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MEMORANDUM

DATE: March 29, 2012
TO: TechMIS Subscribers
FROM: Charles Blaschke and The TURNKEY Team
SUBJ: New State Waiver Applications and Updates; Highlights of Council of the Great City Schools Conference and SIIA Forum; 10% Professional Development Set-Aside

This TechMIS issue includes three Special Reports and the Washington Update. Because of the detailed state information in the waiver special report, regular State Profile Updates will be held until next month.

The first Special Report includes a summary matrix and individual briefs on SEA waiver applications, submitted at the end of February, by 26 states and the District of Columbia. The Special Report focuses primarily on flexibility related to the 20% SES set-aside, the 10% set-aside for professional development, and Option 11 to free-up 21st CCLC funds to be used in a more flexible manner (including extended learning time and anticipated state competitions for new CCLC and SIG funding related to approved waivers), along with implementation dates of interventions. The reader is cautioned that the USED-approved applications, for many states, will differ significantly as a lengthy review and negotiation process is expected, resulting in subsequent changes.

The second Special Report provides highlights of the Council of the Great City Schools Annual Legislative Conference, which included policy updates by Secretary Duncan and his key staff on waivers and other concerns of large urban district officials. These include state efforts to reduce the amount of freed-up SES funds allowed in approved waivers, budget issues including sequestration, and districts' applications for Race to the Top as well as for waiver requests in states not applying for the September 6 deadline.

The last Special Report covers the highlights of the SIIA Ed Tech Policy Forum, including keynote speeches and numerous panel discussions on issues such as Common Core Standards and assessments, ESEA reauthorization, SEA waivers, and response-to-intervention. While

major disagreements and different opinions surfaced over Common Core Standards participation and implementation, policy influencers generally agreed that ESEA reauthorization is not likely this year, but that the Waiver Initiative will continue.

Washington Update items include:

- **Page 1**

An update on several SEA waiver developments including:

- Washington State’s waiver request to use carried-over 10% professional development set-asides for other than professional development, such as purchases of products and other services, which was discussed with Secretary Duncan during the Council of the Great City Schools conference and subsequently with seven Chief State School Officers.
- Possibility of districts being able to apply directly for waivers.
- USED monitoring/auditing of approved SEA waivers.

- **Page 3**

A recent joint report by the liberal Center for American Progress and the conservative American Enterprise Institute recommending changes to Title I’s supplement-not-supplant (SNS) requirement in order to reduce costs and promote innovation, which will likely be seriously considered in the ESEA reauthorization process.

- **Page 5**

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

If anyone has questions on state waiver “briefs,” please send an email or call me directly if you need a quick clarification (703-536-2310).

Special Report: State Briefs on Waiver Requests During the Second Round Approval Process

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

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March 29, 2012

Over the last three weeks, TURNKEY staff and consultants have reviewed state waiver requests, discussed with high-level SEA and district officials such issues as freed-up SES and other set-asides, and analyzed newspaper and other media articles on important elements of state requests and possible actions needed to be taken by state legislatures after USED approval. The following individual state briefs highlight: identification of Priority and Focus Schools, implementation timelines, use of SES and the 20% SES/choice and 10% professional development “freed-up” funds, and other sources of funds used to implement certain types of interventions, including response-to-intervention approaches.

The attached Waiver Summary Matrix presents highlights of the individual state applications (including those already approved) including our interpretations based on other analyses (e.g., see Education Week, March 26th) and discussions with several Chief State School Officers in March on the following topics:

- whether the SEA requested a waiver to use 21st Century Community Learning Centers funds more flexibly (Waiver Option 11);
- whether the 10% set-aside for professional development set-aside was eliminated or modified (a blank cell implies that the set-aside will be eliminated if the waiver, in general, is approved);
- whether the 20% SES set-aside was eliminated, partially eliminated (optional or conditional for Priority or Focus Schools), or implied (not addressed explicitly);
- whether new grant competitions for 21st Century Community Learning Center funding or future SIG rounds are anticipated, especially for Priority and Focus Schools not currently receiving SIG funding; and
- implementation dates mostly for Focus Schools, although “pre-implementation” remediation planning and training could occur earlier.

Several cautions should be emphasized as one reviews the Summary and individual state briefs. Many of the applications lack clarity, are confusing, and in some cases are even contradictory, while other SEA applications are incomplete with addenda having already been requested by USED. As indicated on the Summary Matrix, waivers to eliminate SES and professional development set-asides were not addressed in many SEA applications. However, USED approval of a waiver request to no longer identify districts/schools in “improvement” implies that such set-asides are eliminated unless further changes are required by state law, as in Florida. Moreover, many SEA applications which addressed future district competitions for 21st CCLC funding and new rounds of SIG funding were unclear and remain subject to change. For most of the SEA applications, one can expect a large number of negotiating sessions between USED and SEA staff during the peer review process as the average number of negotiations sessions was ten per state during Round 1. And last, as Secretary Duncan stated, the process for approving state waiver applications will be on a “rolling” basis beginning in April rather than most of the approvals being announced at one time as occurred in Round 1. This step in the process will also affect, to a great extent, scheduled implementation dates in some states.

Waiver Summary Matrix

State	21CCLC	Eliminate 10% Set Aside	Eliminate SES set aside?	Future 21 st CCLC?	Future SIG?	Implementation Date
Arkansas	YES		partial		Requested waiver to extend 2011 SIG funds through Sept. 2015	Implementation to begin 2012-2013
Arizona			YES	YES		Priority and Focus Schools will be identified by July 2012; 2013-2014 Full Implementation
Colorado			partial	RECENTLY CLOSED		Changes in accountability 2012-2013
Connecticut	YES		partial			Turnaround schools begin implementing strategies Sept. 2012
Delaware	YES	YES	YES	RECENTLY CLOSED	\$2.6 million not designated 2011-2012; Will roll over for next year's allocation	Early implementation in SIG schools 2011-2012; Implementation to continue and grown 2012-2013
DC				YES		SIG funded schools = Early Implementers. Full implementation 2013-2014.
Florida	YES		implied	YES		Early implementation with identified schools
Georgia			YES Replaced with FLPs	RECENTLY CLOSED		Priority and SIG schools identified on website, March 2012
Idaho	YES		no	RECENTLY CLOSED	Requested waiver to extend 2011 SIG funds through Sept. 2015	2012-2013 = Transition Year
Illinois	YES		partial		RFP opened now for FY2013 Cohort 3 SIG grants; requesting waiver to extend previous funds	Early implementation with SIG schools; Full implementation 2013-2014
Indiana	YES	modified			Requesting 1003(g) waiver	Plans to implement 2012-2013.
Iowa	YES		implied	YES		Implementation planned to begin 2012-2013.
Kansas	YES			YES	Requesting waiver extending funds to 2014	2012-2013 Planning Year; 2013-2013 Implementation
Kentucky	YES		YES		Requesting SIG waiver to extend funds to 2013; Additional funding received goes to continue Cohort 2 SIG schools; KY has asked for Cohort 3 funding for 19 Priority Schools through the state budget process.	Early implementer in Priority Schools with SIG funds
Louisiana	YES	YES	YES		Louisiana's waiver app references a 3 rd round of funding. No details on website.	2011-2012 Development Yr; 2012-2013/2013-2014 – Transition Years; 2014-2015 Full implementation
Maryland			partial	YES		Full implementation to being July 2013.
Massachusetts	YES		YES		Requesting SIG fund availability waiver	Committed to implementation no later

					through 2014	than 2014-2015
Michigan		modified				Early implementation to commence immediately upon approval
Minnesota			implied			Identified Priority schools begin 2012; all Priority schools by 2014-2015.
Mississippi	YES				Requesting SIG waiver to develop evaluation systems; SIG Enhancement grant for existing grantees due 4/4/12	Schools will be identified for the 2012-2013 school year.
Missouri			implied		2012 application closed and Cadre II, Year 1 Grants recommended for 2012-2013 funding were just announced; Requesting waiver extending planning for funds to 2014	Identification of Priority Schools during 2012-2013; Full implementation 2013-2014.
Nevada			YES	YES		Priority schools will be identified in September 2012 using 2011-2012 test data and will implement in 2013-2014.
New Jersey	YES		YES			Their goal is to implement interventions for the 2012-2013 school year.
New Mexico	YES	no	YES	YES		Priority schools implement interventions in 2012-2013.
New York	YES		partial	YES	Applying for waiver to extend funds through 2013	Implementation will begin in 2012-2013 based on 2011-2012 assessments; Beginning in 2013-2014, results will be based on new diagnostic tool.
North Carolina	YES		implied			Interventions to be implemented 2012-2013
Ohio	YES		partial	YES	SIG renewal applications in 2013	District implication required by July 1, 2013
Oklahoma	YES		partial	YES		LEAs that maintain control of their Priority Schools must implement during the 2012-2013 school year.
Oregon	YES		YES			Full implementation to begin 2013-2014.
Rhode Island						All priority schools will implement by 2012-2013.
South Carolina			Slight changes only	YES	Continuation awards only at this time	Schools identified July 2012; Implement Challenge Achieve Plan 2012-2013
South Dakota				YES		
Tennessee	YES		YES	YES		Phased implementation in 2012-2013 and 2013-2014 with full implementation 2014-2015.
Utah	YES		implied			Priority Schools (SIG Schools) = Early Implementers; Focus schools will implement 2012-

						2013
Vermont					Granted waiver to develop evaluation system	Early implementation 2012-2013
Virginia	YES		YES	YES		Pre-implementation technical assistance 2012; Full Implementation 2013-2014
Washington		YES	YES			Interventions implemented by 2013-2014
Wisconsin		YES	YES	YES		2012-2013 will be a transition year; 2013-2014 will begin full implementation

Arizona

For Priority Schools, districts will have to set aside “sufficient funds” from Title I to implement the turnaround principles and “sufficient funds” for targeted interventions for Focus Schools. All Priority Schools would be designated schoolwide programs. While SES set-asides are not required, districts will have to increase instructional time for students and time for teacher collaboration or tutoring services. A task force will recommend how to increase extended learning time within the existing day. The waiver to use 21st Century CCLC fund in a more flexible manner was not requested. Set-aside for school choice will continue, but unused funds may be reallocated during the first semester; however, school choice options must continue as long as a child is enrolled in the new school. SIG funds will be used to implement interventions and when SIG funds are not available, Title I funds must be used.

The RTI model of Universal Targeted and Intervention levels which is currently used with the schools with the greatest need will be expanded and technical assistance and professional development will be increased to ensure fidelity of implementation in Priority and Focus Schools, oversight of intervention implementation, use of funds, and compliance on procedural requirements. The instructional strategy in a Priority and Focus School must include additional support of the RTI model, including data-driven multi-tiered system for English language learners and students with disabilities with expanded ongoing professional development to support RTI.

Currently there are 60 Priority Schools and 108 Focus Schools; however, once letter grades are established, over 120 Focus Schools are expected. Legislation would be proposed upon waiver approval to implement the new grades A-F system with full implementation not beginning until 2013-14.

Arkansas

Arkansas’ waiver application says the State had 800 Title I schools in the 2010-11 school year, resulting in 40 of these (5%) being identified as Priority Schools. Another 15 non-Title I schools with low performance were also identified as Priority Schools. Each Priority School will be subject to a needs analysis which will lead to a three-year Priority Intervention Plan (PIP). Priority Schools will be allowed to use the funds previously set-aside for SES and school choice (20 percent of their title I allocation) to support their PIP. Schools must commit to working with an external provider for three years. External providers must, at the least: (1) demonstrate expertise in evidence-based practices to build internal leadership capacity; (2) demonstrate how they will collaborate with other partners and the community; and (3) provide evidence of a proven track record. During the Spring of the 2012-13 school year, a State-approved external provider can enter into a partnership with a district that has one or more Priority Schools. District and school leadership teams, working with the external provider will develop the PIP for each Priority School. The following Fall the PIP will begin being implemented.

Based on data from 2010-11, 80 Title I Arkansas schools, plus some non-Title I schools, will be identified as Focus Schools. During the Fall of the 2012-13 school year, district and school leadership teams, working with the State-approved external provider, will finalize a Targeted Intervention Plan (TIP) intended to reduce the achievement gap for each Focus School. Professional development and technical support will be provided to school staff in the areas of leadership, literacy/math instruction, positive behavioral support systems, social skills/self-management instruction, data-based problem-solving, and response-to-intervention. Special emphasis will be placed on support for staff in dealing with students with disabilities and English language learners.

It is noteworthy that Arkansas State law mandates SES and school choice to be funded through State or Federal Title I money. The State's waiver application, if approved, would provide districts with greater flexibility to target more aggressively schools with the greatest needs or larger populations.

The Arkansas waiver application states that districts and schools must coordinate Federal State, and local funds in support of the interventions and demonstrate this coordination through Arkansas' Comprehensive School Improvement Plan. Districts that fail to support interventions in Priority or Focus Schools may be subject to "Academic Distress" status whereby the State can direct the use of funds.

Arkansas' Response to Intervention and Closing the Gap processes have become embedded in the State's Smart Accountability concept. State officials are working with the U.S. Department of Education to integrate math instruction and the RTI process in a multi-tiered RTI framework to facilitate high-quality core instruction for students with disabilities and English language learners.

Connecticut

In Connecticut, Priority Schools are called Turnaround Schools. They include schools with the lowest School Performance Index (SPI), as well as high schools with graduation rates below 60 percent and all current SIG Tier I and Tier II schools. Currently, 27 schools are identified as Turnaround Schools, including 19 SIG schools. Identification of Turnaround Schools for next year will begin in Spring 2012. Needs assessments, staff training, and implementation planning will take place over the summer. Implementation will begin in September 2012.

A total of 53 Connecticut schools will be identified as Focus Schools. A selection cycle for a second group of turnaround schools will be held in January 2013. Districts with Focus Schools will set aside 20% of Title I funds for interventions depending upon the number of Focus Schools identified and the level of intervention required in the district. The 4% school improvement set-aside will also be available as needed. Proposed legislation would allocate

almost \$40 million to invest in Focus Schools which are in the “Alliance District.” A \$4.5 million legislative proposal would provide competitive grants to the most innovative and promising districts with Focus Schools. Districts will be allowed to reallocate the 20% SES/choice set-aside to be “freed up” to provide direct support to a variety of interventions, including extended-day activities, in-class tutoring, after-school or Saturday academies, core reading programs, or evidence-based school designs. Connecticut requested funding flexibility for the use of 21st Century CCLC funds.

Delaware

The funding structure for interventions in Delaware includes funding from Title I, SIG, and Race to the Top. Districts with Priority Schools can set aside up to 20% of their Title I, Part A allocation for activities to support Priority Schools. Additional funds have been requested from the General Assembly to support grants to districts with Focus schools. Districts with one or more Title I Focus schools can set aside up to 10% of their Title I, Part A allocation for supporting activities. Non-Title I Focus schools will receive a base state school improvement allocation plus competitive state school improvement grant funds if available. Delaware has determined that the current set-asides for Choice and Supplemental Educational Services (SES) far exceed the level of funds necessary to support the demand for these interventions. As a result, the waiver requests the elimination of the following set asides: professional development for LEAs under improvement; Choice and SES for LEAs with Title I schools in improvement; and professional development for Title I schools under improvement. Eight Priority Schools and 14 Focus schools have been identified. Delaware’s SIG schools are already implementing interventions such as those proposed in the waiver application. If approved, full implementation is expected to occur in 2012-2013.

Delaware is committed to a Response to Intervention (RTI) model of intervention, using a multi-tiered instruction and data monitoring process to inform changes necessary for instruction and intervention. Ongoing technical assistance has been provided since 2007 to promote understanding about how RTI affects students learning English as a second language. Technical assistance will continue as this initiative moves into secondary schools.

District of Columbia

Implementing interventions in Priority and Focus Schools will be funded using Title I, SIG, Title II, Title III, and Race to the Top, which thus far has funded improvements and support systems for the lowest-achieving 20 percent of Title I schools’ implementation of data systems and expansion of teacher evaluation approaches. Districts with Priority Schools have to reserve a “necessary and reasonable” amount of Title I funds to implement interventions meeting turnaround principles or one of the SIG models including professional development on RTI, including “behavioral” intervention. The Title I “reserve” at the district level will support continued improvement in data management and reporting system related to school improvement

such that interim evaluations will identify whether interventions in a specific school are working and if not, they would be adjusted. The SEA office will direct specific interventions to be used in such schools such as hiring improvement coaches, partnering with third parties; however, initially districts will have autonomy and flexibility over use of Title I funds, except for set-asides. Currently, 23 schools are Priority with 26 identified as Focus Schools. It would appear that most if not all of Priority Schools received some SIG funding. The first two SIG cohorts will continue with additional Priority Schools identified for planning in 2012 for implementation the following year.

Florida (Update)

In early March the legislature passed HB 7128 School Improvement in Education Accountability which included some amendments related to the state SES law provisions which Secretary Duncan, in the Waiver Initiative, did not have the authority to waive. However, even though Florida did not request waiver of SES, by requesting and receiving approval to not have to identify districts and schools as identified for “improvement,” then the NCLB SES waiver requirement would not have to be implemented. The new Florida amendment addressed that issue. Generally speaking, according to knowledgeable district Title I officials involved in the negotiations, all districts will have to set aside 15 percent of Title I Part A funds to meet state SES requirements for Title I Part A funds. However, SES would be provided only to students in the elementary schools that were performing at Level I or Level II on the FCAT which means 4th and 5th graders; however at the middle school, Level I or Level II students in grades 6, 7, and 8 would have to be provided SES. By focusing on only Level I and Level II students as a criteria along with “free and reduced” (which was the previous basis for determining SES under No Child Left Behind) then the result is, for most districts, more schools would be setting aside funds for SES, but for fewer students. Also, because the amount of funds being set aside for SES would only be those funds allocated to schools and exclude district-level Title I “reserves,” the amount of funding used for SES will be less than before, although this will vary from district to district. In terms of “freed-up money,” that portion of SES previously set aside under the 20% NCLB SES provision which is not allocated by state law to SES (as high as 15 percent) will be the amount “freed up” to be allocated to Priority and Focus Schools for other interventions.

Idaho

Using current assessment data, 29 schools will be designated as Priority, while 54 will become Focus Schools. The 20% SES set-aside has been reduced to 10%. With tutoring required in Priority and Focus Schools, districts would be allowed to select third-party providers to operate SES programs. Districts could provide state or local funds to make up the Title I 10% set-aside for professional development to allow for greater flexibility. This however, must be reported to the State if Title I funds do not make up the entire 10%. The PD set-asides can be used for job-embedded coaching, training of teachers on effective formative teacher feedback, training on the

use of data to inform decision-making (including RTI), increasing teacher collaboration through professional learning communities, and staff development on engaging parents and the community. It appears that ongoing training and support for Positive Behavior Intervention Supports will be a high priority, as several national firms and universities in the State are major proponents of the appropriate and effective use of the Positive Behavioral Interventions Supports. School choice would be required in lowest-performing schools using the 10% SES set-aside. Required tutoring would be approximately two hours per week for 28 weeks. Generally speaking, use of external vendors, where available, is required.

Academic supports will be provided as part of an extended learning time initiative. The State would also include funding for performance pay, to dedicate new technology allocations for technology which are tied to student achievement outcomes, and to provide funding for secondary schools to provide credits for dual enrollment for eligible students. The timeline calls for a one-year transition period, including tutoring and school choice, which would occur in the 2012-13 school year, after waiver approval.

Based on comments by State Superintendent Tom Luna during the Council of Chief State School Officers conference in Washington in March, it is clear that technology use and implementing many of the State's initiatives will be among the highest priorities. In addition to the use of some freed-up set-aside and other funding, the State has also appropriated State funds, some of which can be used for implementation of interventions in Priority and Focus Schools. While Idaho has remained very independent on many reform initiatives, sometimes wavering from USED prescribed solutions, it appears to have a good reputation with USED based on its prior success.

Illinois

Illinois school district officials are uniformly desirous of moving away from the Federal SES and school choice set-asides in favor of a more customized method of working with low-performing schools. Illinois waiver application notes that the State, in 2010-11, had 2,350 Title I schools meaning there are 118 Priority Schools (in 35 school districts) of which: 117 are among lowest-performing five percent; 20 are SIG schools; and 9 are high schools with graduation rates of less than 60 percent. Within the State's Center for School Improvement will be established a unit for District Accountability and Oversight (DAO) to expand the State's interventions in the lowest-performing schools. The Statewide System of Support includes regional service centers, special education cooperatives, and a Response to Intervention Network. This Spring, the State will issue a Request for Proposals to operate the Center including training of turnaround specialists and rapid response teams to work with districts that have Priority Schools. To help Priority Schools, each school district will partner with a State-approved external entity to conduct a diagnostic review leading to a Transformation Plan. The State's new DAO will lead efforts to turnaround Priority Schools. The State also uses lead partners to oversee interventions in high-priority school districts. Each lead partner -- previously approved under SIG -- will work with

district leadership to develop an aligned, districtwide instructional system, a professional development system, and a human capital management system. The lead partner will have the right to review and approve all district-supported instructional programs and third-party agreements at Priority Schools. Of Illinois' 118 Priority Schools, the State is currently working with 20 of them under the turnaround principles of SIG. It will begin work with another 15 SIG schools this Fall under a new competition to be awarded in June 2012. The State will contract with an external entity to conduct a comprehensive audit of the 83 remaining Priority Schools.

Each year, Illinois will calculate the number of Focus Schools equal to ten percent of the number of Title I schools in the State with the largest achievement gaps. It is estimated that there will be 242 Focus Schools for the 2012-13 school year. During the year, each Focus School will undergo a comprehensive audit with targeted intervention strategies expected to begin implementation by the beginning of the 2013-14 school year. The State's waiver application declares that Illinois has established regional delivery systems targeted on students with disabilities (SWD) and English language learners (ELL), including such processes as data-driven decision-making, RTI, and family/community engagement. As part of its commitment to improve the performance of SWDs and ELLs, Illinois will:

- reduce the subgroup "N" size from 45 to 30 students
- hold accountable an additional 197 schools and 21 school districts for closing achievement gap related to SWDs and ELLs; and
- add a reporting group of former ELLs.

The Illinois waiver application notes that a 2010 State law allows State bilingual funds to be used for targeted professional development. And, in January 2012, the State contracted with the Illinois Resource Center to provide professional development and technical assistance to school districts working with English language learners (ELLs). Although currently only districts receiving Federal Title III funds are held accountable for ELLs' progress, under the waiver, all districts will be accountable for the English proficiency progress of their ELLs. The State is using Race to the Top (Phase 3) funds to provide the necessary resources to support implementation of the Common Core State Standards. RTTT funds are also being used to broaden the State's technical supports for local evaluation systems that incorporate student growth.

Since June 2011, the State has been implementing the Illinois Response to Intervention Network which will provide standardized professional development, technical assistance, and coaching to district and school teams. The Network will focus on improving student performance through RTI.

Iowa

Iowa's waiver request requires Priority Schools and Focus Schools to set aside 20 percent of the Title I allocation to implement turnaround principles which includes extended learning

opportunities for students (Iowa requested the Option 11 waiver for use of 21st Century CCLC funds in a more flexible manner) and professional development. Priority Schools number 132 -- including nine Title I SIG schools -- and there are 238 Focus Schools. Funding for interventions in Priority and Focus Schools would include SIG funds and a \$9 million Teacher Quality Partnership grant, awarded in March 2010, which is available for five years. Planning for implementation for differentiated recognition, accountability, and support will begin in Spring 2012 with some actual implementation beginning in 2012-13. As reported in the Des Moines Register (February 29, 2012), the basis of the proposed accountability system is a combination of student growth and student proficiency with a funneling of Federal dollars to struggling schools and the adoption of college and career-ready standards. According to the Register, even if a number of waivers are approved by USED, state legislative action will be required for the following:

- a \$1.5 million request to create value-added measures under the governor's \$25 million School Improvement bill to measure expected annual growth; and
- the requirement that every eighth-grader take the ACT or SAT.

If the legislature does not support these and other changes, Iowa Department of Education Director Jason Glass reportedly stated in the article that "if nothing happens in this legislative session, then I will be forced to withdraw our waiver application...if all we're going to do is perpetuate the status quo with this application, I'm not interested in turning it in."

Kansas

Districts in Kansas that have at least one identified Priority School will reserve 20% of their Title I allocation to support the actions outlined in the District and School Action Plan(s). Districts with one or more Focus Schools will reserve 10% of their Title I allocation in the same manner. However, if a district has Focus and Priority Schools, the total amount to be set aside will be 20%. Excess funds reserved may be reallocated according to Title I law and regulations, as approved by KSDE. While Kansas has preliminarily identified their Priority and Focus Schools, the districts and schools have not yet been notified of their preliminary status. According to the preliminary findings, there are 33 Priority Schools (23 elementary, 8 middle, 1 high school, and one combination middle/high school); 66 Focus Schools are on the preliminary list -- 54 elementary and 12 middle schools. The 2012 assessment results will finalize this list. Upon approval of the waiver, Kansas will use 2012-2013 as a Planning Year with interventions expected to occur fully beginning in 2013-2014.

Kansas has worked to develop a system based on Response to Intervention (RTI) principles that "positively impact all students in Kansas, including struggling students and high achieving students." This has evolved into the Kansas Multi-Tier System of Supports (MTSS). The principles and practices of MTSS largely support the turnaround principles, with both focused on system level change and encompasses the roles of professional development/technical assistance, culture, leadership, teaching and learning in all student learning experiences. This effort was spearheaded by Alexa Posny, former Kansas State Superintendent and former Assistant Secretary of Education in USED/OSERS and the most vocal MTSS advocate in the

Administration.

Louisiana

In 2003, Louisiana established the State's Recovery School District (RSD) to serve the lowest-performing school districts. Currently, the RSD operates 77 out of the State's 969 Title I schools (7.9 percent), thereby meeting the Federal requirement of five percent for Priority Schools. All RSD schools participate in School-wide Positive Behavior Support, an approach for using positive reinforcement to maintain a safe and effective learning environment. Louisiana's waiver application says that, because the RSD has been in operation for many years, it already meets USED's 2014-15 implementation deadline. Louisiana currently has 69 SIG schools, and is applying for a third round of SIG funding.

Based on simulations using school performance scores, Louisiana expects to identify 106 Title I schools as Focus Schools next school year. Funds from both State and Federal discretionary sources (e.g., Race to the Top) will be awarded to districts and schools based on their willingness to make bold turnaround efforts. The State intends to utilize external providers -- including charter management organizations and community-based partners -- to extend learning time and increase family engagement. The Louisiana School Turnaround Leadership (LSTS) program -- based on a University of Virginia program -- will be used to build a pipeline of turnaround leaders for placement in the State's lowest-performing schools.

Louisiana plans to take advantage of flexibilities in Federal programs to "consolidate" funds to support single activities. The State will help districts to revise their budgeting systems to utilize this flexibility to implement school reforms. Louisiana will develop tools for a schoolwide model that will permit schools to combine funds, which should expand the use of RTI.

Louisiana has received a five-year, \$6 million grant from the U.S. Department of Education's Office of Special Education Programs to help high-need school districts: (a) recruit and retain highly-qualified special education teachers; (b) provide professional development that links special needs instruction to the Common Core State Standards; (c) encourage collaboration between regular and special education teachers; and (d) provide training on positive behavior interventions.

Louisiana, along with more than 20 other states, has also applied for a five-year Federal program to provide professional development intended to improve instruction for English language learners, as well as to improve the effectiveness of educators working with ELLs.

Louisiana has, since the Fall of 2009, been institutionalizing research-based, multi-tiered Response to Intervention processes in schools Statewide. Schools operated by the Recovery School District also use RTI to monitor students' academic and/or behavioral progress and to make data-driven decisions about student curricula.

Maryland

In its application, the Maryland State Department of Education (MSDE) would require LEAs with Priority and Focus Schools to use their Title I set-aside for SES/parent choice and regular Title I funds where necessary to provide between \$50,000 and \$2 million per school year over the next three years to implement interventions (e.g., 104 SIG models or 7 principal turnaround interventions). For Priority Schools, a district may use up to 20 percent of Title I to implement the Maryland Priority School Intervention template or continue to work with SES providers at their option. Districts with Focus Schools would use the current amount for SES or school choice for Focus Schools. In addition, 150 schools would be allocated portions of the 4% set-aside for school improvement. Support would continue to be provided to new Focus and Priority Schools to breakthrough centers which are a key cog in the wheel for implementing SIG grants. A state-developed teacher tool kit and technical assistance provided under Race to the Top funding would be used to implement Title IIA Teacher Quality funds for professional development and support activities. Pre-implementation activities would begin in July 2012 for 21 Priority Schools and 40 Focus Schools (tentative number), with full implementation beginning July 1, 2013.

Maryland did not request greater flexibility in the use of 21st Century Community Learning Center funds probably because one of the strongest advocacy groups for existing after-school programs is from Maryland.

Michigan

Michigan will identify Priority Schools as follows:

- the lowest-performing five percent of the State's Title I schools;
- High schools with graduation rates of less than 60 percent for three consecutive years; and
- Tier I or Tier II schools using SIG funds.

Michigan school districts with Title I Priority Schools will be required to set aside up to 20 percent of the LEA's Title I allocation for school choice (transportation) and at least one of the following options:

1. Increased learning time through a longer school year, week, or day;
2. A multi-tiered system of support, including scaffolded instruction for students with disabilities (SWD) and English language learners (ELL);
3. Professional development for staff with a focus on SWDs and ELLS; or
4. A State School Improvement Review to give the school an external perspective on its needs.

Replacing the 10% professional development set-aside, each Priority School will also have to set aside up to ten percent of its Title I allocation to provide an Intervention Specialist to ensure that the school's reform plan is consistent with the building-level School Improvement Plan.

Under Michigan law, not later than September 1 of each year, the State must publish a list of the lowest-achieving five percent of all schools. Within the next 90 days, each school district must draft a school Reform and Redesign Plan to the State. Not later than June 1 of each school year, the district must revise its plan to indicate how Priority Schools will be supported the following year. Each Priority School must revise its school improvement plan.

To exit Priority School status, a school must make adequate yearly progress (AYP) after one year of planning and three years of intervention and show significant improvement as reflected by reform plan implementation.

Michigan's Focus Schools will include schools with the largest achievement gaps between the top 30 percent of students and the bottom 30 percent. The State (MDE) also defined a "subgroup," for purposes of identifying Focus Schools, as the bottom 30 percent of students, regardless of their demographics. Focus schools will be required to have the necessary progress monitoring tools to help teachers select the correct "tier" of interventions for each student in math and English/language arts. Funds for such tools could be drawn from the 20% district set-aside, the 10% school set-aside or other Title I, II, or III sources. Focus schools must remain in that status for three years after its initial identification year. To exit Focus School status, a school (and its bottom 30 percent sub group) must make AYP in the third years after the identification year.

Like Priority Schools, Michigan's list of Focus Schools will be identified by the State not later than September 1 each year. After five months of technical assistance, by March, each district must submit its revised District Improvement Plan to the State.

Districts with other Title I schools which are not making AYP must set aside 20 percent of their Title I funds, for use by the low-performing schools, for: (1) culture/climate intervention (e.g., behavioral supports); (2) surveys of enacted curriculum; and/or (3) professional development to support improvement in content areas/student groups not making AYP. The Title I schools not making AYP will set aside ten percent of their Title I allocation to enable State consultants to provide technical assistance using a MDE developed Data Workshop or on MDE-approved Schoolwide Facilitator.

Michigan has developed guidance for implementing Response to Intervention -- including the essential elements of an effective tiered support system and an annotated list of resources -- and a revised Standards for Professional Learning. These documents will support the State's "Connecting the Dots" effort to help educators understand the importance of effective "Tier 1" instruction so that all students leave high school ready for college or a career.

Initially created in 2005, a "loosely coupled association" of district advocates for response-to-intervention has been instrumental in promoting RTI, initially in special education, but now in regular education. RTI approaches, in both instructional and behavioral areas, are used extensively throughout the State. The Center on Education Policy (CEP) conducted a series of

case studies in 2007-09 identifying the types of interventions which appear to be most effective in turning around schools in corrective action/restructuring. As we have previously reported, during that timeframe, the most effective interventions were one-on-one in-school tutoring (not SES), and professional development for teachers on how to use assessment data to inform instruction. It is very likely that many districts will expand the use of such interventions under the waiver process.

Michigan's waiver application cites a number of funding sources that will be used to support aspects of school turnaround efforts:

- A Statewide Algebra for All project was begun with a Federal Title IID award and is being continued for two more years using Title IIB funds.
- The Michigan Statewide Comprehensive Literacy Plan, developed with Federal Striving Readers funds, provides a platform for educators to coordinate literacy efforts with community members.
- The Michigan Online Professional Learning System, an interactive, user-driven program providing high-quality learning options, is being completed using Federal IDEA money.
- The State's Office of Great Start provides leadership for all publicly-funded early education and core programs.
- Michigan's Regional Education Service Agencies will use SIG (part a) funds to support Priority Schools.

Mississippi

The state waiver application requests greater flexibility in the use of 21st Century CCLC funds with 15 of 16 LEA stakeholders during the consultation period indicating they would participate in expanded school day requirements upon waiver approval. Flexibility would allow more time for teachers to engage in professional collaboration and for student time in enrichment activities. Non-SIG Priority Schools will use state and local funds and up to 20 percent of the district's Title I allocation and portions of the 4% set-aside to implement interventions aligned with turnaround principles. SIG Priority Schools will continue using one of the four SIG models. Focus Schools will use at least 10% of the school's Title I allocation with some 4% set-aside funding for embedded professional development to support instructional best practices. Evidently, the state will encourage districts to create a Consolidated Federal Cost Pool consisting of the 4% set-aside, other Federal and state funds, along with the state's Teacher Incentive Fund grant for CEIS/RTI which will follow State Board Policy 4300 on "interventions." About 36 schools will be identified as Priority Schools of which 18 are Tier I or Tier II SIG schools for 2012-13 school year; 72 schools would be identified as Focus Schools. About four Title I schools to be served as Priority Schools will be high schools. The final list will be identified based on this year's data. Timelines for implementation are not clear in the application.

Missouri

The SEA will provide support to Priority Schools for over three years, similar to support currently provided to SIG grantees. Priority Schools which are currently not Tier I and Tier II schools receiving SIG funding will be allocated new SIG funding under SIG guidelines. Use of the 20% SES set-aside was not addressed in the application although it is likely that the SEA requested a waiver to no longer have to identify districts with schools under NCLB as being “identified” and therefore subject to sanctions, including the SES set-aside. About 45 schools will be identified as Priority Schools, with about 13 more to be identified soon. These will receive priority funding under new SIG funds. Identification will occur in late summer. Approximately 115 schools will be identified as Focus Schools in 2012-13 school year. Full implementation of turnaround principles or transformation intervention models will not occur until the beginning of 2013 school year. Those new Priority Schools receiving SIG funding could begin pre-implementation activities such as professional development, remediation, and other allowable pre-implementation activities 6-12 months after being identified. Additional information from the SEA will likely be requested by USED.

Nevada

In its application, Nevada would allow the 20% SES choice set-aside be used in a more flexible manner to allow districts to support instructional time or expanded instructional time, even though the state did not request flexibility under option 11 regarding the use of 21st CCLC funds for in-school extended learning time. The 5% parent choice transportation allocation would be used instead to increase instructional capacity at low-performing schools. Nevada is also requesting a waiver from the existing Title I provision requiring districts to rank schools on percentage of poverty and then serve only those schools before the cutoff. Rather, it would use a proposed ranking based on academic need and funds are to be allocated based on the level of needs for schools that have 40 percent or more poverty, which would be designated as schoolwides. As we reported in our February TechMIS Washington Update, several Title I legal “beagles” have argued that the Secretary does not have the authority to waive the long-standing Title I “rank and serve” provision.

Priority Schools would follow the SIG fiscal and instructional guidelines and mandates. In addition to SIG funds, 4% SEA set-aside and up to 25 percent of an LEA’s Title I allocation would have to be set aside for interventions, most likely one of the four SIG models. Districts with one or more Focus Schools will have to reserve up to 25 percent of its Title I funds to implement interventions, the amount of which will be determined by the depth of school needs and the number of affected schools in the district. The district will be allowed to use set-aside funds for interventions per school at the central office “reserve” to address all of the Focus Schools with strategies such as focused technical assistance and PD, the use of technology and materials. Other Federal funds supporting Focus Schools would include Title IIA Teacher Quality and IDEA, and 4% SEA set-aside. Other Federal funding would include Gear-Up, IDEA

Personal Development grants and Striving Readers Comprehensive Literacy grant which will help in implementing curriculum objectives aligned with CCSS.

The National Center for RTI has provided technical assistance to most Nevada districts which are implementing RTI systems this year for which statewide implementation will be refined upon approval. The SEAs conceptual approach to providing support to schools is an RTI centered approach which relies on data-driven decision-making to target interventions with stricter management control over low-performing schools and more autonomy to those schools which are high-performing.

Priority Schools will be identified in September 2012 with implementation beginning a year later. There will likely be 17-20 Priority Schools and about 35 Focus Schools once identification has occurred.

New York

The New York application has a number of wrinkles different from most other states. It requests a waiver for Option 11 to use 21st CCLC funds more flexibly, noting that since 2003 some of such funds have been allocated to schools identified for “improvement” which will continue as CCLC funds will also be allocated to Priority Schools. Some will also be allocated to eligible schools not in Priority status. Title I and other set-aside funds will be used to support expanded learning time requirements in Priority Schools following state’s Board of Regents approval. The 20% SES set-aside can be continued at district’s option. The 5% school choice will be available for parent choice in Priority and Focus Schools receiving Title I funds. Two percent of Title I allocations in Priority and Focus Schools would be set aside for “family and community engagement.”

The 75 existing SIG schools will continue to implement one of the four models. The next round of the to-be-SIG-funded Priority Schools will be allocated funds for three years with no additional competitions occurring in 2013. The application identifies Focus Districts which can have both Priority and Focus Schools. It also appears that the district has some discretion in determining which of identified Focus Schools they serve first. The state also will be revising its “Consolidated Application for Federal Funding” to incorporate new set-asides to ensure all Federal funds are used in a comprehensive and coherent manner to implement turnaround principles in Priority Schools. However, the state will continue to require districts to document how they will use Federal funds in the revised Federal Consolidated Application, especially Title II and Title III. Federal Consolidation is supposed to reduce district “burdens” even though districts must still document how such Federal funding sources will be used. Consolidation in schoolwide programs could facilitate rather rapid expansion of RTI as noted below.

A Focus school district will be required to set aside between 5-15 percent of its Title I “basic” funds and Title IIA and Title III allocations for allowable expenditure/interventions which

include professional development for PBIS, RTI and implementation of expanded learning time, among other allowable activities. Focus Schools can also compete for a School Innovation Fund grant to adopt a whole school reform model approved by the Regents. Districts must jointly commit to work with key external partner organizations to launch whole new schools or redesign existing schools. Additional incentives will be offered to low-performing schools to implement virtual and blended learning and “the commissioner’s schools” interventions. Race to the Top funds currently support these initiatives. Approximately 240 schools will be identified as Priority Schools including 75 SIG schools. It has also identified a preliminary list of 445 Focus Schools which will go through a two-phase process in order to develop the final list. During 2012 and 2013, Priority and Focus Schools will develop plans based on the use of the state’s diagnostic tool for school and district effectiveness with full implementation beginning in 2013-14.

As of July 2012, all New York districts will be required to have an RTI program in place to identify whether students have learning disabilities. Guidance is available on the New York website at: <http://www.p12.nysed.gov/specialed/RTI/guidance/cover.htm> Hence, RTI is key strategy in a statewide system of support for Priority and Focus Schools. The waiver request calls for the use of consolidated applications which implies that schoolwide programs will be required/encouraged to establish consolidated funding pools consisting of Federal, state, and other funds. Schoolwide plans must describe plans for implementing RTI, most likely using a combination of “Consolidated Funding Pool.” The SEA will provide, directly or indirectly, for professional development on RTI and maintains a website for RTI support which has also been funded through a USED Federal grant to develop capacity building and replication of RTI models across the state.

North Carolina

For the 2012-13 school year, a total of 77 schools will be identified as Priority Schools. Forty of these will be implementing interventions under the School Improvement Grant program. Another 37 lowest-performing schools have been identified through the State’s detailed methodology. Priority Schools must implement either one of the four SIG models or some other intervention aligned to all turnaround principles that are selected through teacher and family involvement. Priority Schools must use the NC Indistar tool to demonstrate alignment with the turnaround principles; Indistar is a web-based system to inform and track improvement activities.

North Carolina has identified 130 schools (10% of all Title I schools in the State) as Focus Schools. Starting in the 2012-13 school year, school districts with Focus Schools must, as part of the comprehensive school plans (which must be finalized by November 1, 2012) address issues relating to increased learning time, job-embedded professional development, and family/community engagement. Among the specific interventions that districts may choose to implement are:

- Expand learning time in coordination with community partnerships

- Extend the length of the school year or school day;
- Provide appropriate, research-based professional development;
- Contract with a private entity to operate a school; or
- Reconstitute a school into a smaller learning community.

Although, under the waiver, SES would not be required for Focus Schools, school districts and charter schools may choose to offer tutoring services using State-approved SES providers. The state will monitor and evaluate such providers at least through 2014-15, but may not add new providers to the current list. Implementation for new Priority and Focus Schools will begin in the 2012-13 school year.

School Improvement Grant funds will be used to leverage North Carolina's Statewide system of support. SIG (part a) funds will be allotted to districts to serve Priority Schools that do not receive SIG (part g) funds. SIG (part a) money will be allocated based on the number of Priority Schools in a district and the enrollment of the Priority Schools.

Technical assistance -- in such areas as Response to Intervention -- for all school districts and charter schools will be provided by State central office and regional staff, with support from the New Schools Project, the UNC Center for School Leadership and Development, and the Appalachian Regional Comprehensive Center.

Ohio

In FY 2011, Ohio had 2,297 Title I schools; five percent of these -- 115 schools -- have been identified as Tier I Priority Schools. In addition, 27 Ohio Title I high schools had combined graduation rates of less than 60 percent, bringing the total number of Tier I schools to 142. A total of 254 Title I-eligible schools did not receive Title I funding; five percent of these -- 13 -- schools became Tier 2 Priority Schools, along with one high school with a below-60 percent graduation rate. Among the State's Tier I and Tier II Priority Schools, 80 were awarded School Improvement Grants during the 2009 and 2010 application rounds; 13 of these were not otherwise identified as Priority Schools and became part of the Priority School list. Non-SIG-funded Priority Schools will use Ohio's Intervention and Improvement Model which includes a number of crucial activities including:

- implementation of an instructional model based on student needs and research, which is aligned with the Common Core State Standards;
- working as a partner with other groups to provide socio-emotional and community-oriented services and supports; and
- providing flexibility to the school leader in areas of curriculum, budget, staffing, and scheduling.

At the time it submitted its flexibility waiver application, Ohio had already begun SIG interventions in its existing Priority Schools. Of the State's 85 schools that have been awarded

SIG funds since the 2010-11 school year, 34 from Cohort 1 (2009 awardees) have been implementing either the turnaround or transformation model and 45 schools from Cohort 2 (2010 awardees) began implementing turnaround, transformation, or restart models during the 2011-12 school year. Six Tier 3 schools have been implementing improvement strategies since 2010-11.

The next ten percent lowest-performing schools -- 230 -- are identified as Focus Schools, which must create a School Needs Assessment to develop a focused improvement plan for the school. The plan will include data-driven goals, professional development for teachers and school leaders, and technical assistance by a State Support Team or Educational Service Center and it must be in compliance with the Ohio Improvement Process Implementation Review. Focus Schools will have the option to implement one of the four SIG Intervention Models (and one optional model) and may implement extended learning opportunities.

Ohio does have the 20% set-aside waiver, but SEA officials don't know how many districts are going to free up those funds. They are big on "comingling" of funds and being able to have the flexibility to "mix and match" and do whatever they feel is critical for all three types of schools - Priority, Focus, and other Title I schools. Implementation of RTI using comingled funds is a high priority in the State. They are hoping that the peer reviewers of the Ohio application have experience in actually implementing interventions -- RTI or otherwise -- at the district level using different Federal funds.

Schoolwide programs will be major focus because of high interest in the "comingling" of funds and they are willing to negotiate very hard during the review process. Ohio education officials expect USED will push back for "comingling." Several groups reviewed their applications prior to submission, including Achieve.

Ohio has had a Teacher Incentive Fund grant and Race to the Top funds (RTTT and RTTT-ELC) that have helped "reform policy impacting teaching." These funds will support interventions particularly through professional development and teacher support activities.

According to the State's waiver application, Ohio has developed a cadre of resources for differentiated support, monitoring and technical assistance to provide early and systemic assistance to LEAs. Like a Response to Intervention (RTI) model, Ohio's resources provide comprehensive supports to all LEAs, and more targeted and intensive supports, monitoring and technical assistance to LEAs that are at-risk or are currently low-achieving.

Oregon

Oregon will no longer require the SES set-aside; such freed-up funds are to be used for after-school tutoring, after-school enrichment, in-school support, and extended learning time. The 5% parent choice set-aside will be used to maintain transportation and communications for parents. By requesting a waiver for Option 11 to use 21st CCLC funds more flexibly, it proposes to use

such funds to “enhance opportunities to unify all stakeholders, youth development programs, non-profits, and business to provide schools with additional technical expertise, human capital and funding to support and enhance student achievement.” Level III lowest-performing schools would receive intensive direct instruction and would have “significant restriction on their use of Title I funds and in the selection of interventions with a regional network coordinator overseeing the process.” The extensive use of direct instruction is probably due to the influence of the University of Oregon proponents of direct instruction which were very influential of the creation of Reading First in 2002.

Also as expected because of the influence of the direct instruction advocates, RTI initiatives are already underway and will be used for both Priority and Focus Schools, addressing both instructional and behavioral needs.

While Level 1 schools would receive Coaching and Support using the 4% SEA set-aside, Level 2 schools would receive Directed Use of Resources and be required to set aside more Title I and school improvement funds to support interventions provided by “outside” support and direction by the Oregon Department of Education. The latter two levels will probably constitute Focus Schools while Level 3 would be Priority Schools. The application states that Oregon will invest state funds in systems linked directly to improving student outcomes, if proposed legislation is approved to do so. Such investments will also attempt to develop the capacity of schools to maintain support between 2013-15 and explore innovative practices. Using 2011 data, 36 Title I elementary and three Title I middle schools were identified as Priority Schools along with eight Title I high schools and 31 Title I eligible high schools.

By January 2013, the Oregon Department of Education will identify Priority and Focus Schools by intervention levels and the amount of Title I resources set aside for interventions. Once district comprehensive achievement plans are proved by the Department, implementation will begin in spring 2013.

Rhode Island

Rhode Island did not request greater flexibility in the use of the 21st CCLC funding under Option 11 largely because of the “success” record of the state’s after-school programs that serves as a model for some other states. Hence, one can expect extended after-school initiatives to be expanded using “new” funding through other freed-up set-asides or Title I resources. A major funding source for implementation of the waiver’s interventions will be the existing Race to the Top grant which is being used by some LEAs which will have Priority and Focus Schools. Both Priority and Focus Schools will have a number of options in terms of interventions from which they should select one or two depending on the area with Focus Schools having greater flexibility in selecting strategies. The strategies of interest to TechMIS subscribers:

- Implementing “culturally competent” support systems to improve safety, increase attendance, and provide support for all students;

- Increasing advanced coursework;
- Using instructional coaches or other content-focused job-embedded support for teachers;
- Offering virtual education options for at-risk and advanced students;
- Implementing instructional monitoring system to ensure interventions are implemented with fidelity, especially for underserved students to ensure access to academic core instruction;
- Establishing a comprehensive system to support struggling teachers, especially those students with disabilities and English language learners;
- Implementing a tiered system of support focused on student psycho-social health; and
- Reallocating resources for the support of direct instruction.

The SEA’s intervention strategies model, referred to as the Flex Model, is designed to incorporate the basic principles of RTI offering a tiered approach based on intensity and scope. Priority and Focus Schools will be required to select interventions from the above list. Focus Schools are required to implement the Rhode Island “EXCEED RTI” which is web-based system for RTI management which is built using Race to the Top funding. Appropriate interventions are described on pages 78-81 of the application.

The Academy of Transformative Leadership (ATL) which is funded under Race to the Top grants will continue to deliver services to low-performing schools. These schools will be designated as Priority Schools and 16 as Focus Schools. In late Spring 2012 intervention models will be selected, plans developed, and after SEA approval early implementation will begin in September with full implementation expected by the end of 2013.

South Carolina

During the 2011-12 school year, South Carolina indentified 31 schools as Priority Schools because they are the lowest-performing five percent based on the State assessment system criteria. In addition, there are 15 SIG schools identified as Priority Schools. By July 16, 2012, the State will, based on 2011-12 assessment results, finalize Priority and Focus Schools for the 2012-13 school year. Priority Schools must continue to offer SES and school choice. SES interventions may include such academic assistance as tutoring, remediation, and enrichment activities that are aligned with the State’s academic content and achievement standards. The following represent South Carolina’s procedural SES requirements for Priority and Focus Schools:

- The State will compile a list of approved SES providers based on a rigorous application and interview process. School districts will choose up to ten providers to serve Priority and Focus schools based on the needs of the students in impacted schools. The list must be validated by the Office of Federal and State Accountability.
- Schools will be encouraged to allow all providers access to school facilities.
- SES providers must provide at least 20 hours of tutoring spread over at least a three-month period.

- All students in Priority Schools will be eligible to receive SES.
- Students in the identified subgroups and the lowest performing students will be eligible for SES in Focus Schools.
- Districts with Priority Schools must set aside 20 percent of their Title I funds for SES and choice unless a lesser amount is approved by the Office of Federal and State Accountability.
- Districts with Focus Schools must set aside ten percent of their Title I funds for SES and choice unless a lesser amount is approved by the Office of Federal and State Accountability.
- Any school not identified as a Priority or Focus School may serve as a school of choice.
- Districts must offer at least two schools of choice if available schools exist.

Priority Schools may extend the school year or school week by going to a school year long than the State's required 180 days or by using a year-round calendar. To ensure that instruction is rigorous, Priority Schools must implement such interventions as Readers and Writers Workshop and Math Workshop and strategies such as Marzano's What Works or Bloom's Revised Taxonomy.

The State will designate as Focus Schools those under performing schools with significantly underperforming subgroups and those with the largest subgroup performance gaps. A total of 51 schools have been identified as Focus Schools for the 2011-12 school year.

Funds will be allocated to Focus Schools from SIG (part a) on a formula basis. Schools will submit improvement plans which must detail the actions planned and how the school will use the SIG funds to implement the plan. To support the interventions, the State will redirect resources from current SIG (parts a and g), Federal Teacher Incentive Fund, and State Technical Assistance funds and will also repurpose some Title I funds that previously have been set aside for SES and school choice.

South Carolina's waiver application says that it will implement a Response to Intervention team and Positive Behavior Intervention Support systems that will include incentives for factors that affect students' expected behavior.

South Dakota

The SEA merely addressed the bare minimum application requirements without any details to what types of interventions will be provided for Priority and Focus Schools. The application did state that a multi-tier system of support referred to as "South Dakota RTI" may (not must) be used by LEAs. Currently, the lowest-performing schools receive SIG funding; however, because of the lack of schools in corrective action two years ago, when SIG guidance came out the state did not have schools identified as Tier I's; hence, initially SIG funds went only to a few Tier III schools. Over time, additional Tier I schools were likely added. The process identifying Priority

and Focus Schools follows directly the procedures outlined in the waiver guidance. The timeline is unclear. It is likely that an addendum will be requested before the SEA application is reviewed in its entirety.

Utah

The approach to interventions in Utah will parallel those already in place under SIG part (g) funding. Fifteen Title I SIG schools will be identified as Priority Schools, all of which are already implementing the transformation model. Approximately 28 Focus Schools or ten percent of their 276 Title I schools will be identified by August 2012 based on the 2011-12 state assessment results. The Utah SEA will be assessing LEAs with SIG schools this year to determine continuation of SIG funding. The same process will be used in the future for those SIG and other schools identified as Priority Schools. The SEA has requested a waiver under Option 11 to increase the flexibility of use of 21st CCLC funding for other purposes such as extended learning time. While the application does not specifically refer to 20% SES set-aside, it is assumed that since the waiver no longer requires identifying districts or schools identified for improvement. A portion of the 20% set-aside will be used to support interventions for Priority and Focus Schools. The application also calls for extensive “cross agency targeted collaborative professional development” efforts to support implementation of interventions in Priority, Focus, and other Title I schools using the state 4% set-aside as well as SIG funding. Since Priority Schools are already being served, that implementation deadline has been met. Focus Schools implementation including planning, remediation, and professional development should begin shortly after they are identified in August 2012.

Vermont

The SEA has proposed a fifth model (similar to the approach approved for Florida) for new SIG Priority Schools that does not require dismissal of principals and teachers. A priority focus will be on early learning. The Priority Schools will be ten Tier I and Tier II SIG schools with an additional four schools that will be identified and funded after approval. Twenty-eight Focus Schools and 14 Reward Schools will also be selected from the total 235 Title I schools in the state. All interventions will fall under the SIG guidelines and the waiver’s seven “turnaround principles,” particularly for Priority Schools.

The state’s systematic approach to improvement and capacity building includes research-based practices such as data-driven decision-making, schoolwide coach certification, and schoolwide change models which are based on response-to-intervention frameworks for improving academic and behavioral outcomes through a tiered approach and community and family engagement. In November 2011 an RTI steering committee was created to develop policy guidelines which will be available in June 2012.

All Focus and other Title I schools that are receiving additional funding under the waiver will follow a multi-tiered system of support (MTSS or RTI) approach which will be designed and implemented in the summer of 2012; after that Comprehensive School Profile and Development Plans will be developed for the 2012-13 school year when interventions and supports will be implemented and revised as needed. New Priority and Focus Schools will have a priority in receiving SIG grants, some of which funding has been carried over from previous years. Beginning this spring limited competitions will be held in March of each year.

Virginia

In the 2011-12 school year, Virginia has had 723 schools identified as Title I schools; the lowest-performing five percent of these -- 36 schools -- will be initially identified as Priority Schools for the 2012-13 school year. An updated list, based on 2011-12 assessment results, will be available in Fall 2012. All Title I high schools with graduation rates below 60 percent for two or more years will also be identified as Priority Schools. A school district (referred to as a division in Virginia) with a school receiving SIG funds as a Tier I or II school that is implementing a transformation or restart model will continue according to the timeline in its approved SIG application. Districts with schools newly identified as Priority Schools will be required to implement all USED turnaround principles, specifically including:

- redesigning the school day, week, or year to allow for additional time for student learning and teaches collaboration;
- strengthening the school's instructional program based on student needs;
- ensuring that the program is rigorous, research-based, and aligned with State content standards; and
- using data to inform instruction.

Priority Schools must select a Lead Turnaround Partner (LTP) to assist in implementing the selected turnaround model. The State has established a list of approved LTP providers; if a LTP not on the State list is chosen, the selection must be approved by State and district officials. The State will provide extensive support to help districts and LTPs implement the selected turnaround model. The State will also appoint an experienced external consultant to monitor district- and school-level implementation. School districts with schools newly identified as Priority Schools will receive State-provided preimplementation technical assistance beginning in September 2012 and must hire an LTP by January 2013. They must full implement the selected intervention strategies no later than the 2013-14 school year.

The next ten-percent lowest-performing schools (72) will initially be identified as Focus Schools. Like Priority Schools, the final list of Focus Schools will be available in the Fall. All Focus Schools must develop an intervention strategy for all students who have failed a State assessment in the past or who are identified as below grade level on the literacy screening (K-3) or the algebra readiness diagnostic (5-8). Each Focus School must regularly analyze a variety of data points to make data-driven decisions about needed interventions for identified students including

English language learners and those with disabilities. These analyses will be used to adjust district- and school-level improvement plans. For each Focus School, the district will hire a State-approved contractor to support interventions for students who are at risk of failing a State reading or mathematics assessment. School districts with Focus Schools will begin the planning process in September 2012 with implementation of the intervention strategies to begin no later than January 2013 and to continue through the 2013-14 school year.

High schools with low graduation rates will use the Virginia Early Warning System (VEWS), a data-tracking tool to help schools identify students who are at risk of failure or dropping out. Virginia's RTI guidance focuses on universal screening to direct intensive instructional interventions. The State offers funds for demonstration/pilot sites to scale up its RTI framework.

Virginia Governor Robert McDonnell has proposed an "Opportunity to Learn" K-12 legislative agenda that is intended to increase college and career readiness, expand students' educational options, and strengthen the teacher workforce. The proposal calls for \$438 million in additional K-12 funding for the next biennium. According to the State's waiver application, Virginia leverages Federal and State funding with particular emphasis on support for at-risk students. Among the key State funded initiatives are: Project Graduation, Algebra Readiness Initiative, Virginia Preschool Initiative, Early Intervention Reading Initiatives and Virginia Early Warning System.

With respect to Response to Intervention, the Virginia waiver application says the State will provide professional development on classroom observations, literacy/math coaching, effective modeling practices, and research-based interventions. In 2007, the State produced an RTI guidance document that has been used by all school districts.

Washington

In its waiver request, the 20% SES/choice set-aside will no longer be required; however, Priority and Focus Schools must set aside 20 percent of their Title I funds to identify needs and support improvement intervention plans including implementing "turnaround principles." Non-SIG Priority Schools are required to use meaningful research-based interventions. Also the 10% set-aside for professional development and for schools and districts identified for improvement would be eliminated, as confirmed during a discussion with State Superintendent Randy Dorn on March 26. This will free up an estimated \$40 million of "carryover funds" from previous years and this year that have not been spent, but will be added to districts' ten percent set-aside in subsequent years. These funds will be reallocated for use at the district and school level, most likely in all Title I schools, for products and services supporting the new teacher evaluation system, according to Superintendent Dorn. If this is approved, the implications are significant in that of the \$2.5 billion estimated carryover by districts nationwide (see February 6th TechMIS Special Report) from last year to this year, approximately a third is accumulated unspent 10% set-asides for PD, which currently cannot be used for other purposes but still has to be spent by

September 30th. This has significant implications if other states are planning to do the same, but have not necessarily made the same request in their waiver application. In addition to freed-up 20% SES funds, the Title I 4% set-aside and freed-up SEA Title I administrative funding in combination with Title IIA and Title III funding will be used to support implementation of interventions in Priority, Focus, and other Title I schools.

Examples of meaningful interventions that are aligned with turnaround principles taken from the SEA application include:

- School implementation of a tiered system of support (response to intervention framework to meet the academic needs of all students), training teachers and using data to inform instruction;
- districtwide implementation of RTI which includes formative benchmark summative assessments, and time for professional collaboration;
- Implementation of positive behavioral intervention systems in the non-academic needs of students;
- Redesign of the school day, provide extended time for teacher collaboration (the SEA did not request increased flexibility in the use of 21st CCLC funds under Option 11);
- Provide for early learning students with a high priority placed on expanded mechanisms for family and community engagement;
- Use resource coaches and capacity building coaches to build systems essential for implementing interventions and sustaining change; and
- Partner with ESDs to provide technical assistance and professional development aligned with interventions.

Funds are currently being provided under the state performance development grant to each education service district (ESD) to align RTI efforts for schools receiving a portion of the 15% IDEA set-aside for coordinated intervening services/RTI and for districts which have lesser degrees of disproportionality of students being placed in special education programs. According to the application, RTI is one of the “meaningful interventions” aligned with turnaround principles for Priority Schools and will be integrated into professional development to ensure teachers are able to provide differentiated instruction for students with disabilities. Professional development on RTI implementation will be part of “intensive assistance” for Focus Schools.

Of the approximately 45 Priority schools to be identified, 27 are SIG schools; four additional low-performing schools, and 19 additional low-performing schools will also be identified as Priority Schools. The number of Focus Schools will be about 90 and will be selected based on performance of subgroups. The state has 913 Title I and eight Title I participating high schools. Title I schools and eight eligible high schools with graduation rates of less than 60 percent. The first cohort of Priority Schools will be using this year’s assessment data while the second cohort will use next year’s assessment data with implementation in non-SIG schools to begin in 2013-14.

Wisconsin

The SEA is requesting that changes begin. Parent school choice will continue; however, the 10% set-aside for professional development will no longer be required next year. While other NCLB sanctions will still be in place next year, the SEA has waived the SES requirement because of limited evidence of positive impact. Freed-up SES set-aside funds will be used to support extended learning opportunities aligned with district and school reading and math curriculum; parent choice will be expanded including continuing SES for their students if they so desire. Districts with schools identified for improvement will have to submit a district plan describing expanded learning opportunities and interventions which must be approved by the SEA. Districts must allocate at least five percent up to 15 percent of the 20% set-aside for transportation, education materials, parent involvement activities, and extended learning initiatives. Districts implementing a turnaround model must contract with a partner appearing on an SEA-approved list. Districts may use the 20% set-aside along with funds transferred from other titles and SIG grant funds, if available, or SEA state reform funds to contract with turnaround partners.

While the above requirements relate to Priority Schools, Focus Schools may implement “meaningful interventions” using the SEA 4% set-aside and freed-up 20% district/school set-asides and possibly other funding. While Priority and Focus Schools have not been identified, the number of Priority of Schools will be about 60 with about 120 Focus Schools to be identified later as 2012-13 will be a transition year, full implementation will not begin until 2013-14.

Special Report:
**During Council of the Great City Schools Annual Legislative
Conference, Secretary Duncan and USED Officials Were Pleasantly
Surprised as Reports of the School Improvement Grant Program
Pointed to Early Success, While Urban District Officials Expressed
Major Concerns About “Freed-Up” SES Funds Under Approved
Waivers Being Reduced by Some State Laws
and Recently-Passed Legislation**

A Technology Monitoring and Information Service (TechMIS)
SPECIAL REPORT

Prepared by:
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March 29, 2012

Speaking before a “hometown crowd” of member districts of the Council of the Great City Schools -- of which he once was a spokesperson as Superintendent of Chicago Public Schools -- Secretary Duncan and other high-level USED officials including Michael Yudin, Acting Assistant Secretary for Elementary and Secondary Education and Ann Whalen, Deputy Director of Policy Implementation, expressed their pleasant surprise about early reports of success stories in School Improvement Grant districts. The early success stories, however, were countered by many urban district officials’ complaints about the lack of SEA consultation with them in developing the waiver applications and dismay from states such as Florida which have received early waiver approval to eliminate SES sanctions only to be confronted by state action and legislation which hampers their ability to free-up all SES set-aside funds to be used for other interventions. Superintendents and high-level officials from other districts expressed general concern about the lack of freed-up funding to implement other interventions in Priority and Focus Schools.

Secretary Duncan and Assistant Secretary Yudin cited Colorado as an example of “success,” where, under the waiver initiative, 160,000 more students who were not under the NCLB accountability system would now be included under the waiver approved state accountability system. Both officials pointed to a forthcoming report which demonstrated significant student gains in reading and math in over 20 percent of SIG schools with increased attendance and slight increases in graduation rates.

Secretary Duncan reiterated his priorities including:

- Early childhood education
- School Improvement Grants
- Pell grants and community college reforms pointing to the joint USED/DOL four-year, \$2 billion initiative which includes expansion of distance learning capacities; and
- Race to the Top's new competition which would include districts as well as states.

Regarding the latter, Yudin and Whalan solicited comments from Council member districts by emphasizing that the criteria for district competitions will be very different from those used in previous competitions for states. One approach which the Secretary appeared to support would be large funding for a small number of districts which set the "bar high" versus smaller-sized grants to a much larger number of districts. Reiterating the Administration's desire for an early reauthorization of ESEA, the Secretary noted that "students cannot wait," and that the waiver initiative was the "best alternative package in town." He was encouraged that 27 SEAs applied during the second round and felt that five or so remaining states would likely submit applications in the third round in September, including Texas. He acknowledged that during the first round of 11 state approvals, there continued to exist issues related to supplemental educational services (SES) and that he and his staff were still working on problems in Florida and Colorado. During a question-and-answer period, Dade County Superintendent Alberto Carvalho expressed serious concern that, even though there had been tacit approval by USED of removing SES sanctions in the approved Florida application that the Florida legislature recently passed a law which would still require a significant amount of funds to be set aside for SES. Officials with whom we talked from several Florida districts believe that the state amendments reduced the amount of freed-up SES funds between \$1 million and \$5 billion in their districts.

Carvalho, who formerly directed Federal programs in Miami, noted that the lesser amount of freed-up funds from ineffective SES program would certainly reduce funding for a "great program" -- the more effective School Improvement Grant program in Dade County. The general feeling among most district officials was that SES programs have been ineffective, but that providers are lobbying strongly in some state legislatures for a continuation of the SES set-aside. Several district officials felt such lobbying efforts could "snowball" nationwide if USED does not enforce the intent of the waiver process. Assistant Secretary Yudin indicated that his office was working on the matter regarding Florida and would need to review the Florida implementation regulations or guidance when it became available. In his speech, Secretary Duncan emphasized that states will be held accountable for implementing the waivers that USED had approved and that states' failure to comply could result in waiver approval being withdrawn.

Answering a question related to the Administration's support of changing the way "comparability" in Title I is measured, Secretary Duncan emphasized the need to take into account not only the salaries of highly-effective teachers, but also non-personnel costs such as technology support, arguing that there is the need for a "proper mix" of good teachers, and technology-based wraparound support. A district official also asked whether the Secretary would consider allowing districts in states which did not request waivers to apply directly for

waivers to which the Secretary responded that the possibility could exist, but would not be determined until the remaining states have had a chance to apply for waivers in September (see related Washington Update item).

One of the questions uppermost in the minds of many district officials was whether the Administration had a “Plan B” to reduce the negative impact of a possible 7-9 percent across-the-board “sequestration” in January 2013 as called for in the recently passed Budget Control Act. Without being asked the specific question, the Secretary volunteered that there was no Plan B and that “we will figure it out.” He implied upcoming budget hearings would likely address how such a disaster could be averted. In another session, concern was expressed that the sequestration could affect the recently passed FY 2012 budget allocations for Title I, Title II, and IDEA, because more than two-thirds of such funds are “forward funded” and that come January 2013, if sequestration occurs, remaining funds could be reduced by over 70 percent mid-year (similar to what happened in 1995).

Special Report:
**During SIIA Ed Tech Policy Forum, Policy Officials/Policy Influencers
Generally Agree that ESEA Reauthorization is not Likely this Year and
the Waiver Initiative Will Continue; However, Major Disagreements
Surround Participation and
Implementation of Common Core Standards**

A Technology Monitoring and Information Service (TechMIS)
SPECIAL REPORT

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March 27, 2012

During the March 7-8 SIIA Ed Tech Government Forum, policy officials and knowledgeable influencers/pundits generally agreed that ESEA reauthorization is a way off. They disagreed on several aspects of the future of Common Core State Standards and Assessments, including the number of states that will be implementing Common Core Standards and, when and if, implementation can be expected. Because of the perceived importance of Common Core State Standards (CCSS) and Assessments, analysts in a number of sessions shared their knowledge and perspectives from which subscribers can glean possible implications for their firms.

Andy Rotherham, co-founder of the Bellwether Education Partners Group, who also served as a high-level education policy advisor during the Clinton Administration and a former member of the Virginia State Board of Education, argued that when the CCSS assessments begin to be implemented, it is likely that only 20-25 states will participate in the scheduled implementation process for reasons of internal state politics, projected costs, and budget limitations. Michele McNeil, Assistant Editor of Education Week and co-founder of the *Politics K-12* blog, said opposition to the CCSS among states will increase over time; because of the slow “economic comeback” some states could take an additional five years to cover costs. In a subsequent session, Chris Minnich, a lead person in the CCSSO on the Common Core as well as other important reform initiatives in which CCSSO has taken a leadership role, predicted many more than the 25 states Rotherham predicted would continue their participation in CCSS and the vast majority would begin implementation on schedule, although the process may be bumpy when the assessment process begins. He did point out, however, that legislatures in states such as Utah and South Carolina will continue to propose legislation thereby creating challenges for state participation.

Minnich confirmed that a Brookings study findings and the reduction of NAEP funding to support pilot testing of the PISA will be used by the Pioneer Foundation which is fighting Common Core. Opponents of CCSS say that the Feds are changing the test because NAEP is not sensitive to what they are hoping will show up in terms of student performance (see February TechMIS [Washington Update](#)). He also acknowledged that USED's goals of "turning around failing schools" and "personalized education" appeared to be very similar; however, in the case of Colorado's waiver request, USED did not allow the State to use individual student growth measures as requested. There is an apparent conflict below the surface, he noted.

To varying degrees, there appears to be a consensus that the major hurdle over the next two to three years will be assessment. As Minnich noted, 44 states currently are participating in one or both of the two CCSS assessment consortia; field-testing will begin next year. According to Minnich, states which are most likely to be early implementers include: New Hampshire, Vermont, New Mexico, Mississippi, Georgia, North Carolina, Kentucky, Michigan, Minnesota, and Maine, among others. He added that one major opportunity for publishers will be professional development which should experience a significant increase this coming summer. He also noted that additional opportunities for, as well as challenges to, CCSS implementation will be identified as a result of a survey which is underway to determine the capacity of each state in a number of areas such as technology availability, bandwidth, and online delivery capacity. He suggested that one likely problem area will relate to ensuring test security. He cautioned that the survey, which is scheduled to be completed this summer, would not "certify" state capacity.

In another session, current Common Core Standards activities among states and large urban districts were identified and discussed. Diane Stark Rentner, the new Executive Director of the Center on Education Policy following the retirement of Founder Jack Jennings, referred to several recent surveys CEP had conducted and which were reported in the February TechMIS report. Rentner noted that SEA officials surveyed in December reported that 24 of the 37 reporting states indicated major challenges confronting CCSS implementation, with only five indicating that no problems were anticipated. Twenty-nine SEAs reported major challenges in the area of funding. Another panelist referred to a recent report by the Pioneer Foundation, which is working with state legislators to oppose the CCSS, which estimated the initial cost of implementation would be approximately \$15 billion. Rentner also echoed previous panelists' comments that many states are acting cautiously until the assessment picture becomes clearer.

Ricki Price-Baugh, Director of Academic Achievement at the Council of the Great City Schools, formerly with the Houston, Texas school district, indicated that many of the Council's urban district members "are not waiting" but are refining/adapting content and conducting activities in preparation for assessments. A number of Council member districts which are working on implementation initiatives are also attempting to develop rubrics to determine what "open education resources" content should be aligned to standards which they are "adapting" based on their interpretations. It appears that at least some of the large urban districts are not waiting to see whether their state decides to add up to 15 percent additional state-specific standards to the

Common Core Standards, but rather are coming up with their own “adaptations” or “interpretations,” which could represent some opportunities for firms.

Regarding the prognosis on ESEA reauthorization, most commenters were brief representing a consensus that ESEA reauthorization would not occur until next year at the earliest. Chris Minnich predicted this could happen as early as April 2013 depending on the election. Michele McNeil noted that ESEA renewal is related to the election results and argued that Secretary Duncan would have more power under the Waiver Initiative than under any ESEA reauthorization, which is likely to delegate many Federal responsibilities and authorities to states. Andy Rotherham referred to a survey done by his group asking policy observers and influencers whether ESEA reauthorization “should occur” versus whether it “will occur” which found a very large gap between the two, indicating the continuation of “major gridlock” in Congress. Mike Petrilli, Vice President for Policy at the Thomas B. Fordham Institute, did argue that if the Senate would allow the Committee reauthorization version to go to a floor vote, Senator Alexander would become an “important playmaker” in developing consensus among factions in both parties which could result in a passed Senate bill. However, this is not likely to happen.

Several panelists were asked their opinions about which of the Obama/Duncan reform initiatives worked the best. McNeil volunteered that some benefits could come from the i3 program in terms of the development/demonstration of effective practices. On the other hand, Petrilli noted that he’s not expecting much innovation to come from the program because government programs do not take “risks” because of the possibility of failing. Regarding Race to the Top, Rotherham said it is too early to tell and argued that the real benefit will be what changes that have been made will actually take hold; but, he argued with the amount of new money, Race to the Top was not “a bad deal.” On the other hand, Petrilli said that many of the changes that have occurred at the state level have not occurred directly because of Race to the Top policy or funding, but rather can be traced back to the 2010 election where legislative as well as gubernatorial control switched to Republicans across many states.

Several panelists addressed the SEA Waiver Initiative, although not in the level of detail that many of the SIIA members wished. Minnich was upbeat about the SEA Waiver Initiative, especially as a “transition” to ESEA reauthorization. He reminded the audience that, in March 2011, 34 states had agreed to the so-called CCSSO “principles” which both Secretary Duncan and Senator Harkin had referred to as being the framework and to some extent backbone of both the Senate ESEA reauthorization and Waiver Initiative. Minnich indicated that some states, such as Texas and California, will “push back” on participation, but that most of the states which have yet to submit formal applications will very likely submit during the third-round due on September 6th. Most of these states indicated a need for more time. In response to a question which we raised, Minnich indicated that, in Florida there was some support among civil rights and other stakeholders for not requesting a waiver of the 20% set-aside for SES, but did add that most Florida districts were “upset” about the State not requesting the waiver. As we have reported, other districts felt that the State should apply and get approval and then attempt to change the mirror-image state law to allow districts to free-up the 20% set-aside (see related Waiver Update). The process has created some serious problems in other states as noted in state

profile updates. Also, in response to our question as to whether or not state laws are going to present implementation problems for many of the states which do receive USED approval, Michael Sawyer, Deputy Superintendent from Ohio, emphasized that receiving approval from USED would be only the “first step.” A significant other step, which could be a challenge, would be receiving approval from the Ohio General Assembly (see Ohio and West Virginia State Profile Updates). In a side discussion, Michele McNeil suggested that the waiver process would be implemented pretty much as scheduled; however, the need to change certain state laws may result in uneven implementation within and among states. She also indicated that, the number of Republican-controlled states receiving approved waivers will countervail pressures by groups such as the Pioneer Foundation and others who oppose the waiver process and erode Congressional resistance or legal challenges as to whether or not the SEA Waiver Initiative exceeds the Secretary’s waiver authority.

In still another session, Mike Casserly, Executive Director of the Council of the Great City Schools, suggested that initiatives such as stimulus funding and School Improvement Grants were not used to “backfill” Federal and state funding reductions. He pointed to examples, which we noted in our last TechMIS report, that appear to be very successful thus far. He also noted that there were a number of areas in which deferred purchasing has occurred, but that some of the budget pressures on CGCS member districts were reduced by high rates of turnover with positions not filled -- an average of about 12 percent -- among teaching staff. Casserly also provided the following advice to firms in terms of working with Council member districts: vendors should perceive their roles as partners to provide initial and continuing support not only to implement interventions and activities for which they are selling and/or implementing with the district, but also to develop district and school capacity, particularly under School Improvement Grants. Todd Wirt, Executive Director of Curriculum and Instruction, Mooresville school district (North Carolina), reaffirmed Casserly’s advice, noting that firms that worked with them initially in promoting one-to-one computing district-wide are still working with the district even though other firms have competing products or services which are as cost-effective. The district plans to continue working with the vendors that initially worked with the district and helped the district develop capacity. Both he and Casserly felt that firms which perceived their role as being a “problem-solver” will prevail.

Washington Update

Vol. 17, No. 3, March 29, 2012

SEA Waiver Update: Carryover of Professional Development 10% Set-Aside and Possibility of Districts Applying Directly for Waivers

During the Council of the Great City Schools annual conference, two waiver issues were addressed in “off line,” between session discussions with USED officials, district officials, and reporters covering “background” sessions: (a) whether states which requested waivers so that districts would no longer have to set aside 10% for professional development and would be allowed to free-up unspent 10% set-aside carryover money from the previous years for allowable Title I uses other than professional development; and (b) whether, in states not requesting waivers, districts would be allowed to request waivers of some of the NCLB provisions, such as SES tutoring, which would be similar to the new policy of allowing districts to apply for Race to the Top funding.

As we have reported in the enclosed Special Report on State Waivers, Washington State has requested a waiver to eliminate the 10% set-aside in a manner similar to requests in other states. However, it also requested that approximately \$40 million -- which had been carried over from year-to-year in unspent 10% set-aside and current set-aside funds -- could be freed-up and used for other than professional development purposes, mostly to fund interventions in Priority and Focus Schools and to implement the State’s new teacher evaluation system, which was

confirmed during a recent discussion with State Superintendent Randy Dorn. After Secretary Duncan’s keynote address at the CGCS meeting, we asked him, in the presence of key CGCS officials, whether USED would likely approve the Washington State request or similar requests which might not have been fully described in other states’ waiver applications. Of the approximately \$2.5 billion in Title I funds carried over from last year to this year, we estimate that \$800 million to \$1 billion was unspent 10% professional development set-asides. Moreover, given the hesitancy on the part of some states to eliminate totally the 20% set-aside for SES and parent choice, it appears that the potential amount of freed-up 10% professional development set-aside funds could equal or even exceed the amount of freed-up SES set-aside. The Secretary, in several documents and Waiver Guidance, argued freed-up SES funds would be a primary funding source, under the new flexibility, for interventions in Priority and Focus Schools. Secretary Duncan listened attentively and indicated that the Department would seriously look into the issue, at which time Council officials emphasized that “this is an important matter.”

Key Council staff thought that the approach was “very creative” and implied that appropriate attention would be targeted on this issue, along with other high profile issues such as freeing up the 20% set-aside for SES. This potential freeing up of unspent professional development set-aside funds was also discussed with a

knowledgeable and respected reporter and key officials from five large urban districts in Florida, Ohio, and Rhode Island. Most of these officials felt that the amount of previously carried over 10% set-aside funding was “substantial.” During the Council of Chief State School Officer’s annual legislative conference, I discussed the Washington State waiver request with Superintendent Dorn and six other Chief State School Officers who were not aware of the Washington State request; however, five of the six Chiefs who indicated that they were unaware of the Washington State request felt it was a “good idea” and appreciated the “tip.” The idea was also discussed with a key Counsel of the CCSSO and two key Federal relations staff who felt that the Washington State request made “sense” and could possibly be legal under the Secretary’s waiver authority. They said they would look into the matter in more detail. If the Washington State waiver request is approved, there is a consensus that many more states will send in addenda with similar requests, especially if such retroactivity had not been explicitly stated (but only implied) in their original request for eliminating the 10% set-aside (see summary matrix in Special Report).

Following Secretary Duncan’s keynote address the previous day, Assistant Secretary Michael Yudin echoed the Secretary’s proposal to allow districts in states not requesting waivers to apply directly. As Michele McNeil, co-author of the *Politics K-12* blog on Education Week, reported shortly after the session, “the department plans to open up some sort of flexibility options for districts, too” and that Secretary Duncan is “sympathetic” to the plight of districts in states that don’t seem to be interested in a waiver, such as Texas and

California in particular. Assistant Secretary Yudin said, “we’re working that through as well” and “the department is still working on what a district-level waiver would look like, and how to manage the process.” In any event, the availability of waivers for districts will not be finalized until after the third round September state deadline. As McNeil noted, to do so beforehand could undermine states’ plans to submit waiver applications. Secretary Duncan in his keynote and McNeil in her blog, observed that the waiver criteria and scope of a district waiver request would differ significantly from that currently used with states. During the CCSSO conference, the State Superintendent from Maine also raised the question as to whether or not a consortium of districts would be allowed to submit a waiver request even if the SEA decides not to do so. However, as McNeil reported in *Politics K-12* (March 26), State Chiefs in Virginia, Colorado, and Pennsylvania expressed opposition to allowing districts to apply directly for waivers for a number of stated reasons (i.e., “unintended consequences,” “undermine status,” “serious reservations”). The question is raised as to whether the Secretary’s waiver authority can usurp state department of education responsibilities and state legislatures’ governance over education policy. This has become a major bone of contention in Florida over the SES issue and could result in Congressional action in an attempt to halt the waiver process.

As reported in Education Week (March 22nd), USED expects to monitor ESEA waiver implementation beginning in school year 2012-13. While the specific items which will receive particular attention during the monitoring process will vary among the states (e.g., in three of the 11

approved states, the waivers are conditional on certain changes being made). USED officials indicate that subgroup accountability will be a focus in all states. Officials also encourage states continuously to evaluate progress being made and to make necessary changes, some of which may have to be approved as amendments to the overall state plan. Secretary Duncan, in his keynote address before the Council of the Great City Schools, emphasized that states' failure to implement certain changes which are approved could result in approval being withdrawn. Some of the attendees inferred that such could happen regarding some actions by states to constrain full implementation of waivers related to the amount of SES set-asides.

Two Influential Education Policy Think Tanks Offer Bipartisan Recommendations on Changes to Title I in the ESEA Reauthorization Process, Including Supplement Not Supplant Revisions to Reduce Costs and Promote Innovation

The Center for American Progress and the American Enterprise Institute, representing two sides on the political spectrum, have offered joint recommendations on needed changes to Title I during the ESEA reauthorization. Depending on the reaction on both sides of the Congressional aisle, it is possible that some of these recommendations, particularly related to supplement not supplant (SNS) and supplemental educational services (SES) could be implemented and benefits realized through the ongoing SEA waiver process and additional regulatory relief by the Administration prior to any reauthorization. The CAP and AEI note that they have

chosen “not to wade into the fundamental questions about the federal role in public education or the broader contours of a reformed ESEA....Instead, we have chosen to focus on specific ways to improve ESEA in the event that federal policymakers reauthorize the law relying largely on No Child Left Behind as a foundation.” As we have reminded TechMIS subscribers in numerous reports and updates over the last year and a half, requirements such as SNS are, in the words of the report, “often regarded as obscure, technical, or otherwise unglamorous.” And we strongly agree with the report’s conclusion, “...we would argue that these seemingly mundane provisions may well prove more significant when it comes to what goes on in America’s schools and school systems day-to-day...Fiscal requirements lie at the heart of compliance regimes that have grown up with ESEA with the nominal purpose of ensuring that Title I funds heed congressional intent.”

Regarding the recommended SNS changes, the joint report points to a paper prepared for the two organizations by the Federal Education Group, which helps districts comply with Federal regulations. The CAP/AEI report embraces “the option that would make SNS amenable to innovation while greatly reducing the burden of compliance.” The option, they argue, is a more objective test, specifically, “If districts can document that the manner in which they allocate state and local resources to schools is ‘Title I neutral,’ they should be clear of suspicion around supplanting nonfederal funds with Title I dollars.” The “Title I neutral test” is rooted in Title I schoolwide programs and represents a major departure from traditional “cost-by-cost approaches” required to “refute presumptions of supplanting.” The report argues that unlike

the “cost-by-cost approach,” which is inherently hostile to innovation and often reflects the subjective judgment of auditors, “...SNS gives school officials strong incentives to perpetuate past spending practices -- even hopelessly ineffective ones -- that did not tar them with an audit exception.” In addition, the report argues that cost-by-cost analysis is burdensome and wasteful and reduces local officials’ freedom to “take conscious steps toward using Title I funds to improve student achievement.”

Finally, the report argues that the “neutrality test” would “pave the way for consolidation of federal funds in schoolwide Title I programs that serve 87 percent of students receiving Title I funds.” However, even though consolidation of Federal programs in schoolwide programs is not only allowable but encouraged at the Federal level with several Non-Regulatory Guidance documents saying that consolidation under certain conditions is a “must,” the report rightly argues, “Fund consolidation, however, is rare in some states and virtually unknown in others such as the stifling nature of the current supplement not supplant requirement.”

In our August 30, 2011 TechMIS Washington Update on the most recent RTI adoption survey, we repeated a recommendation from the IDEA/Title I Working Group which would allow districts to obtain waivers from the SEA under the SEA Waiver Initiative to use Title I funds in schoolwide programs not only to pay for Level II and Level III interventions, but also Level I “core instructional interventions” for at-risk students if the SEA were to provide a waiver to the district to do so without violating SNS requirements. Subsequent

discussions with Dr. Rich Long, Executive Director of the National Title I Association and co-author of the Working Group report, indicated that “Progress was being made as a result of a meeting between the working group and USED officials during the National Title I conference in Seattle in January.” During the March SIIA forum, in a side discussion, Long noted that, in spite of the fact that no new RTI guidance has been provided beyond a two-year-old PowerPoint presentation, Title I officials at the state and district levels are proceeding as if greater funding flexibility will indeed allow more Title I funds to be used to expand the use of RTI methodologies. Before the SIIA attendees, he suggested that they may wish to google “supplemental educational services RTI” on the USED website for a copy of the PowerPoint Non-Regulatory Guidance on the conditions under which Title I funds, especially in schoolwide programs, can be used. Such flexibility, which has been pointed out to governors among others by Secretary Duncan, is directly related to the CAP/AEI recommendations for expanding the SNS definitions and “neutrality tests” inherent in their recommendation patterned after schoolwide programs.

The joint report also addresses SES and cites several studies, previously reported in TechMIS Washington Updates, which concluded that the efficiency of SES provided by private companies “is suspect” and has had no effect on student achievement gains. Citing a paper prepared for the two think tanks by Henrik and Birch, entitled “The Implementation and Effectiveness of Supplemental Educational Services,” the report supports recommendations of the two evaluators to refine SES set-aside provisions, particularly:

districts should be allowed and encouraged to negotiate performance-based contracts with SES providers that facilitate greater control over hourly rates and minimal supplemental educational services hours provided, tutor qualifications and curriculum (particularly for serving English language learners and students with disabilities), and other programmatic and financial management factors.

Similarly, SEAs which approve providers should also enter into performance-based contracts and both states and districts should assess what online providers offer in SES sessions, including differentiation in the curriculum. The criteria to be taken into account in negotiating performance contracts could include the weighting used for groups of students to set hourly rates and evaluative information gathered by districts should be communicated to parents and students. Even though the initial draft that the Republican ESEA reauthorization did not include set-asides for SES, the latest version passed by the House does include a competitive grant up to three percent of the 7% SEA school improvement set-aside for SES.

For a copy of the CAP/AIE report go to:
http://www.americanprogress.org/issues/2012/03/pdf/titleI_recs.pdf

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

As we attempt to do every quarter, we have included a list of districts that received funding commitments from the SLD, during the latest quarter, for applications submitted

back to 2004. We believe that most of the funding commitment letters represent appeals that were filed by districts when they were notified that certain requests in their applications were denied. In many cases, these districts went ahead and purchased the product in question, paying the whole pre-discount price. Because the SLD eventually found many of these appeals to be meritorious, these districts can request a check instead of a credit through the so-called BEAR process. Those districts doing so can use the discount refund to purchase non-eligible E-Rate products and services such as instructional software and professional development. If a district staff person is interested in purchasing a non-E-Rate eligible product or service, then he or she should contact the district E-Rate office to determine whether a check was requested for the refund amount through the BEAR process and, if so, whether some of that money can be used to purchase the desired product or service. The accompanying chart shows the funding commitments greater than \$50,000.

E-Rate
Funding Year 2011, Quarter 4 (Oct-Dec 2011) Commitments
(greater than \$50,000)

Applicant	City	State	Amount Committed
2004 Commitments			
NATIVE VOCATIONAL DISTRICT	KAYENTA	AZ	\$4,635,851
LINDSAY UNIF SCHOOL DISTRICT	LINDSAY	CA	\$1,304,176
TERRA BELLA UN SCH DIST	TERRA BELLA	CA	\$170,629
STRATHMORE UNION ELEM SCH DIST	STRATHMORE	CA	\$160,829
2005 Commitments			
NATIVE VOCATIONAL DISTRICT	KAYENTA	AZ	\$2,832,511
TIPTON ELEM SCHOOL DISTRICT	TIPTON	CA	\$80,630
2006 Commitments			
STRATHMORE UNION ELEM SCH DIST	STRATHMORE	CA	\$110,487
2007 Commitments			
RICHARD ALLEN PREPARTORY CHARTER SCHOOL	PHILADELPHIA	PA	\$391,610
LINDSAY UNIF SCHOOL DISTRICT	LINDSAY	CA	\$142,341
2008 Commitments			
TANGIPAHOA PARISH SCHOOL DIST	AMITE	LA	\$968,741
LOTUS ACADEMY	PHILADELPHIA	PA	\$176,258
GERMANTOWN SETTLEMENT CHARTER SCHOOL	PHILADELPHIA	PA	\$63,195
2009 Commitments			
UNITED ISD	LAREDO	TX	\$1,552,467
PHARR-SAN JUAN-ALAMO I S D	PHARR	TX	\$1,438,770
TOOMBS COUNTY SCHOOL DISTRICT	LYONS	GA	\$1,281,514
TANGIPAHOA PARISH SCHOOL DIST	AMITE	LA	\$1,138,189
LA JOYA INDEP SCHOOL DISTRICT	LA JOYA	TX	\$1,041,982
IDITAROD AREA SCHOOL DISTRICT	MCGRATH	AK	\$772,654
MERCEDES INDEP SCHOOL DISTRICT	MERCEDES	TX	\$637,315
SOUTHWEST INDEP SCHOOL DIST	SAN ANTONIO	TX	\$322,189
KINGSVILLE INDEP SCHOOL DIST	KINGSVILLE	TX	\$288,625
LA FERIA INDEP SCHOOL DISTRICT	LA FERIA	TX	\$281,680
EDUCATION SERV CTR-REGION 1	EDINBURG	TX	\$269,383
ROBSTOWN INDEP SCHOOL DISTRICT	ROBSTOWN	TX	\$206,179
BAIS TZIPORAH GIRLS SCHOOL	BROOKLYN	NY	\$185,895
HIDALGO INDEP SCHOOL DISTRICT	HIDALGO	TX	\$176,993
BROOKS COUNTY INDEP SCH DIST	FALFURRIAS	TX	\$146,248
RIO HONDO INDEP SCHOOL DIST	RIO HONDO	TX	\$108,843
WEST OSO INDEP SCHOOL DISTRICT	CORPUS CHRISTI	TX	\$104,587
SANTA ROSA INDEP SCHOOL DIST	SANTA ROSA	TX	\$99,860
KASHUNAMIUT SCHOOL DISTRICT	CHEVAK	AK	\$85,725
OZARK CITY SCHOOL DISTRICT	OZARK	AL	\$83,951
BROWNSVILLE PUBLIC LIBRARY	BROWNSVILLE	TX	\$72,360

