Other Criteria Schools will be set annually on a sliding scale ranging from 2%-20%.*

# ***Washington Update***

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## **New Center on Education Policy (CEP) Survey of SEA Officials Finds State Budget K-12 Budget Cuts Appear to Have Bottomed Out in Many States; Even Though Over 80 Percent of Districts Anticipate Funding Cuts this School Year, States Continue to Make Some Progress on Major Federal Reform Initiatives, Including Turning Around Low-Performing Schools**

Based on its survey (conducted through December 2011) of Deputy State Superintendents in 38 states, the Center on Education Policy (CEP) reports that, although some states remain “strapped for funds,” their K-12 budget cuts appear to have “bottomed out” in many states. Moreover, several state reform strategies continue to make some progress. However, in its earlier survey of districts and schools, CEP noted that over 80 percent of districts’ anticipated funding cuts in 2011-12 due to reductions in state, local, and/or Federal funds. Fewer responding states anticipated decreases in state K-12 funding for FY 2012 than in FY 2011 and funding cuts this year are projected to be even more modest. Twenty states anticipate state funding increases in FY 2012 -- compared to 14 states in FY 2011; those increases in both years amounted to about 2.5 percent in the majority of the states. However, as CEP notes, about half of the responding states said their projections for FY 2012 may change during the year.

The CEP report, entitled “After the Stimulus

Money Ends: The Status of State K-12 Education Funding and Reforms,” also found that funding cuts in FY 2011 have “adversely affected education reform efforts in school year 2011-12 in some states.” Of the 17 states that had decreases in FY 2011 state K-12 funding, five have slowed progress on reforms and three reported that some or all of the planned reforms have been postponed or stopped. Only four said state funding decreases had little or no impact. Reported state progress varied, however, significantly in terms of activities among the four ARRA reform assurances. All 35 states that responded to this survey item plan to adopt math and English/language arts college- and career-readiness standards (Assurance 1). Thirty-four reported establishing accommodation policies and procedures for new state assessments for English Language Learners and students with disabilities. About the same number reported developing and disseminating curriculum guides and materials, in both English/language arts and mathematics, to facilitate the transition to standards and assessments for these two subgroups of students. All of the 35 responding states reported progress along numerous dimensions in implementing longitudinal data systems (Assurance 2). The number of states implementing activities toward the reform of improving the effectiveness of inequitable distribution of educators (Assurance 3) varied. Nearly all states reported establishing evaluation systems for teachers and principals (including student achievement gains as a criterion); smaller numbers are creating

incentives for highly-qualified teachers to transfer to low-performing schools (17 states) or performance-based compensation systems (16 percent).

Of interest to most TechMIS subscribers is reported progress in activities related to improving low-performing schools (Assurance 4). As expected, 34 states reporting initiatives to gather and disseminate information on best practices and almost all of the responding states reported providing funds and/or staff directly to identified low-performing schools. It is not clear whether these funds came from state sources or from the Federal 4% SEA set-aside under Title I for school improvement grants for schools identified for improvement for two or more years. Twenty-five states reported that they had developed and disseminated guidance and rubrics for use in selecting school intervention models, while 18 states reported providing guidance and procedures for use in screening and selecting school intervention experts. Only ten states reported identifying and recruiting charter management organizations or education management organizations. Thirty-two states reported providing professional development directly to principals and staff in low-performing schools, while 29 responding states are establishing online networks for sharing best practice information regarding implementing school intervention models. For these activities related to school improvement, one can assume that, in most cases, where SEAs have not formally established such activities, the responsibilities generally will lie with the local education agency (LEA) or another entity. As CEP reported, other strategies mentioned in an open-ended survey question included state-provided professional

development on the effective use of data and holding networking meetings.

In a companion report (State Education Agency Funding and Staffing in the Education Reform Era), CEP identified the nature and extent of past, current, and future impacts of state K-12 funding on SEA staffing adequacy and expertise in the implementation of the Federal education reforms. While the SEA funding outlook appears “slightly better in school year 2012-13 than in school year 2011-12, very few states expect increases in their SEA funding for 2012-13.” Related to SEA responsibilities and activities to turn around failing schools, six states reported reducing professional development and technical assistance on improving low-performing schools in 2011-12. On the other hand, 18 states reported increasing the number of staff to support improvement of low-performing schools, the largest number of states reporting increases for any of the reforms. However, only eight states felt that, next year, an increase in a number of staff would occur in this area; three states predicted a decrease. Twenty-two states reported inadequate staff expertise for improving low-performing schools; only ten felt they had adequate resources.

Without mentioning any states (whose names remain confidential to the survey), the CEP report does point to several possible opportunities in which firms could provide contractual support and assistance to SEAs in implementing activities regarding priority state reform initiatives. These opportunities are most likely to exist in the areas of professional development, technical assistance, and monitoring/evaluating district progress. Opportunities could also exist at the district level in those areas in

which SEAs reportedly indicate that such functions and activities are not a state responsibility (e.g., establishing high-quality educator induction programs, improving effective teachers).

For a copy of the two CEP reports go to: <http://www.cep-dc.org/>

### **Council of Great City Schools Releases Report on Findings for First Year of School Improvement Grant (g) Implementation, with Possible Implications Which Firms Should Take into Account**

In February, the Council of Great City Schools released its report, “The School Improvement Grant Rollout in America’s Great City Schools,” which suggests that “most if not all of the components of the four turnaround models can be effective, although their configuration, timing, and implementation are key to successful reform work.” Large district survey respondents shared their perceptions about strategies that have been “effective” under the SEA 4% set-aside for school improvement Part (a) program used by districts prior to the 2010 implementation of SIG (g) funding in 2010. These and other findings have implications for possible strategies which could be used by districts/schools in future school improvement initiatives, either through waivers or SIG under new ESEA reauthorizations.

To put it in perspective, the report compared characteristics of SIG funding implementation in about two-thirds of CGCS’s member districts with other districts during Round 1 (the 2010-11 school year). Nationwide, 831 Tier I and Tier II

schools received grants averaging \$2.5 million over three years; Council districts had 298 Tier I and Tier II schools receiving average awards of \$2.8 million. Nationwide, 416 Tier III schools were awarded grants compared to 91 schools in CGCS member districts, with member district awards averaging \$366,000 compared to \$520,000 nationwide. While 74 percent of the districts receiving awards nationally used the transformation model, only 54 percent of urban districts did so; 36 percent used a turnaround model.

The CGCS report also cites the results of a survey conducted in 2006 by the Council which reported that two-thirds of the districts received Part (a) school improvement grant funds under the state 4% set-aside. Between 2006 and 2009, 35 of the 43 responding urban districts reported 284 schools were involved in turnaround efforts. The strategies identified most frequently as “very effective” or “effective” were “Replaced half or more of the staff, including the principal” or “Removed the principal only.” When asked, in an open-ended question, to identify the Pre-SIG Part (a) strategies that were “very effective,” the most often mentioned were:

- providing additional 60-70 minutes of in-school tutoring for 6<sup>th</sup> and 9<sup>th</sup> graders (9 schools);
- offering professional development (7);
- implementing AP, ABID, IB, or MYP programs (4);
- offering incentives for principals and teachers at low-performing campuses (3); and
- providing extended school day (2).

Strategies mentioned as “effective” in Pre-

SIG school turnarounds were implementing alternative governance, assigning a turnaround official to oversee instructional strategies, and introducing high school redesign, including smaller learning communities and response-to-intervention.

Under the new SEA Waiver Initiative, some SEA requests were approved to allow a fifth or “hybrid models.” One might infer from the CGCS survey responses that component strategies which were effective under previous SIG grants may be emphasized to an even greater extent as waivers are implemented. Moreover, under the proposed Republican House ESEA reauthorization, the SIG, Part g program would not be funded; however, the amount of funds for the 4% set-aside for districts with lowest-performing schools under Part a would be more than doubled from 4% to 10% of the state’s Title I allocation. In either situation, strategies such as extended in-school tutoring time found to be effective are likely to be emphasized to a much greater degree. It is interesting to note that the Center on Education Policy, in its study of effective efforts to turn around the lowest performing schools in case-study states (such as Michigan) in 2008-10, arrived at very similar conclusions. CEP identified one other effective strategy -- the use of assessment data by school staff to inform instruction (see CEP Case Studies, 2009-2011).

The most recent Council report includes other interesting survey findings. For example, almost 70 percent of responding districts that received SIG (g) funding used part of their awards to fund district-wide activities including, activities such as funding turnaround staff and materials, transportation services, classroom materials,

data systems, professional development, tutoring services, and community outreach. The average amount planned for district-wide activities was slightly over \$900,000 over the three-year period. The initial SIG guidance in 2010 discouraged, or even prohibited SIG (a) funds from being used as to implement district-wide reforms that district officials felt were necessary, in many cases, to realize the benefits of school improvement reforms at the building level. Evidently as a result of negotiations between districts and USED, USED “intentionally” provided greater flexibility and such activities were allowed. Many of the firms working as lead or other partners have argued the need for the use of SIG funds in many district-wide reform initiatives.

The report also asked respondents whether for-profit or non-profit partners/turnaround organizations were effective. For the most part, as a result of the first year’s experience, these partners “were reported largely to be reliable partners” and most respondents indicated they would consider using them again with additional schools. For-profit firms that operated in three or more SIG schools during the first round and which districts would consider using in additional schools included: Pearson, A&J Education and Professional Consulting, American Alliance for Innovative Schools, Edison Learning, Education is Freedom, International Center for Leadership and Education and TAP Training. Non-profit organizations that operated in four or more SIG schools during the first round which would be considered for use in additional schools included: Johns Hopkins Talent Development, City Year, ASCD, Ed Labs, and Massachusetts Insight.

During a reporters’ conference call with

Secretary Duncan and Mike Casserly, Executive Director of the Council of the Great City Schools, Secretary Duncan said that one of the purposes of the conference call highlighting successful turnaround efforts within the Council's district members was to "get the attention of the media" because the media typically only covers stories where there is a lot of "yelling and screaming" over a Federal program. He argued, in the case of School Improvement Grants, at the district level there has been a significant amount of cooperation among stakeholders after some of the startup problems were resolved, many of which could be attributed to late allocation of funds to districts because of USED. He also emphasized that, over the last three years, the amount of Federal money allocated to School Improvement Grants has been well over \$5 billion, much larger than the amount allocated to states and districts under Race to the Top which has received much more media coverage, both positive and negative.

For a copy of the CGCS report go to: [www.cgcs.org/cms/lib/DC00001581/Centricity/Domain/4/SIG%20Report.pdf](http://www.cgcs.org/cms/lib/DC00001581/Centricity/Domain/4/SIG%20Report.pdf)

### **USED Releases Preliminary State Allocations for Title IIA Improving Teacher Quality State Grants Which Total About \$2.5 billion, While FY 2012 the Same Level Has Funding Nationwide Last Year**

USED has published preliminary state allocations for Title IIA Improving Teacher Quality state grants totaling about \$2.5 billion for FY 2012, about the same level of funding nationwide last year (as displayed in Table 1). The difference on a state-by-state basis from last year's allocation is not as

great as the state-by-state differences for Title I as reported in our last TechMIS report, largely because under the current formula only 65 percent of the state's allocation is based on poverty rates, which are much less than the actual percentage used for Title I allocations.

As we noted in our TechMIS Special Report on Title IIA Teacher Quality spending patterns in our last TechMIS report, the GOP proposal for Title IIA reauthorization would change the poverty/population split from 65:35 to 50:50. An analysis conducted by the Center for American Progress (CAP) in a policy brief arguing that the GOP proposed reauthorization would short change disadvantaged students, reveal that under the 50:50 poverty/population split, 18 states would lose Title IIA funding while the remaining states would receive increases. In her blog *Politics K-12* (February 6<sup>th</sup>), Alyson Klein argued that the change would be a "big deal" as "Nevada, home to U.S. Senator Harry Byrd (the Democratic Majority Leader) would see a huge jump of 57 percent in its Teacher Quality money from \$12.4 million in FY 2012 to \$19.6 million under the bill's formula." New York, which has a huge influential delegation in the House, would lose 32 percent of its funding or \$63 million bringing its total to \$132.5 million. According to the CAP report, "States gaining funds tend to be the western and southern states that experienced high population growth from 2000 to 2010. Losing states such as West Virginia and New York had low population growth."

As with any potential changes in the Title I funding formula, Title IIA Teacher Quality formula changes could also generate heated debates within Congress.



## Miscellaneous (a)

During the second White House Science Fair on February 7<sup>th</sup>, President Obama announced a number of STEM initiatives intended to prepare 100,000 effective math and science teachers and to train one million STEM graduates over the next ten years -- a goal announced during the first White House Science Fair in late 2010. Some of the new proposed initiatives are included in the FY 2013 budget proposal, reflecting the high priority the Administration places on STEM (see TechMIS Special Report). However, as Clare McCann's *Education Funding* blog (February 7<sup>th</sup>) noted, the real story lies in the proposals that will require no Congressional approval. This approach of redirecting or reallocating existing discretionary funding to the Administration's newest priorities will likely be used for other Administration priorities in the proposed FY 2013 budget. No Congressional action will be taken until a lame duck session is convened after the election when the likelihood of funding for new programs will be low.

One of the largest "pots" for STEM-related funding will likely be Race to the Top, funded in FY 2012 at \$550 million. The White House announcement states, "To ensure that STEM remains a component of systemic education reform, the Department of Education will again include a focus on STEM criteria in the upcoming Race to the Top competition." Funding of STEM components increased significantly during the third round of Race to the Top funding for the seven states that were awarded \$200 million out of the total \$750 million allocation (last year the remainder went for the Early Learning Challenge component). It should be noted that a number of second round Race to the Top winners (e.g., North

Carolina) also allocated significant portions of their multi-year funding for STEM activities. The proposed FY 2013 Race to the Top budget proposal would increase significantly; some details are included in the FY 2013 budget proposal (see TechMIS Special Report). A new set of guidance will also be required for FY 2012 funding because districts will be able to apply in much the same way only states have been eligible to apply for Race to the Top grants in the past.

Another program in which funds will likely be reallocated to STEM priorities will be the recent FY 2012 appropriation of \$300 million (down from \$400 million) for the Teacher Incentive Fund (TIF). The White House statement said, "To improve the teaching and learning of STEM and encourage our best STEM teachers to stay in the profession, we must implement a system that recognizes and rewards teacher excellence. That's why, this year, the Department of Education will devote a portion of its upcoming \$300 million Teacher Incentive Fund competition to support state and local efforts to improve compensation, evaluation, and professional development systems for STEM educators. In addition, the Department of Education will provide new incentives to improve the quality of teacher preparation programs by targeting TEACH Grants to students attending top-tier schools, and focusing on a smaller number of more meaningful outcome indicators about their quality and impact on teacher performance." Proposed "absolute" and "competitive" priorities for the TIF program are likely to be published in the Federal Register for comment shortly, with an announcement of the availability of applications expected thereafter. Because both the Administration and the Congress

want to overhaul significantly the TIF program, as much as half of the \$300 million could be “set aside” for STEM-related activities during the next round of TIF grants. Reallocation of the TEACH Grant program, funded at about \$25 million in FY 2012, could also be reflected in the guidance and priorities for the next round of TEACH funding which distributes grants to undergraduate students who plan to teach in low-performing schools. The White House announcement also included a number of new proposed initiatives some of which are likely to require new Federal and other funding, including:

- \$80 million to help prepare effective STEM teachers by allowing them to earn both a STEM degree and teaching certificate;
- A \$22 million contribution from philanthropic and private sector groups to invest in STEM teacher preparation and support;
- A new K-16 initiative, administered by USED and the National Science Foundation, to develop, validate, and scale up evidence-based approaches to improve student learning in K-12 and undergraduate mathematics through a “tiered evidence framework.”

While the White House statement also included an afterschool and summer initiative, entitled “Making the Future” (which would be part of the \$22 million private sector contribution) the real “sleeper” could be additional funding provided for afterschool and summer school programs which are likely to occur as a result of the SEA Waiver Initiative. A large portion of the \$800 million to \$1 billion of 20% SES set-aside funds could be

reallocated to Priority and Focus schools to be used for either extended learning time and/or afterschool/summer school programs. As a result of extensive advocacy from groups such as the Afterschool Alliance and other summer school proponents, some existing and “new” funding is likely to be used for STEM-related activities, with an emphasis on project-oriented “teamwork” and “hands-on instruction/enrichment.”

In her *Education Funding* blog, McCann called the President’s proposal “a marked policy shift toward focusing on STEM, adding some weight to his rhetoric on improving STEM readiness. But most of the administration’s proposals are likely to be tossed aside if and when Congress starts its own 2013 appropriations process...”

### **Miscellaneous (b)**

A new Issue Brief from the National Governors Association describes strategies used in 36 states that provide school districts and schools with increased flexibility to implement “competency-based” mastery vs. seat time credits to students. Entitled “State Strategies for Awarding Credit to Support Student Learning,” the brief also identifies state activities that would further facilitate growth in this movement, some of which could provide opportunities for firms with appropriate products and services. As the report notes, “...many states have policies that explicitly prohibit or overly restrict alternative methods of awarding credit. In nearly all states, rigid funding formulas work against school districts and schools that want to implement flexible policies for awarding credit.” The NGA highlights states that have undertaken policy changes in areas to increase flexibility for earning

credit based on mastery, making formula changes in funding policies so as to allocate resources based upon student mastery and to ensure data systems are linked across agencies and providers to monitor progress. For example, governors in Arizona, Colorado, Delaware, Kansas, Maryland, Maine, New Hampshire, Rhode Island, Virginia, Washington, and West Virginia have used executive orders to create P-16 or P-20 councils which could recommend the acceptance of student transcripts with credits earned by demonstration of mastery, rather than seat time, with respect to college admission policies.

Some of the recommendations for governors to consider seriously include:

- providing professional development on differentiated instruction and shifting the focus from seat time to mastery;
- creating guidelines to evaluate mastery, including differentiated assessments, guidelines for student portfolios, and rubrics to help educators define and evaluate mastery;
- adjusting assessment calendars to provide teachers with the flexibility to test students when they are ready;
- removing time-based requirements in accountability systems with a stronger emphasis on mastery, providing credits for extended learning opportunities while holding such opportunities to high standards to ensure sufficient rigor.

NGA's recommended policy changes at the state level are consistent with Secretary Duncan's major address last December which argued that the benefits of technology

in many cases will not be realized until state and local policies are changed, an argument with which we agree. Such policy changes have contributed significantly to the rapid growth in distance learning, especially in areas such as credit recovery, college remediation, among others.

For a copy of the report which includes individual state examples of policy changes, go to: [www.nga.org/files/live/sites/NGA/files/pdf/1202EDUCREDITBRIEF.PDF](http://www.nga.org/files/live/sites/NGA/files/pdf/1202EDUCREDITBRIEF.PDF)

### Miscellaneous (c)

A new report from the Brookings Institution may provide political ammunition for opponents of the Common Core Standards. The report, "How Well Are American Students Learning?", concludes, "Despite all the money and effort devoted to developing the Common Core State Standards -- not to mention the simmering controversy over their adoption in several states -- the study foresees little or no impact on student learning. That conclusion is based on analyzing states' past experience with standards and examining several years of scores on the National Assessment of Educational Progress (NAEP)." Beginning in 2000, the Brown Center at Brookings, headed by Tom Loveless, has produced 11 annual reports on progress in American education as measured by at least two types of NAEP tests -- a Long-Term Trend NAEP (which began in 1969) and in the Main NAEP (which began in 1990) which, in combination, have been referred to as the Nation's Report Card. Findings from the Brookings annual analyses include:

- The quality of state standards is not related to state achievement;

- The rigor of state standards, determined by the level of cut scores for students to be proficient, is also unrelated to achievement; and
- The ability of standards to reduce differences in achievement is also weak.

Brookings' most recent report argues that "Common standards will only affect the variation between and among states (analysts use the grammatically suspect "between-state" as shorthand for this kind of variation)." It is interesting to note that several days after the report was released, during the February 17<sup>th</sup> AASA conference in Houston, Jack Jennings, Executive Director of the Center on Education Policy, in the speech before the Horace Mann Institute questioned whether the "third national K-12 education reform movement" over the last 50 years, the so-called standards movement would increase student achievement scores. He also reiterated the point in his recent, widely-circulated paper (released on his announced retirement as CEP's Executive Director) saying that the "equity" reform movement of the 1960s and 70s and the "choice" reform movement which followed also did not increase student

achievement significantly. Rather, he called for the creation of an "education civil rights act" to significantly overhaul education with adequate teacher preparation and funding rather than tinkering with interventions.

In a perhaps coincidental happening, the FY 2013 proposed Federal education budget would reduce funding for National Assessment of Education Progress program by 4.3 percent, to \$132 million. According to Education Week, "The Obama administration suggests the NAEP cut wouldn't have any noticeable impact"; but NAEP officials were surprised by the cut. The Administration would use \$6 million cut from the NAEP to design a pilot program for testing the use of the international PISA exam for 15-year-olds as a benchmark against students worldwide. Opponents of the Common Core Standards might argue that the Administration is looking for an alternative to NAEP which might be more sensitive to student achievement possibly attributed to the implementation of Common Core Standards and the new assessments.

# Alabama Update

## February 2012

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A recent report from the U.S. Department of Education has praised the Alabama Math, Science and Technology Initiative (AMSTI) for the gains its students have shown on math tests.

Covering 82 schools, 30,000 students, and 780 teachers, the USED study found that:

- students in AMSTI classes for one year showed a two-percentile-point gain on the math Stanford-10 Achievement Test when compared to non-AMSTI students;
- preliminary results indicate that AMSTI students for at least two years showed a gain of four percentile points in math over non-AMSTI students; and
- although not statistically significant, over two years, AMSTI students showed a five-percentile-point gain in science over non-AMSTI students.

The ten-year-old program currently operates in about half of Alabama's schools according to The Birmingham News. The program received \$26 million in State funding, down from \$41 million in 2009. It is estimated that it would cost \$50 million to have AMSTI in all Alabama schools.

# Alaska Update

## February 2012

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According to the Anchorage Daily News, Alaska has settled an eight-year case concerning education quality in the State. Under the settlement -- which must be approved by the court -- the State would provide \$18 million to help improve achievement in the State's 40 lowest-performing schools. The agreement calls for \$12 million to be spent for such activities as teacher retention and remedial efforts to help students pass the State's high school exit exam. The other \$6 million would be devoted to two-year kindergarten or literacy programs for pre-K-aged children. State officials say about 4,500 students attended the affected schools last year. Districts with the lowest-performing schools can apply for the funding which is intended to last for three years.

The Alaska State legislature is considering a measure that would allow the expansion of school choice in the State, according to Education Week. HB 145 would make State-funded scholarships available for students to attend private, including religious, schools. Alaska currently has 27 charter schools and students are allowed to move to other public schools if space is available. The bill's close approval vote in committee suggests that passage is far from certain.

# Arizona Update

## February 2012

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According to The Arizona Republic, a county superior court has ruled constitutional an Arizona State law that provides private school tuition for students with disabilities. The scholarship program pays up to 90 percent of the amount a school district would receive in State aid; parents can use the money for tuition, books, online classes, and other expenses. A previous Arizona voucher program for students with disabilities had been ruled unconstitutional. Currently, about 100 students are participating in the program which, if some State legislators have their way, could expand the voucher program to all students.

# Arkansas Update

## February 2012

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Arkansas has submitted its application as part of the second round of requests for waivers from requirements of the Federal No Child Left Behind Act. Expecting waiver approval in a couple of months, State officials say the waiver would allow the State to simplify the process it will use to reduce by half the number of students who fail to graduate from high school or who do not reach proficiency levels by 2017.



# California Update

## February 2012

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In his State of the State address, California Governor Jerry Brown called for replacing the State's current funding formula and assessment system with a "weighted student formula." The Governor said the proposed system would provide basic K-12 education funding, to be supplemented by money designated for disadvantaged students and English language learners. It would also give more authority to local school districts and simplify the State's complex education funding streams. Arguing that California's existing testing system uses too much class time and is slow to provide results, the Governor proposed reducing the number of exams and placing a greater emphasis on getting results promptly to teachers to inform instruction.

The *Curriculum Matters* blog on [EducationWeek.org](http://EducationWeek.org) notes that Governor Brown, in his recent budget request, has also proposed eliminating a second year of science from the State's high school graduation requirements. State officials suggest that the move is intended to give local school districts greater flexibility in their spending of State aid.

The *Learning the Language* blog on [EducationWeek.org](http://EducationWeek.org) notes that in California:

- 89 percent of English language learners do not reach English proficiency annually;
- 49 percent of ELLs do not graduate from high school;
- 87 percent do not go to college; and
- 60 percent are from poor families

In response, the California State Senate has created a Select Committee on English Learners. The Committee's first hearing will be held on March 28.

# Colorado Update

## February 2012

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Colorado Governor John Hickenlooper, in his 2012 State of the State address, cited finding additional revenue for education as one of the State's greatest budget pressures. The Governor said that the State would appeal the 2011 district court decision that struck down Colorado's school finance system. He also called on the State legislature to support his efforts to make Colorado a national model for early literacy.

As reported in The Denver Post, Governor Hickenlooper has signed into law a new system for teacher/principal evaluations and tenure. The law -- House Bill 1001 -- requires 50 percent of teacher evaluations to be based on student test scores. However, 70 percent of the State's licensed teachers do not have standardized assessments for their content area or grade level. The State is developing guides and assessments for those untested areas. The model system is now being pilot tested in selected school districts. By the 2014-15 school year, every district in the State will be expected either to adopt the State systems or to create their own similar system. The evaluations will not have consequences for teachers until 2016.

The Denver Post also reports that 32 percent of Colorado's 2011 high school graduates who enrolled in in-State colleges required non-credit remedial courses -- up from 28.6 percent the year before. Math is the subject requiring the most remediation, followed by writing and reading. The estimated cost to the State -- through the Colorado Opportunity Fund -- was \$22 million in 2011, up from \$19 million in 2010. However, Colorado colleges are improving their retention of students who take remedial classes. Arapahoe Community College, for example, where students take remedial math classes at their own pace, is now retaining 58.2 percent of students who take remedial classes compared with 46.3 percent last year. The College is planning similar flex-format classes in reading and writing, starting this Fall.

The Denver Post reports promising results from Denver's extensive school turnaround effort.

Known as the Denver Summit Schools Network (DSSN), the initiative began this past Fall with a math-tutoring program. Since the start of the school year, 30 percent of the students in the 11 participating new and turnaround schools have improved by as much as a full grade level in math. The DSSN program involves a daily hour-long math class and another hour of small-group instruction with a tutor. Tutors collaborate with math teachers weekly and students take a five-minute online assessment daily to give teachers and tutors formative data.

# Connecticut Update

## February 2012

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A 2008 national survey by the National Association of Elementary School Principals found that 30 percent of principals were not evaluated on whether they had reached their goals. As observed in The Connecticut Mirror, Connecticut has approved a plan to evaluate the State's 1,200 principals along four dimensions:

- student performance (45%);
- superintendent observations (40%);
- surveys of parents, students, and peers (10%); and
- teacher effectiveness, as measured by teacher evaluations (5%).

Governor Dan Malloy has proposed spending \$2.5 million to start teacher and principal evaluations and another \$5 million for additional principal training by national experts and a new principals' academy at the University of Connecticut's education college.

# Delaware Update

## February 2012

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In his State of the State address, Delaware Governor Jack Markell highlighted a revamped teacher evaluation system and expanded support for early childhood programs as key elements of his education agenda. Consistent with the State's Race to the Top plan, the Governor plans to implement a teacher evaluation system that is based, in part, on student academic progress. The Governor has set as a goal having 80 percent of Delaware's needy preschoolers in high-quality early childhood programs within four years -- up from the current 20 percent. In particular, the Governor wants to improve training of early education professionals, to better equip their classrooms, and to monitor each center's improvement.

# District of Columbia Update

## February 2012

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The District of Columbia school district will use \$800,000 from its \$75 million Race to the Top award to hire the American Institutes of Research (AIR) to study how students with disabilities are served in D.C. schools, identify best practices, and develop appropriate strategies. AIR will talk with students, parents, educators, and charter school overseer with its report due next January. D.C. has set aside about \$7.7 million for contracts out of its RTTT grant.

# Florida Update

## February 2012

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In his first State of the State address, Florida Governor Rick Scott proposed increasing education spending by \$1 billion annually; this would raise per-student by about two percent to \$6,372. According to the [Miami Herald](#), school district and union officials argue that the request will not offset the drastic cuts in education spending in recent years. Between 2007 and 2011, Florida's education budget has fallen from nearly \$19 billion to \$16.6 billion.

In early February, the Florida House passed a \$69.2 billion budget bill that increases school funding by \$1.1 billion. The pending Senate version would raise school funding by \$1.2 billion, relying on funds from an 8-15 percent increase in college tuition. Last year, according to the [Orlando Sentinel](#), the legislature cut per-pupil State aid to schools by \$1.35 billion.

As noted in the [Orlando Sentinel](#), Florida has published on its website rankings of the State's more than 3,000 schools on an A-to-F scale. Critics of the school grading formula, promoted by Governor Rick Scott, say it does not fairly reflect the schools' demographic and admissions situations. The full rankings are available at: <https://app2.fldoe.org/Ranking/Schools/>

According to the [Sunshine State News](#), online students at the Florida Virtual School outperformed their peers in traditional schools on 2011 Advanced Placement tests. FLVS reported scores averaging 12 percentage points higher than traditional schools; 58 percent of FLVS test-takers scored 3, 4, or 5 on 15 AP exams, compared to 46 percent of conventional school students. FLVS officials note that the online school operates at a cost that is about \$2,200 less per full-time equivalent student than the \$7,000 FTE cost at traditional schools.

Based on discussions with Florida officials during the AASA Conference, the Florida Virtual School continues to receive support from the legislature. Officials feel there appears to be a role for the Florida Virtual School in providing for a smoother transition between high school and

first-year college success. Credit recovery, particularly in correctional institutions, also appears to be a fertile area for some growth of availability funding. It appears that increased pre/post-testing and related formative assessments will likely expand for all students participating in Florida Virtual Schools as payment is contingent upon results. Such tests can be expected to be used by districts in assessing students participating in supplemental educational services operated by third parties or districts.



# Georgia Update

## February 2012

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According to Education Week, Georgia is planning to allocate \$3.6 million out of its \$400 million Race to the Top award for bonuses for high-quality teachers who relocate to rural areas of the State. The money would go to local school districts who must promise to improve student performance. District applications are due March 8.

The Georgia legislature has rejected a proposed amendment to the State Constitution that would have given the State's General Assembly the authority to establish new charter schools. Although approved by a significant majority, the amendment failed to reach the legally required two-thirds vote. According to Education Week, the amendment was intended to clarify the legal uncertainty created by the State Supreme Court ruling that found unconstitutional a new State commission to authorize new charter schools, bypassing local school districts. The ruling had no effect on charter schools authorized by local school boards.

# Hawaii Update

## February 2012

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In December, Hawaii had been warned by the U.S. Department of Education that the State's \$75 million Race to the Top award was in jeopardy because adequate progress had not been made toward implementing its RTTT plan -- specifically, the State had not reached agreement with its teachers union. In January, the Hawaii State Teachers Association rejected a six-year contract proposal that would have linked salaries to student performance. Then, in late February, the State and union agreed on provisions for teacher evaluations and extended learning time in Oahu's low-income, low-performing "Zones of School Innovation." The plan calls for one more hour of instruction from Monday to Thursday and 12 additional days of teacher training. Participating teachers will receive 18 percent more in compensation.

# Idaho Update

## February 2012

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According to Education Week, Idaho's plan to seek a waiver from the U.S. Department of Education from requirements of the Federal No Child Left Behind Act is supported by about half of the comments from interested parties. The State's plan includes a five-star school rating system but rejects many of the academic benchmarks called for under NCLB.

As we reported last month, Idaho has in place a plan by which all high school students must take at least two online credits in order to graduate. The original rule required that one of the two online credits be taken as an asynchronous course -- that is, students move at their own pace and interact with teachers as necessary. Education groups protested the requirement and rule has been changed to leave the decisions about delivery of the online courses up to local school districts.

The Idaho legislature is considering the "8 in 6 Program" by which high school students could complete one or two years of college by the time they graduate from high school. As reported in the Idaho Statesman, participating students would take summer courses -- largely at State expense -- to complete their high school work early and get started on college-level work through dual enrollment courses. The plan would compress eight years of schooling (2 years of junior high, 4 years of high school, and 2 years of college) into six years. The program would be limited to ten percent of students in grades 7-12, with each participant taking up to eight courses at a cost of \$300 each (the State would pay \$225 of the cost of each course). State officials estimate the cost to the State at \$2.2 - \$2.9 million next year. Currently, this money is not included in the proposed budget for FY 2013.

As we also reported last month, Idaho has shifted \$14.7 million of this year's budget from teacher salaries and benefits to pay for classroom technology and merit pay as part of the State's *Students Come First* education reform plan. For the next fiscal year (beginning July 1), the State

hopes to preserve teacher salaries by using \$19.4 million that Governor Butch Otter had planned on putting in a reserve fund. According to The Spokesman-Review, Idaho teachers would get a five-percent increase next year if the merit pay plan is implemented.

Also according to the Idaho Statesman, more than 170 Idaho high schools have signed up to participate in the first place of the State's one-to-one laptop initiative in 2013. As part of the *Students Come First* plan, the State is investing \$9 million in technology for all grades. The end result would be a one-to-one ratio of computers to students and teachers in every high school by 2015. Educators in each high school will receive laptops in the Fall of 2012, as well as a year of intensive professional development (at a cost of \$4 million a year). The State will pay for the purchase of the laptops as well as for the devices' maintenance, repair, software, and security.

# Indiana Update

## February 2012

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In his State of the State speech, Indiana Governor Mitch Daniels highlighted a number of initiatives that the State legislature has approved including changing teacher evaluation laws and establishing a Statewide program to help students transfer to better -- sometimes private -- schools. He also called for an end to the “cruel, defeatist practice” of promoting third-graders when they cannot read at an appropriate level.

# Iowa Update

## February 2012

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In his State of the State address, Iowa Governor Terry Branstad presented an education reform plan based on education summit involving some of the State's top educators, as well as a number of town hall meetings. The Governor emphasized the need for increased spending and investment in education through innovation. He also stressed the importance of literacy, particularly ensuring that all Iowa students are able to read at or above grade level by the third grade. The State will, according to the Governor, continue to improve standards in core subjects (English, math, science, social studies) while developing new standards in a range of other areas (e.g., fine arts, foreign languages, character education, applied arts).

Iowa State education officials have recommended dropping the Iowa Test of Basic Skills (ITBS) in favor of the still-being-developed Smarter Balanced Assessment. Iowa is a governing member of the Smarter Balanced Consortium which is expected to introduce its new national testing system by the 2014-15 school year. Recently, the ITBS has better aligned its test questions to the State's core curriculum and has provided more information about each student to parents and teachers. Unlike the norm-referenced ITBS, the Smarter Balanced Assessments are criterion-referenced tests. The final say on the eventual shift rests with the State legislature.

According to the Muscatine Journal, Governor Branstad has signed a bill that increases funding for the State's National Guard Education Assistance Program from \$3.1 million to \$4.4 million. The program provides college tuition assistance -- up to 90 percent -- for returning service members who attend the State's colleges and universities. During the 2011-12 school year, more than 1,400 National Guard members applied for the assistance compared with only 800 the year before.

# Kansas Update

## February 2012

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A provision in Governor Sam Brownback's school finance overhaul plan calls for teacher evaluations being based, in part, on student achievement. Under the Governor's plan, Kansas teachers would be evaluated using: (1) student performance on State assessments (50 percent); (2) input from supervisors, peers, parents, and students (40 percent); and (3) contribution to the profession (10 percent). Teachers would be rated as highly effective, effective, progressing, or ineffective, with \$5,000 bonuses going to those rated highly effective. Teachers rated ineffective for two consecutive years could be terminated. A controversial element of the Governor's approach calls for teacher ratings to be posted on a public website.

# Kentucky Update

## February 2012

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Kentucky Governor Steve Beshear, in his annual State of the State address, proposed a budget that would hold K-12 education spending level despite an overall 8.4 percent cut for other agencies. Among the Governor's proposals are:

- integrating career and technical education courses more fully into the regular secondary education structure;
- allowing high school students to earn college credits for approved courses, including career and technical education courses;
- improving workforce training;
- raising the mandatory school age from 16 to 18.

The Kentucky legislature is considering a measure that would raise the State's high school dropout age to 18. According to the [Louisville Courier-Journal](#), House Bill 216 would phase in the new age requirement over a five year period. The dropout age -- now 16 -- would go to 17 by 2016 and to 18 by 2017. The bill would not prevent students from graduating early. Supporters say the bill, which has passed the House and is being debated in the Senate, would improve student success. A similar measure died in the Senate last year.

Kentucky has banned the use of readers -- as an accommodation for students with certain disabilities -- on State tests, including end-of-year exams and the National Assessment of Educational Progress (NAEP). The switch was, in large part, an effort to reduce the number of student scores eliminated when NAEP scores are calculated; it particularly affects students with such learning disabilities as dyslexia. Special education advocates have opposed the change arguing that some students' IEPs require the use of a reader -- either human or computer. Others say states do not have to eliminate readers to address NAEP exclusion rates but rather can more carefully define who is eligible for the accommodation, require different IEP decisions for State tests and the NAEP, and increase professional development concerning read-aloud



accommodations.

# Louisiana Update

## February 2012

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Louisiana Governor Bobby Jindal has included in his education agenda for the upcoming legislative session a plan to streamline governance of the State's uncoordinated system of early childhood education programs. Louisiana's preschool and early childhood programs are managed by many agencies with a range of Federal and State funding sources. The programs are not tracked or evaluated in the manner of public schools. The Governor wants to organize the programs and assign letter grades to early childhood programs and childcare centers.

# Maine Update

## February 2012

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Maine, joined by New Hampshire, has declared that it will not be “rushed” into revamping its K-12 accountability system and has, therefore, decided not to seek NCLB waivers by the February 28 second round deadline. As noted in Education Week’s Politics K-12 blog, the two states say they need to figure out how to deal with specific waiver requirements -- intervening in low-performing schools and evaluating teachers based on student performance -- in their generally rural school districts. The States’ decision means their annual measurable objectives (AMOs) will not change for a year which, in turn, means there is unlikely to be any increase in the number of schools identified for improvement.

# Massachusetts Update

## February 2012

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Massachusetts Governor Deval Patrick has proposed a \$32.3 billion FY 2013 budget that includes more than \$4 billion for K-12 public schools, according to the Boston Globe. The proposal targets \$10 million toward closing the State's achievement gap and increases support for the State's community college system by \$10 million over FY 2012. The overall three-percent increase in spending is to be paid for by raising taxes on such items as candy, soda, and cigarettes. It is expected that the two houses of the State legislature will soon produce their own versions of the FY 2013 budget.

The Massachusetts Department of Education has recommended that the State approve four new charter schools -- Baystate Academy Charter School (Springfield), the Collegiate Charter School (Lowell), the Paulo Freire Social Justice Charter School (Holyoke), and the Dudley Street Neighborhood School (Boston). Last year, after the State's cap on the number of charter schools was increased, 16 new charters were approved, bringing the current Statewide total to 79.

# Michigan Update

## February 2012

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Michigan Governor Rick Snyder has proposed a \$70 million fund for school districts who demonstrate improvement in student performance. Operating next budget year without deficits - for the first time in a decade -- the Governor wants to reward districts based on districtwide, not individual school performance. Districts would receive a share of the fund if their students in grades 3-8 show a year's worth of learning in reading or math or if those students acquire above-average knowledge in several subjects over a four-year period. This initiative is similar to the "Chapter 3" program implemented in 1975 by then State Superintendent Dr. John Porter.

# Minnesota Update

## February 2012

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Minnesota's FY 2013 K-12 budget will likely increase by \$50 per pupil which would reflect a projected surplus in 2012 and take into account delays in State aid funding held up over the last year. It should be noted that Minnesota also received slightly more than a 20 percent increase in Title I regular funding in the FY 2012 Title I allocation which resulted in some districts receiving increases of over 200 percent this year. Some of the largest increases occurred in large districts such as Appleton, St. Paul, and Minneapolis which experienced enrollment growth in high-poverty attendance areas, as confirmed through discussions with Minnesota local district superintendents during the AASA conference. In addition, it appears that one of the highest priorities in the State over the next couple of years will be implementation of a literacy campaign as reflected in the USED-approved waiver request which specifically targets struggling students at the third-grade level and English language learners.

As reported in the Star Tribune, a State task force has approved a plan by which Minnesota can better spend \$108 million to close the widening achievement gap by integrating schools. Among the task force's recommendations are:

- withholding integration funds for schools that can't demonstrate that they are making progress in improving student achievement;
- providing better access to college-readiness programs for low-income students; and
- creating incentives for districts to reduce racial disparities through voluntary school choice programs.

The details of the plan must be provided by the State legislature; 137 Minnesota schools are slated to receive portions of the funds which expire in 2013. Districts receiving the largest pieces of the integration fund are Minneapolis (\$480 per student), St. Paul (\$445), and Duluth (\$206).

Begun in 2004, the Minnesota Reading Corps is a Statewide literacy initiative that uses

AmeriCorps members to tutor 3-year-olds through third-graders who are not able to read at grade level. Currently, the Reading Corps operates in 450 Minnesota schools and serves about 18,000 children, with an expectation of 500 sites next year. Program officials say more than 80 percent of Reading Corps participants gain at least a year's worth of progress. As noted in Education Week's *Early Years* blog, the program is managed by ServeMinnesota which acts as the State's commission for community service. The Minnesota-based Target Corporation has given a \$500,000 grant to ServeMinnesota in order to expand the initiative to schools in Denver and the District of Columbia.

# Mississippi Update

## February 2012

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The Mississippi State Senate has passed a measure that would expand charter schools in the State. Mississippi currently has a charter school law that would allow existing schools to become charters; but none has. Under the new bill, students from any district in the State could attend a charter school. Thirty-two highly-rated school districts would have veto power over charters, but a new seven-member commission could approve new charters. After it receives commission approval, a charter school would have a five-year term during which it would have to test its students in the same way as traditional schools. All State and local money would follow a student to charter school, even across district levels. It is noteworthy that the bill excludes online charter schools. Legislators note that the State has a continuing \$600,000 contract with Connections Academy to provide free online education to all of Mississippi's public school students.



# Missouri Update

## February 2012

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Missouri Governor Jay Nixon, in his State of the State address, said that K-12 education would see a net increase in State aid under the State's \$23 billion FY 2013 budget. In FY 2013, K-12 State aid would increase to \$3.0 billion from \$2.8 billion in FY 2012. Higher education would face a \$106 million cut -- to \$741 million -- under the Governor's proposal.

According to The Kansas City Star, the former superintendent of the Kansas City school district, John Covington, rewrote the contracts of some of his top administrators just before resigning. The new contracts added considerable severance benefits for the district officials. Covington then took three of these officials with him when he was hired to lead a new agency overseeing Michigan's poorest-performing schools. The district has apparently voided the revised contract and refused to pay the enhanced severance benefits.

# New Hampshire Update

## February 2012

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New Hampshire, joined by Maine, has declared that it will not be “rushed” into revamping its K-12 accountability system and has, therefore, decided not to seek NCLB waivers by the February 28 second round deadline. As noted in Education Week’s Politics K-12 blog, the two states say they need to figure out how to deal with specific waiver requirements -- intervening in low-performing schools and evaluating teachers based on student performance -- in their generally rural school districts. The States’ decision means their annual measurable objectives (AMOs) will not change for a year which, in turn, means there is unlikely to be a large increase in the number of schools facing Federal sanctions.

As noted in Education Week, New Hampshire appears to be in the forefront of “competency-based learning” -- with mastery of academic content determined by demonstrated results rather than classroom seat time. New Hampshire is the only state that requires school districts to award credit for demonstrated proficiency, although not all districts are on-board with the concept. Students have extended learning opportunities through out-of-school and virtual programs. They can take online classes at their own pace through New Hampshire’s Virtual Learning Academy Charter School.

# New Jersey Update

## February 2012

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In his budget address, New Jersey Governor Chris Christie proposed increases in State education funding -- \$213 million more for K-12 education and \$108 more for higher education. The planned increase for K-12 schools would include formula aid (\$120.9 million), preschool aid (\$14.6 million), school choice aid (\$14.2 million), non-public school aid (\$3 million), and special education (\$46 million). Overall, State aid to K-12 schools would grow by 2.5 percent—from \$8.65 billion to \$8.87 billion.

An analysis of scores on State tests indicates that minority of low-income students have made consistent gains on the New Jersey high school exam in recent years. Overall, nearly 90 percent of all New Jersey public school students passed the State's language arts portion of the New Jersey High School Proficiency and 75 percent passed the math section. Despite the gains, passage rates remain lower for Black, Hispanic, and economically disadvantaged students; about 80 percent passed the language arts exam last year and about 50-60 percent passed math. Governor Christie has criticized State court decisions that have resulted in a large portion of State education subsidies going to 30 low-income school districts, saying the money has not improved the schools. Instead, he has urged changes in tenure laws, merit pay for high-performing teachers, and more school choice for parents as ways to improve schools more rapidly.

# New Mexico Update

## February 2012

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New Mexico Governor Susana Martinez, in her annual State of the State address, proposed a \$17 million investment in reading reforms. Under her plan, teachers would assess children in the early grades and struggling students would get immediate help in the form of more individual attention and tutoring. The Governor's plan also calls for more reading coaches in elementary schools. She also proposed paying for tenth graders to take the SAT and for expanding access to Advanced Placement classes for low-income students.

Early in February, New Mexico was the only one of 11 applying states whose application for a waiver from the requirements of the No Child Left Behind was not approved. Two weeks later, the State's application was approved after revisions in its plan were made. The State will move to a new accountability system that rewards high-performing and improving schools, while targeting rigorous interventions on its lowest-performing schools. Covering 175 more schools and 20,000 more students than its current system, New Mexico's new accountability plan will specifically develop and implement strategies to improve academic outcomes for underperforming subgroups of students. (See also enclosed TechMIS Special Report)

As reported in Education Week, the New Mexico legislature is considering two pieces of Governor Martinez's school improvement plan. The first would implement a new teacher/principal evaluation system -- based in part on student achievement and growth -- by the 2013-14 school year. The second measure would require school districts to hold back third-graders who cannot read at proficiency levels. Last year, 47 percent of New Mexico's third-grade students and 53 percent of fourth-graders were not proficient in reading, according to State testing.

# New York Update

## February 2012

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In late February, New York State reached an agreement with the State teachers' union on a new evaluation system for teachers and principals. The agreement came before a deadline set by Governor Andrew Cuomo who had threatened to impose his own system. Under the agreement up to 40 percent of a teacher's annual review will be based on student performance on State standardized tests. Half of that portion will be determined by year-to-year improvement with the other half up to the discretion of local districts to develop their own measures (which must be approved by the State). The remaining 60 percent of a teacher's rating would be based on subjective measures -- primarily principal observations. The agreement goes a long way to helping New York State meet the conditions for receiving its \$700 million Race to the Top award.

According to the Chancellor of the State University of New York (SUNY) system, remedial work for unprepared college students costs the State \$70 million a year (out of total State support for SUNY of \$780 million). As reported in the Albany Times Union, State officials say that only 37 percent of the State's high school graduates are college- or career-ready and that students who take remedial classes are less likely to stay in college. The State is apparently initiating an effort to prepare students better, including a new focus on literacy under which math and science classes would reinforce reading and writing skills. There would also be new standards, tougher teacher evaluations, and a new measurement system for determining how many students in each district are prepared for college and careers.

In January, New York State suspended School Improvement Grant funding for ten school districts who failed to reach evaluation and support agreements that complied with Federal and State SIG requirements. Five of those districts -- Albany, Poughkeepsie, Schenectady, Syracuse, and Rochester -- have worked out such agreements and have had their SIG funds restored. Funding is still suspended for the Buffalo, Greenburgh 11, Roosevelt, Yonkers, and New York

City school districts.

According to The New York Times, the New York City school district is in the second phase of a plan, started in 2008, to improve student performance in 51 of the City's lowest-performing middle schools. Over the next two years, 18 new schools will receive money -- from \$157,000 to \$219,000 a year, based on size -- for retraining teachers, hiring reading specialists, and purchasing books and software. District officials suggest that only a fraction of reading teachers have specific middle-school certification.

The New York Daily News notes that an audit of New York City special education programs has found that, during the 2009-10 school year, speech, occupational/physical therapy, vision, and hearing services were not provided to more than a quarter of the 285,000 students referred for special help. According to the audit, the City does not have enough contractors to provide these services and is, as a result, authorizing use of independent consultants who charge higher rates and have lesser performance standards and monitoring constraints.

# Ohio Update

## February 2012

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The Columbus Dispatch reports that Ohio has submitted its request for a waiver from 11 provisions of the Federal No Child Left Behind Act. Under the State's waiver plan, students would no longer be offered transfers or tutoring if their schools fail to improve. The money which was used for supplemental educational services under NCLB would go to pay for longer school days or school years. Schools would be judged by their progress in reducing achievement gaps among student groups. As of 2010, 89 percent of White students Statewide earned high school diplomas compared with only 65 percent of Black students and 63 percent of Latin students. The State's overall goal is to cut by half the percentage of students who fail State tests by 2016-17.

The Columbus Dispatch also reports that Ohio has launched its fourth education voucher program. Designed for students with special needs, the Jon Peterson Special Needs Scholarship will provide vouchers of up to \$20,000 beginning in the 2012-13 school year. The vouchers, available to students (ages 3-21) who have been identified by their school district as having a disability, will be funded from district sources and can be used to pay for private school tuition, therapy, and other special services. Enrollment will be capped at 11,750 students which represents approximately five percent of Ohio's disabled student population. The enrollment process for the program is currently being tested.

# Oklahoma Update

## February 2012

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The Oklahoma Department of Education has announced an implementation process for improving student achievement and graduation rates for 77 schools identified as underperforming. Under the timetable, improvement plans submitted by the schools were reviewed in late February by teams of local education officials, higher educators, Federal and State education officials, and members of the community. Based on the review teams' recommendations, the plans will be modified and submitted to the State by the end of March. Approved plans are to be implemented beginning in the Fall of the 2012-13 school year.



# Oregon Update

## February 2012

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As reported in The Oregonian, Governor Kitzhaber has formally asked the State legislature to pass a measure that would require all school districts and community colleges to sign annual “achievement compacts” that specify their expected results. The compacts would focus district attention on such issues as dropout rates, college attendance rates, and test scores but would carry no financial incentives or penalties. Currently, Oregon schools are graded on a number of factors including student test scores, attendance, graduation rates, and percentage of students taking the State science exam. Under the proposed compacts, improving high school graduation rates will be the single most important measure.

In his 2012 State of the State address, Oregon Governor John Kitzhaber called for passage of an education measure under which Oregon could apply to the U.S. Department of Education for a waiver of some requirements of the Federal No Child Left Behind Act. The bill would establish a system to create educational achievement compacts involving the State, local school districts, and colleges. The Governor also urged the State legislature to support a bill that would streamline the State’s various early childhood education programs and put in place a system to evaluate their effectiveness.

# Pennsylvania Update

## February 2012

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As reported in The Patriot-News, Governor Jon Corbett's budget proposal for 2012-13 includes a 3.4 percent increase in public school spending. Nearly all of the increase, however, would cover the mandated \$316 million increase in school employee pensions. The Governor's plan includes \$5.4 billion for basic education and \$1 billion for special education -- both essentially level-funded. School districts will lose \$100 million in grant funding for programs aimed at raising student achievement -- tutoring, full-day kindergarten, and class-size reductions. Preschool initiatives would be cut by \$5 million although State officials say the number of students served would not be significantly reduced.

According to the Pittsburgh Post-Gazette, Pennsylvania has decided not to request a waiver from requirements of the Federal No Child Left Behind Act. Rather, the State has asked the U.S. Department of Education for a two-year freeze on the State's adequate yearly progress (AYP) targets on the Pennsylvania System of School Assessment exams, which are used to measure academic progress under NCLB. State data show that 94 percent of Pennsylvania districts made AYP last year, but only 47 percent made it based on academic performance. Another 38 percent made AYP based on the "safe harbor" method (districts showing at least a ten percent reduction in students scoring below proficient) and eight percent made AYP on the growth model method (districts showing growth toward proficiency).

As an adjunct to the Governor's budget proposal, State education officials highlighted Pennsylvania's continued work on a teacher/principal evaluation system that considers student performance, as well as on school and district report cards that would enable the public to evaluate their performance. The State also plans to alter State assessment requirements. Originally, in order to graduate, high school students were required to pass ten subject Keystone Exams. Under the new proposal, starting with the Class of 2017, students would have to pass only Algebra I, biology, and literature.

A recent study by a local nonprofit research organization has found that a school turnaround effort in low-performing Philadelphia schools has yielded higher test scores and attendance rates in most schools. The turnaround approach involved labeling six schools (four K-8 and two high schools) as Promise Academies and placing them under central office control; seven K-8 schools, called Renaissance Schools, were operated by four different charter school management organizations. The report from Research for Action found that, in the program's first year (2010-11), Promise Academies and Renaissance Schools achieved significantly better results than similar traditional schools. However, as noted in Education Week's District Dossier blog, the research is too limited to determine if the positive results can be maintained. Moreover, the district, facing a large budget shortfall, has already cut back on funding for the turnaround effort.

According to The Philadelphia Inquirer, the new chief recovery officer of the Philadelphia School District is Thomas Knudsen, retired CEO of the Philadelphia Gas Works. The recovery officer assumes the roles of superintendent and chief financial officer and faces millions of dollars of immediate cuts and longer long-term shortfalls.

# South Carolina Update

## February 2012

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The South Carolina legislature is debating a bill -- S.604 -- that would prevent implementation of the Common Core State Standards in the State, despite the fact that the State Board of Education adopted the standards in July 2010. As noted in Education Week's Curriculum Matters blog, many of those testifying for the ban on Common Core were from out of State, including Williamson Evers (Hoover Institution), Jim Stergios (Pioneer Institute), and Joe Mack and Jane Robbins (American Principles Project). Those testifying against the measure (i.e., for the standards) were predominantly in-State school district officials.

# Texas Update

## February 2012

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According to Education Week, a school advocacy group has estimated that budget cuts have cost the jobs of 32,000 school employees Statewide -- including 12,000 teachers. Looking at \$5.4 billion in education cuts, the State teachers union has called for a special legislation to use \$2.5 billion from the State's \$7.3 billion rainy day fund to save teacher jobs. Official State job loss figures will not be available until March.

Also as reported in Education Week, the new State of Texas Assessments of Academic Readiness (STAAR) will begin this year including tests for grades 3-8 and 12 end-of-course exams for high school students. The STAAR replaces the Texas Assessment of Knowledge and Skills (TAKS). This year's seventh-graders will be the first class that will be required to meet STAAR requirements to graduate. STAAR supporters argue the new test will increase school accountability and ensure high school students take the tests seriously. However, some legislators are concerned that student grade point averages could drop if teachers fail to prepare students for the new tests.

The Dallas Morning News reports that the Texas Education Commissioner has said he will not enforce the new State ban on social promotions unless the State legislature restores funding to help students who are at risk of failing. Under current law, students in grades 5-8 must pass the State achievement test to be promoted, but the program -- called the Student Success Initiative -- is supposed to provide remedial instruction in English and math for students having trouble passing the State exam. But funding for the Initiative was cut from \$293 million in the previous biennial budget to \$23.5 million in the current budget -- a 92 percent reduction. Students will be getting a break from the social promotion requirements this year because the new State exam is being introduced and passing standards have not been established.

A Task Force on Undergraduate Graduation Rates -- from the University of Texas at Austin --

has released a report that outlines strategies intended to encourage 70 percent of college undergraduates to complete their degrees within four years by 2016. According to the report, currently only about half of UT undergraduates graduate within four years; 75 percent finish in five years; and more than 80 percent graduate within six years. To save students money and improve graduation rates, the Task Force recommends, among a total of 60 suggestions:

- creating an online tool to monitor student progress toward a degree;
- developing more intervention programs to help students at academic risk; and
- providing mandatory academic support (e.g., tutoring, counseling) for incoming freshmen receiving financial aid.

# Utah Update

## February 2012

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According to [The Salt Lake Tribune](#), the Utah House has approved a \$3.5 billion base education budget that assumes no increase in the number of students and maintains base per-pupil funding at \$2,816. It is projected, however, that the State will have 12,500 more students in the Fall. So the legislature must figure out how to fund the additional students as well as to continue support for programs begun last year. Governor Gary Herbert has proposed spending at least a quarter of the State's projected revenue increase on public schools, to be used for enrollment growth, increase teacher salaries, and pay for new tests. The budget bill -- HB1 -- is now being considered by the Utah Senate.

The Utah legislature is considering HB15, a measure that would replace the State's Criterion Referenced Tests (CRTs) with computer-adaptive tests. According to [The Salt Lake Tribune](#), the new exams would cost \$6.7 million and would be implemented by the 2014-15 school year. Although Utah has adopted the national Common Core State Standards, some lawmakers see the CCSS as an attack on local control. HB15 has been amended to align the new tests with State-developed standards.

Utah is planning to offer free online textbooks in language arts, math, and science for all junior high and high school students by 2017. The plan is in keeping with President Obama's challenge to schools to provide every student with a digital textbook. According to [Bloomberg Business Week](#), state officials say the textbooks are written by experts and are vetted by their peers, which allows them to be kept up-to-date; they are available for free downloading. This year, pilot programs provided printed versions of the open-source science textbooks to more than 3,800 Utah high school students at a cost of \$5 per book, compared to the average cost of \$80. The State is encouraging districts and schools to adopt the open-source books beginning next school year.

# Virginia Update

## February 2012

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The Richmond Times-Dispatch notes that Virginia has officially requested a waiver from requirements of the Federal No Child Left Behind Act. If the request is approved, the State would discontinue using NCLB performance indicators of adequate yearly progress. Rather, Virginia's Standards of Accreditation proficiency targets in four content areas (English, math, science, history) would serve as the foundation of the accountability system. The Virginia plan would include enhanced reporting on three primary groups: Gap Group 1 (students with disabilities, English language learners, and economically disadvantaged students); Gap Group 2 (Black students not in Group 1); and Gap Group 3 (Hispanic students not in Group 1).

The Virginia legislature is considering a measure that would stop requiring that third-grade students take State assessments (known as Standards of Learning) in history and science. As noted in *The Answer Sheet* blog on WashingtonPost.com, SB 185 would allow students to focus on English and math SOLs. The bill, which has been approved by the Virginia Senate, could have implications for the State's planned teacher evaluation system that will have student test scores as a large component.



# Washington Update

## February 2012

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Washington State education officials say that a revised budget forecast for the State shows \$96 million in added revenue as well as \$340 million in savings from less reliance on State services. State Superintendent Randy Dorn has proposed a plan which would put \$140 million back into K-12 education through universal all-day kindergarten, class size reduction in grades K-4, and technology improvements.

Washington State has submitted its request for waivers from some requirements of the Federal No Child Left Behind Act. Specifically, the State's waiver application includes, according to Education Week:

- time to develop new “ambitious but achievable” learning goals;
- exemptions from the requirement to adopt Federally-approved turnaround models for failing schools; and
- easing the restrictions on how some Federal school improvement funds can be spent.

The State legislature is considering a proposal that would meet Federal requirements for the design and implementation of a teacher/principal evaluation system that is substantially based on “student growth measures.”

As reported in The Seattle Times, an online-learning coalition called Washington Families for Online Learning has sued the State of Washington claiming that the State's budget cuts have hurt alternative education programs more than traditional schools, violating the State constitution. The legislature has cut \$1.8 billion from the State's K-12 education funding for the 2011-13 biennium. Before the cut, both traditional and online schools received about \$5,000 per student each year; now, online schools get only \$4,250 per student -- about 15 percent less than traditional schools. Washington State currently has about 9,000 full-time equivalent students enrolled in online schools with more than 50 school districts offering such programs.

# Wisconsin Update

## February 2012

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The Milwaukee Journal Sentinel reports that Wisconsin plans to apply to the U.S. Department of Education for a waiver of a number of elements of the No Child Left Behind Act. The State has been criticized for its Statewide assessment -- the Wisconsin Knowledge and Concepts Examination (WKCE) -- that rates students proficient who would not rate as proficient on the National Assessment of Educational Progress. Wisconsin's waiver proposal has, in part, been developed by the Statewide School and District Accountability Design Team. Key components of the proposed waiver request are:

- new State assessments which will eventually replace the WKCE;
- use of a greater range of assessments from ACT;
- an index system, using multiple measures, to classify school performance, as well as a new school report card; and
- interventions focusing on improving instruction in the State's lowest-performing schools and those with the largest achievement gaps.

As noted in District Administration, Wisconsin has proposed a new school accountability system that would allow the State to intervene more aggressively in the lowest-performing schools. Schools would be rated on a 0-100 scale that considers a range of measures including student performance and growth on State exams, closing achievement gaps, preparing students for college and careers, dropout rates, and third-grade literacy levels. The accountability proposal, which would require legislative approval, is tied to Wisconsin's request to the U.S. Department of Education for a waiver from many of the requirements of the Federal No Child Left Behind Act which, according to State education officials, is "overly prescriptive" and prohibits "creative reforms."

Wisconsin will share in an \$18 million grant from the GE Foundation intended to help states implement the Common Core State Standards. As reported in the Milwaukee Journal Sentinel,

the money will be used by the grant recipient -- the nonprofit Student Achievement Partners -- in seven Wisconsin school districts. In Milwaukee, the grant funds will train more teachers to integrate Common Core literacy and math standards into the curriculum. It should be noted that, last year, the Milwaukee school district received a \$20 million grant from the GE Foundation to help improve academic achievement and streamline administration as part of GE's Developing Futures program.

The Madison school district plans to buy more than 600 Apple iPads for use in classrooms this Spring, with another 800 slated for availability next Fall. Funding for the effort will come from the district's \$3.4 million share of Wisconsin's \$80 million settlement with Microsoft. The Madison School Board has allocated \$2.1 million of the settlement to schools at the rate of \$85.09 per student; the funds are in the form of technology vouchers that can be used for laptops, smartboards, and other technology upgrades, as well as for iPads. An additional \$442,000 has been budgeted for purchase of iPads at \$479 apiece.