

Education TURNKEY Electronic Distribution, Inc.

256 North Washington Street
Falls Church, Virginia 22046-4549
(703) 536-2310
Fax (703) 536-3225

MEMORANDUM

DATE: April 27, 2012
TO: TechMIS Subscribers
FROM: Charles Blaschke, Blair Curry, and Suzanne Thouvenelle
SUBJ: IDEA Maintenance of Effort Guidance; GAO Recommends Increased SIG Contractor Accountability; Waiver Guidance Update on Afterschool/Extended Learning; and State Profile Updates

The attached TechMIS Special Report addresses a recent policy reversal by USED on IDEA maintenance of effort (MOE) requirements which could affect district purchasing decisions of products and services in a number of states/districts creating some market paralysis. Pending further USED guidance, the types of districts likely to be affected are identified. General education purchases could be reduced, while district-level special education purchases could benefit depending on MOE resolution.

Washington Update items include:

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A new report from the Government Accountability Office (GAO) recommends that USED take steps to monitor performance of SIG-funded contractors, particularly those in turnaround and transformation schools, on an ongoing basis. USED said it would provide subsequent guidance, but argued that “monitoring” depends on the type and extent of services, the need for “considerable flexibility,” and reliance on existing state and local procurement and contract monitoring methods. GAO also reported that 48 of 51 states reported that “fidelity of implementation” of the prescribed SIG models was the most important factor in determining whether to continue funding SIG schools after the first and second years. Implementing extended learning time requirements in SIG districts/schools posed a short-term as well as a long-term sustainability problem when SIG funding ceases.

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While Secretary Duncan recently pointed to promising early results in some SIG schools. Findings from other studies question the overall preliminary results but do identify perceived best “turnaround” practices along with suggestions for improvement, one of which was the use of SIG funding to develop district-wide capacity through district-wide reform measures, which USED guidance has heretofore not encouraged/allowed.
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Increased flexibility for using 21st Century Community Learning Center funds under waiver Option 11 for extended learning is addressed in a new Waiver Guidance Addendum which will allow states that receive waiver approval for Option 11 to include new flexibilities in the next 21st CCLC grant competition. Many states and districts have already issued “calls for proposals” from vendors to initiate or expand afterschool and extended learning time activities using some of the Title I funds “carried over” from last year to this year (which we anticipated in several TechMIS reports over the last year) and some “freed-up” SES set-aside funds.
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The most recent AASA survey of member districts (most of which have enrollments of fewer than 5,000 students) projects continued budget cuts and reduced/deferred purchases of instructional materials and technology next year due largely to increasing concerns about Federal funding “sequestration” which, in January, could reduce Title I and IDEA funding by more than \$1 billion each. Such uncertainty regarding sequestration could impact Title I purchases between October and December of this year unless the sequestration cuts are resolved before or in a lame duck session after the November elections.
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The Administration’s proposed Blueprint for reauthorizing the Perkins Career and Technical Education (CTE) Act would delegate important responsibilities to states and encourage K-12, postsecondary, and industry/employer consortia to apply for new competitive grants; it would also provide incentives for for-profit organizations to improve CTE efficiencies and empower “success” through the use of technology under “innovation” grants (e.g., distance learning technology to provide access for rural students, and technology-enabled learning solutions usable by students with disabilities and English language learners). About ten percent of the proposed \$2.2 billion Perkins Act funding could be used for these Pay-For-Success projects.
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A number of miscellaneous items address:
 - a) Five states could receive \$133 million in the next Race to the Top Early Learning Challenge competition, while state funding for preschool programs has for the second straight year been reduced by \$145 per child served in preK.

- b) The National Governors Association (NGA) reported that at least 14 governors are proposing to increase or maintain K-12 funding next year. While most of the increases will occur in state K-12 funding formula aid, in certain states, categorical programs could receive increases for special education and compensatory education.
- c) The PARCC Common Core Assessment contractor has decided not to develop model curriculum/instructional units, but to devote the remaining \$30+ million Federal add-on grant to develop professional development modules aimed at supporting educators as they create or adapt materials in their curriculum units. This could lessen the probability that Congressional leadership which opposes Common Core Standards will take legal action to halt or impede implementation.
- d) According to Education Week, Secretary Duncan recently outlined his rural education agenda which addressed teacher capacity, technology, and college access in response to criticisms from rural education advocacy groups. Senate bipartisan leadership is also pressuring Secretary Duncan to “level the playing field” for rural LEAs in the upcoming district-level competition for \$417 million in Race to the Top grants.
- e) A new website on expanded learning and afterschool programs includes a compendium of research findings on effective practices, many of which have been found to be effective in regular school programs.
- f) On April 19th, USED released revised Non-Regulatory Guidance on allowable uses of Title I funds for serving preschool programs, which range from identifying at-risk preschool children to allowing a Title I school to allocate all of its Title I funds to preschool activities.
- g) The Department of HHS announces the of Head Start competition for current grantees required to recompute for continued funding, which could provide opportunities for firms to help applicants improve programs or new applicants to replace current grantees.

State profile updates include items on budgets/funding, school reform, online learning, waivers, mastery-vs.-seat-time, Race to the Top, grade retention, School Improvement Grants, and Common Core Standards.

As an update on the waiver process, we understand from USED “insiders” that USED letters to most of the 26 state waiver applicants have been received and were discussed and compared by SEA officials attending the recent CCSSO meeting in Atlanta. No second-round waivers have been approved thus far. We have also been told by USED officials that the database of preliminary district Title I allocations for next year should be available shortly. When published, we will be providing our annual analysis on preliminary district allocations, identifying several hundred districts which will be receiving large absolute and percentage increases in Title I funding beginning in July. These high priority districts will be detailed in our next report which will be sent to all TechMIS subscribers whose renewal agreements/checks have been received. Please contact us if there is a renewal problem or an unavoidable delay.

Special Report:
**USED Retracts Policy Letter Which Would Have Loosened Local
Maintenance of Effort Requirements Which Could Reduce General Ed
Purchases; This Could Possibly Increase Expenditures by Special
Education Programs in Certain Types of Districts**

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

Prepared by:
Education TURNKEY Systems, Inc.
256 North Washington Street
Falls Church, Virginia 22046-4549
(703) 536-2310 / (703) 536-3225 FAX

April 27, 2012

An April 4th policy letter signed by Alexa Posny, Assistant Secretary of the Office of Special Education and Rehabilitation Services (OSERS) retracted a June 16, 2011 letter which would have “loosened” maintenance of effort (MOE) requirements placed on local districts which reduced local funds allocated to special education programs during the last couple of years. The retraction means the situation reverts to more strict legal IDEA interpretation of MOE. The net effect of this retraction could be to require certain types of districts in certain states to allocate more local funds to special education programs now to make up for levels previously reduced or else lose some IDEA funds; this, in turn, could impact the amount and what district offices purchase instructional materials, technology, professional development, and related services. However, the April 4th letter to the Center for Law and Education, which protested the June 2011 letter loosening the MOE regulation, states that USED “intends to seek comments from the public on this issue.” In an April 13th Education Daily interview with staff writer Mark Sherman, Melody Musgrove, Director of the Office of Special Education Programs -- and who signed the June 2011 letter -- stated that technical assistance would be provided to states and stakeholders in the weeks ahead. To the extent that state education agencies and districts are aware of the initial June 2011 letter and the April 2012 retraction, uncertainty will likely influence some purchasing decisions.

At the local level, many district superintendents feel that special education programs should share the burden in the overall reduction over the last two to three years of state and local funds available to the district and that districts should not have to reallocate local funds to special education programs’ previous levels in order to maintain effort under threat of reduced Federal IDEA funding. On the other hand, some district-level special education program directors and local advocacy groups will lobby for restoration of local special education funding, citing the

longstanding previous maintenance of effort requirement and interpretations by USED. Key questions to be raised when approaching district officials is whether the decision-makers believe that IDEA maintenance of effort requirements are a current problem in their district or if they are waiting for further USED guidance before making any decisions.

In the meantime, without prejudging future USED guidance (i.e., perhaps after public comments are reviewed) and the type and nature of technical assistance USED intends to provide, certain types of districts are likely to be affected the most. For example, if districts made decisions based on the June 2011 letter and used “freed-up” local funds previously allocated to special education programs to purchase products, these districts could be under much greater pressure to allocate existing local funds to special education programs immediately or else lose portions of Federal IDEA funds. As Education Daily’s Mark Sherman noted, in his interview with Musgrove, “It remains unclear, however, what will happen to any districts that relied on the previous guidance during the nine months it was in effect.” In response, Musgrove stated, “We are not aware of [any such] districts,” but if there are such districts, she said, “...there is still time during the 2011-12 fiscal year...for an LEA to increase [its special ed] funds.”

One type of district not likely to be affected much by current uncertainties are districts in states where the USED and/or the SEA did not allow districts to reallocate up to 50 percent of the increase in IDEA ARRA funding under Section 613 to free up local funds allocated in 2009-10 for special education. According to the Data Accountability Center, approximately \$1.5 billion was reallocated under Section 613 in many states; but none was allowed to be reallocated in: Alaska, Delaware, District of Columbia, Louisiana, Maine, Maryland, Mississippi, Montana, Puerto Rico, Rhode Island, Vermont, and Wyoming. However, some districts in these states might have taken advantage of Section 613 without permission and/or knowledge of the state, in which case MOE could be a serious problem.

We have discussed this question of impact with Mark Sherman and Bruce Hunter, chief lobbyist for AASA who was a key person supporting the inclusion of Section 613 in the 2004 IDEA reauthorization and a supporter of the initial June 2011 guidance loosening MOE requirements. Based on these discussions, it appears that the types of districts which are most likely to be affected by the retraction and which are most likely to be under the greatest pressure to reallocate more local funds to special education programs to meet previous MOE levels or lose Federal IDEA funding are:

- districts which made purchasing and other expenditures/funds allocations based on guidance in the June 2011 letter;
- districts in states in which state funds for district special education programs were reduced and states have not received USED MOE waivers; most of these states are now pressuring districts to fill in the state shortfall;
- districts which took advantage of Section 613 without having been approved to do so because they did not meet all of the state or Federally determined performance targets as noted earlier; and

- districts in states where district special education staff are now required to pay out of their own pocket for certain costs previously paid for by districts, such as pensions, health, and related insurance, etc., which will reduce the amount of district expenditures for special education programs even though the same staff continue to be employed.

Even though USED reportedly plans to provide guidance shortly, significant substantive changes to MOE requirements must await an IDEA reauthorization in several years. Hunter argued the need for more immediate resolution by having Congress include language in the next appropriations bill which would let districts obtain waivers from SEAs to get out from under stringent MOE requirements in much the same way that states could get MOE waivers from USED due to serious reductions in state funding and other “uncontrollable” situations. AASA members from Wisconsin districts have already made such a request to their Congressional delegation which could be taken up during a lame duck session in November-December on appropriation bills. As Sherman reported in Education Daily (April 24th), special education advocacy influencers have expressed reservations about such an approach.

As sales staff approach district special education coordinators or other district officials, the key question is whether or not district decision-makers will know or believe they will have a problem meeting the maintenance of effort requirements in place before the June letter; and, if so, a related question is what source of funding could be used to purchase any product or service.

Washington Update

Vol. 17, No. 4, April 27, 2012

A New Report from the Government Accountability Office Recommends that USED “Take Steps to Ensure that the Performance of SIG Funded Contractors, Including those in Turnaround and Transformation Schools, is Reviewed During Contract Performance”

The most recent GAO report, based on its recent document review and survey of state and district officials in SIG-funded districts/schools, has recommended greater oversight and contract performance monitoring over contractors involved in SIG schools, especially in turnaround and transformation schools which constitute the vast majority of 1,200 plus SIG schools. USED should also consider “setting a dollar threshold amount for contracts, above which contractor performance should be reviewed.” After the GAO report suggested that USED facilitate better screening and contract performance monitoring for all SIG contractors, USED responded that:

- SIG-funded districts and schools should follow the same policies and procedures are used for procurements from non-Federal funds -- which USED said it would clarify through subsequent guidance.
- SEAs and LEAs are already required to monitor SIG implementation including performance of contractors.
- The depth of contractor monitoring should depend on the type and extent of services provided by the contractor while ensuring

“considerable flexibility with respect to the school improvement activities they will undertake.” This is particularly true in SIG restart model schools.

As GAO noted in their final recommendation, “We agree with Education that the need for performance reviews should be dependent upon the specific role of the contractor, and we modified our recommendation to address some of Education’s concerns. Specifically, Education may wish to create a dollar threshold above which performance reviews are required. We continue to believe, however, that the current monitoring framework is inadequate.”

One might infer from the GAO report to Congress that contractor performance has become an issue and could grow even bigger in future debates about the future of the School Improvement Grant program. It should be noted that USED’s position on SIG contractors is not as critical as in the case of SES private providers, which includes proportionally more for-profit organizations.

The GAO report identified some of the other major SIG implementation challenges. GAO’s second recommendation focused on the lack of accountability -- i.e., inadequate use of results and other criteria as decision criteria in deciding whether to continue funding SIG schools making little or no progress after the first or second years. One specific challenge identified by survey

respondents was the difficulty in implementing extended learning time provisions and sustaining such initiatives after SIG funding runs out. The report notes, "Survey respondents from 26 states said the cost of increased learning time were unlikely and very unlikely to be sustainable after the SIG grant ends, compared with 10 states that reported it was likely or very likely to be sustainable." The survey also found that certain stakeholders, such as teachers and teachers unions, were reluctant to "embrace" extended learning time. In Virginia, for example, parents resisted extended learning time "because students often had jobs or responsibilities at home once the traditional school day was over." Another challenge which prompted the GAO recommendation was related to the finding that 23 of the 44 states who responded to the survey said "among schools that had their funding renewed, all or most did not meet their annual goals." And, at least half of the states that were interviewed did not have annual achievement data available at the time they had to make renewal decisions because assessment results only became available at the end of the summer. As an alternative, 48 of 51 states identified "fidelity of implementation" as the most important factor in their decision. In the end, as GAO reports, 39 states renewed funding to every SIG school in their state, while 11 states and District of Columbia chose not to renew funding in one or more schools. Of the 16 non-renewed schools, SIG funding was terminated in two-thirds because of lack of "fidelity of implementation."

As a result of these findings, GAO recommended that USED provide additional support to states about how to make evidence-based grant renewal decisions,

especially when annual achievement goal information is not available at renewal time. USED commented that it "had no significant objection" to the recommendation and was already providing such additional support to help states with the renewal issue. USED also agreed to provide additional support and guidance to SEAs on "how to make 'results-based' renewal decisions when they do not have annual achievement data available at the time renewal decisions are made." In its comment, USED also indicated it would take a number of additional steps to ensure that SEAs use appropriate "process-based" determinations in deciding whether to suspend or withhold payments, as specified in the General Education Provisions Act, and would provide additional guidance and technical assistance in how to make appropriate renewal decisions.

Secretary Duncan Points to Promising Early Results in Some SIG Schools With Some Caution; Findings from Several Recent Independent Reports Identify Perceived Best "Turnaround" Practices Among Both SIG and Non-SIG Schools, Along with Suggestions for Improvement Which Could be Taken into Account by States Under Ongoing Waiver Initiative

On several recent occasions, Secretary Duncan reported, with caution, on early successes from USED's preliminary review of 700 of 850 SIG Tier 1 and Tier 2 schools, noting that about 20-25 percent have experienced ten percent or more increases in math and reading scores. And, in more than 60 percent of schools, students who were proficient in math or reading improved in

the first year as reported by Education Week. In addition to Secretary Duncan's word of caution, groups such as the Center on Reinventing Public Education at the University of Washington and others have raised questions as to what happened in the other three-quarters of the schools, whether the large amounts of SIG funds could have been used more effectively and whether the results are sustainable. Whether these preliminary findings will hold up and counter Republican attempts in Congress to do away with the SIG program is not clear. Several other key studies, conducted by the Center on Education Policy and the Center for American Progress, identified practices for which there appears to be consensus among State Title I Directors as to what practices and approaches are effective and, perhaps more importantly, in what areas could improvements be made, not only in turnaround efforts among SIG-funded schools, but also other failing schools using similar approaches.

Two reports from the Center on Education Policy include a survey of State Title I Directors and in-depth case studies in both SIG and non-SIG schools attempting turnaround efforts in Maryland, Idaho, and Michigan. As CEP notes, both studies "provided evidence that low-performing schools across the country are using some similar approaches to school improvement, although with varying levels of intensity, and are somewhat optimistic about these approaches." Findings from these two studies, which have direct implications for many TechMIS subscribers, are highlighted below.

The case study report found that ARRA SIG-funded schools are implementing similar improvement strategies, including a

focus on school climate, the use of instructional or behavioral coaches, and extended learning time for students." The CEP case study report also noted that SIG schools versus non-SIG schools -- in Michigan and Idaho -- had "more specialized staff, such as instructional coaches, and more materials and technologies to support improvement strategies than non-recipient schools, which had fewer or none of these extra resources." Most states implemented the transformation model and said it was "effective in improving student achievement."

The majority of the 46 states in the state survey had positive views of programs' major requirements, including the amount of funding provided to these schools to carry out their reforms through the competitive grant process. Thirty-five of the 46 states renewed all of the ARRA SIG awards made in the school year 2010-11 for a second year of funding; on the other hand, of the 26 states not funding all Tier 1 and Tier 2 applications in the first round, 17 states funded at least some of the applicants during the second round. Another recent report by the Center for American Progress which focused on three states -- Illinois, Louisiana, and Vermont -- concluded, however, that "a competitive program didn't necessarily translate into better applications so the three states had to work with districts to boost their ability to help turnaround schools." Officials in all three of the CEP case study states emphasized the importance of helping districts develop their capacity to support schools in implementing ARRA SIG reforms. Indeed, one of the major deficiencies identified in the CEP and CAP study findings is the need for the SIG process, from beginning to end, to take into account district-level capacity-building. The

CEP report concluded, “Though many suggestions are made, the most common theme involved extending ARRA SIGs beyond three years to allow more time for capacity-building for reform and making preparations to sustain these reforms over the long term, after ARRA SIG funding ends. Other types of suggestions included providing training and additional support for state staff in charge of administering the SIG funds, as well as increasing the focus on districtwide strategies rather than just school improvement strategies.”

The CEP state survey found that more than half (26) of the responding states indicated they would provide additional types of assistance in the second year, beyond that provided during the first year, including:

- online tools to assist, coach, and support ARRA SIG schools;
- additional professional development on school climate, culture, and use of instructional time; and
- “wraparound” supports in mental health.

During the first year, 11 states reported they provided assistance to ARRA SIG districts and schools in the form of technology-based instructional materials and nine states provided curriculum and textbooks.

During the first round, 24 states reported providing assistance to SIG schools on finding and selecting external providers and 11 provided assistance in training external providers. In the state survey, 32 respondents reported the use of external providers “to a great extent” or “to some extent” in assisting in their ARRA SIG schools; 12 other states reported that use of external providers varied across districts and

schools. Sixteen states felt contracting with external providers is an effective way to improve low-achieving schools, while 18 were unsure.

Based on our brief analyses of certain aspects of the 27 state waiver applications, it appears that a major, not-unexpected focus in each state will be further development of state-level capacity. On the other hand, based on the experience of state Title I directors working closer to the operational level, one might infer from their perceived areas of needed improvement that more careful attention will be paid to building district-level capacity and perhaps allowing greater use of SIG funding to support specific districtwide initiatives to develop reforms that will facilitate appropriate reforms at the SIG school level. A recent survey by the Council of the Great City Schools found that an average of \$900,000 of SIG funds was used for districtwide reforms, even though, in initial SIG guidance, this was not allowed (see February [Washington Update](#)).

The two March 20, 2012 reports are available at: www.cep-dc.org

Waiver Update: Option 11 Flexibility for Using 21st Century Community Learning Centers Funds for Extended Learning; Guidance Addendum Is Provided by USED

In a brief Waiver Initiative Addendum, dated February 10, 2012, USED answered a number of questions raised by the Afterschool Alliance and several states regarding the use of 21st CCLC funds in a more flexible manner for Extended Learning Time (ELT) under Option 11 of the waiver

application. Below are highlights of the February 10th addendum which clarifies when the ESEA flexibility for 21st CCLC funds would take effect: “ESEA flexibility would not affect current 21st CCLC subgrantees. Rather, this flexibility would take effect for local competitions conducted after an SEA receives ESEA flexibility.” Depending on when a state’s request is approved, states could follow several scenarios. Such states as Ohio have indicated on their website that the next district competition for CCLC funds could be modified, before or after the competition, depending on whether the state receives waiver approval. Other states may postpone the actual application deadline to take into account any changes in allowable uses of funds or other criteria stated in the waiver request once the state waiver is approved. One of the concerns raised during the recent CCSSO annual legislative conference was the lack of clarity thus far in USED guidance on how states could apply for amendments such as approval of Option 11. The best advice is to check with individual state websites on upcoming competitions for CCLC funds as highlighted in the matrix contained in our last TechMIS report on waivers.

The February 10th addendum also provides examples of ways an eligible entity might use 21st CCLC funds to support expanded learning time, including:

- Providing supplemental science, reading, civics, or art instruction or other supplemental academic enrichment activities to students in the morning or afternoon to allow teachers time to collaborate or plan, if the LEA lengthens its school day beyond the state minimum.

- Using 21st CCLC funds to incorporate enrichment activities, such as debate or college preparation, either on Saturdays or weekdays, working with a community partner.

The Addendum notes that ELT should not be more of the same, but should be carefully planned to ensure activities improve student achievement and ensure a well-rounded education that prepares students for college and careers.

Earlier guidance emphasized that states receiving a waiver must comply with all other 21st CCLC requirements; moreover, the new addendum emphasizes that the 21st CCLC supplement-not-supplant provision applies to the use of these funds to support expanded learning time under an approved Option 11.

Addendum #3 is found at: <http://www.ed.gov/esea/flexibility>; go to [ESEA Flexibility Documents](#) and then [ESEA Flexibility FAQs Addendum #3 \(February 10, 2012\) \[MS Word, 1.65MB\]](#)

Most Recent AASA Survey of Member Districts Projects Continued Budget Cuts and Reduced/Deferred Purchases of Instructional Materials and Technology Due Largely to Increasing Concerns About Federal Funding Sequestration

In its February survey of the impact of the economic recession on schools, AASA reports that survey respondents -- mostly superintendents of districts with enrollments of 5,000 students or less -- anticipate continued budget cuts this year and next

school year with reductions/deferrals in purchases of instructional materials, textbooks, technology, and consumable supplies. The anticipated budget reductions are attributable to potential Federal funding “sequestrations” in 2013 of up to nine percent, unless legislative changes are made. Overall, nearly three-fourths of districts reported cuts in state and local revenues

between 2010-11 and 2011-2012, although the percentage anticipating cuts over the next two years is considerably lower, according to AASA. Of interest to most TechMIS subscribers are anticipated reductions/deferrals of instructional materials as shown in the following exhibit.

Responses to Budget Cuts (Percent of Respondents)			
RESPONSE	2010-11	2011-12	Anticipated 2012-13
Reduce Instructional Materials	42%	49%	54%
Defer Technology Purchases	37%	46%	52%
Reduce Consumable Supplies	45%	54%	62%
Eliminate/Delay Instructional Improvement Initiatives	31%	40%	48%
Reduce Non-Academic Programs (e.g., Afterschool, Saturday Enrichment)	30%	35%	41%
Reduce Academic Interventions	24%	32%	35%
Defer Textbook Purchases	40%	51%	53%

Possible Federal sequestration of funds in January 2013 could cut Title I funds by \$1.3 billion and IDEA funds by more than \$1 billion. More than 80 percent of respondents felt that neither the state nor districts had the capacity to soften the impact of sequestration. More than three-quarters also felt that if sequestration has to occur as required by law, Congress should ensure across-the-board cuts be truly “across-the-board” (i.e., include defense cuts) and that Congress should identify “a nuanced combination of spending cuts and revenue increases necessary to avoid the blunt cuts of sequestration.”

It is interesting to note that less than half of the respondents appear to favor the Waiver Initiative, support for which, according to AASA, has dropped over time as districts became aware of the increased number of conditions states and districts must meet to have waivers approved. It is no secret that AASA supports a “full reauthorization” of ESEA as soon as possible, rather than the waiver process. AASA’s heightened support for ESEA reauthorization corresponds to its support for a change in the Title I formula, using the “percentage,” as opposed to the “number,” of poverty students enrolled in a district for determining Title I allocations. This “levels the playing field” by favoring small and rural districts which constitute the vast majority of AASA member districts.

Thus far, Secretary Duncan and his staff have indicated on several occasions that, while the sequestration called for in the new Budget Control Act is definitely a concern, there is yet no Plan B. Knowledgeable observers indicate that the Office of Management and Budget was supposed to have provided sequestration “guidance” to

USED by the end of March; this evidently has not occurred. One of the major issues is whether the yet-to-be determined percentage to be sequestered (up to slightly over nine percent) applies to the amount of the budget which is “forward funded” or to the amount which is unspent as of January 2013. As long as budget uncertainty exists at the district level, one might expect that many district Title I directors will “reserve” up to nine percent of their FY 2012 Title I budget allocation until the sequestration deadline. Until the sequestration issue has been resolved, Title I purchasing cycles between October and December of this year could be reduced.

To view the AASA survey findings, go to: http://www.aasa.org/uploadedFiles/Policy_and_Advocacy/files/Weathering_the_Storm_Mar_2012_FINAL.pdf

Proposed Blueprint for Reauthorizing Perkins Career and Technical Education Program Next Year Would Delegate Important Responsibilities to States, Strongly Encourage K-12 Postsecondary and Industry/Employer Consortia Apply for New Competitive Grants, and Provide Incentives for Nonprofit and For-Profit Organizations to Improve Efficiency Through the Use of Technology

The Federal Carl D. Perkins Career and Technical Education (CTE) program, currently funded at about \$1.2 billion which largely goes to high schools and colleges, significantly reformed a rather lethargic program to meet the emerging priorities of governors, employers, and increasing number of postsecondary institutions. The

embargoed April 18th USED Blueprint which compares current law to proposed reforms, notes:

- States would have a more active role in identifying the “in-demand occupations” in high-growth industry sectors upon which the CTE program should focus.
- Newly-established consortia would ensure collaboration among secondary and postsecondary institutions, whereas currently separate funding streams flow to both.
- Leveraged private sector matches, in terms of in-kind and cash resources, would ensure greater buy-in from employers, labor, and other partners.
- States would distribute in-state funds through competitive grants (versus current formulas) and provide rewards to high-performing consortia and other groups.
- Competitive grants (up to 10% of total funds) would be provided for local innovation and state reforms through implementation of new practices and models to support systematic reforms.

Unlike most of the Obama Administration’s flagship programs which thus far favor opportunities for non-profit organizations and, in some cases, preclude grant opportunities for for-profit organizations (e.g., Innovation in Education (i³)), the CTE Blueprint “levels the playing field” for for-profit organizations -- for example, in promoting local innovations. The Blueprint states, “The Secretary could give priority to applicants that will develop or expand innovations focused on specific pressing needs and that build on existing assets and

capacities, such as projects that better prepare students to enter and succeed in science, technology, engineering, and mathematics (STEM) careers, support innovations targeted at disconnected youths and low-skilled adults, and serve students in rural areas. Additionally, the fund could support Pay-for-Success projects that make awards to private non-profit or for-profit entities to undertake activities that achieve cost-effective outcomes in CTE and receive payment based on the extent to which they achieve those outcomes.” The Blueprint would also encourage the use of distance learning technology and services to improve access to and quality of CTE programs available to rural students, as well as technology-enabled learning solutions that are usable by students with disabilities and English language learners in technical courses and virtual experiences. While the proposed CTE reforms would not create separate tracks for certain students, it would provide academic supports and support services that students need to succeed, such as tutoring, counseling, and other “wraparound supports.”

The Administration’s proposed FY 2013 budget would provide an additional \$1 billion for CTE -- a 50 percent increase -- to serve an additional 500,000 high school students who participate in Career Academies in joint high school/college programs such as healthcare and engineering.

Thus far, few reactions from education groups have been posted; however, one can expect some opposition from national education groups to movement from Federal and state formula allocation funding streams to state-directed competitive grants. On the other hand, with more authority being

delegated to states, one can expect increased support at the state level from state legislatures and employer/industry groups whose vested interests are likely to be served, especially industries providing high-demand products and services. However, in about half of the states which re-appropriate Federal funds, it is likely that there will also be pressures in legislatures to reduce some existing state funding which, in some states, is two to three times the amount of Federal funds allocated to K-12 and postsecondary entities.

For a copy of the Blueprint, fax a request to 202-245-7170 or email bertha.crockett@ed.gov

Miscellaneous (a)

USED recently announced that \$133 million will be provided to five states under the next round of the Race to the Top Early Learning Challenge; at the same time, state funding for preschool programs has, for the second straight year, been reduced -- this year by \$145 per child served in prekindergarten over the last year. Of the \$500 million FY 2012 Race to the Top appropriations, states eligible for this RTTT/ELC competitive round -- Colorado, Illinois, New Mexico, Oregon, and Wisconsin -- will receive portions of the \$133 million. According to Education Week's Politics K-12 blog, it is not clear how states will apply, but applications should be available "in the fall. The money will definitely need to be out the door by the end of the calendar year in December." The five states in this round can compete for up to 50 percent of the money they were eligible for under the original Early Learning Challenge fund (i.e., from \$50 million to \$100 million).

Several days after USED's announcement, the National Institute for Early Education Research (NIEER), in its tenth annual report on the state of preschool, reported that for the second straight year, the total amount of state spending on pre-K programs serving mostly low-income four-year-old students decreased. This year's per-child reduction was \$145 from last year -- to \$4,151 -- due to the state cuts and small increases in enrollment. Moreover, according to the report, further cuts can be expected next year. As we have reported, over the last decade per-child pre-K spending, when taking into account inflation, has been reduced by \$700 per child served even though the total amount of state funding has increased over the last decade from \$2.4 billion to \$5.5 billion; the per-child decrease is primarily attributable to large increases in enrollments. Currently 11 states do not provide any funding for preschool services. Large states which have made substantial cuts to preschool programs include California, Florida, Texas, and Pennsylvania; per-child served funding has increased slightly in Illinois and New York, according to NIEER.

NIEER also "rated" the 39 states with pre-K programs on their Quality Standards Benchmarks, such as the availability of early learning standards, teacher and aide credentials, class size, and support services. According to the report, two states improved their Quality Standard Benchmark ratings, while four lost ground; only five states fully met the all ten quality benchmarks, and 15 met at least eight of ten. As noted in the Education Week blog *Early Years* (April 10th), the five states which are likely to receive Race to the Top -- Early-Learning Challenge grants noted above ranked "well" in the NIEER report, with Colorado meeting

six of ten quality benchmarks, Illinois (nine of ten), New Mexico (eight of ten), Oregon (eight of ten), and Wisconsin (five of ten). The blog also observed that California and Ohio, which received Early Learning Challenge grants during the first round last year, received “some of the lowest marks for meeting quality benchmarks in the NIEER report.”

As a footnote to this round of Race to the Top’s \$133 million allocation to early childhood, the remaining \$417 million could be used for the next “regular” competition and for the first time, can include districts as direct applicants. As we noted in recent TechMIS reports, Secretary Duncan has emphasized that “details are being worked out” on the priorities and guidelines for districts to apply for the first time.

For a copy of the NIEER report go to: <http://nieer.org/node/660>

Miscellaneous (b)

The National Governors Association recently reported that at least 14 governors are proposing either to increase funding for education or to maintain funding in spite of low revenues and overall budget constraints. As noted in Education Daily, their State of the State speeches earlier this year, governors in Connecticut, Florida, Georgia, Indiana, Idaho, Kansas, Maine, Minnesota, Missouri, Mississippi, Pennsylvania, Rhode Island, Virginia, and Tennessee proposed such funding levels in K-12. Arkansas, Louisiana, Montana, Nevada, North Carolina, North Dakota, and Texas were not included, as governors did not give State of the State speeches; at least some of these also expect to increase education funding.

A discussion with Michael Griffith, Policy Analyst with the Education Commission of the States, suggested the primary reason for most increases are higher than expected tax and other revenues and that most of the increased funding will be incorporated into the states’ K-12 education state funding allocation formulas. Some increases in certain states will go to categorical programs for at-risk and for special education students, as well as for ELL/at-risk programs, as we suggested in our November 2011 TechMIS Washington Update. More information about the amount of K-12 funding increases for categorical programs such as state comp ed should be available in about two months, at which time we will provide analyses in subsequent TechMIS reports.

One can infer from the NGA report that some of the increases could also be allocated to priorities which were mentioned in governors’ State of the State speeches summarized in the NGA report. In their speeches, 26 governors emphasized that education was the basis of their jobs plans and 19 governors emphasized college and career readiness as an education goal. According to NGA, while 30 governors called for increasing accountability for educational outcomes, 23 governors focused primarily on teacher accountability and “A few governors discussed increasing professional development or support for teachers with poor evaluations.” In their State of the State speeches, 11 governors said improving third-grade literacy is a priority, while 12 called for increased “local authority” and “school choice expansion,” including increasing the number of charter schools.

To review the NGA paper, go to:

www.nga.org/files/live/sites/NGA/files/pdf/1204STATEOFSTATESUMMARY.PDF

Miscellaneous (c)

One of the two Common Core assessment groups has decided not to develop “curriculum units,” which lessens the possibility of a Congressional injunction to halt or otherwise affect the CCSS implementation schedule. During a recent meeting of the Council of Chief State School Officers addressing implementation of Common Core Standards and Assessments, the Partnership for the Assessment of Readiness for College and Careers (PARCC) has decided not to develop model curriculum/instructional units for the standards. According to *Curriculum Matters* blogger Catherine Gewertz, a PARCC spokesperson reported that the consortium “decided that its energy would be better spent developing professional-development modules aimed at supporting educators as they create or adapt materials for their curricular units.” As Gewertz, who has conducted some of the most thorough analysis of the Common Core Standards and Assessment Initiative, pointed out in several blogs last year (with which we concurred), that the PARCC and SMARTER Balanced consortia received add-on grants early last year to develop “curriculum units” using Federal funds. Observers such as Christopher Cross noted that this could provide a justification for Congressional leaders who oppose the Common Core Standards as a “Federal intrusion” and the illegal development of a “national curriculum” to injunct or impede implementation of the Common Core Initiative. As Gewertz noted “Whether those sorts of political landmines influenced

PARCC’s decision to shift focus wasn’t addressed at this meeting.” A high-level CCSSO official agreed with us in a recent discussion that such a risk now has been minimized. Evidently the other consortium, SMARTER Balanced, did not address this issue during the CCSSO meeting. According to Gewertz current and planned procurements and timelines are available on the SMARTER Balanced (www.smarterbalanced.org) and PARCC (www.parcconline.org) websites.

Miscellaneous (d)

A new website (<http://www.expandinglearning.org/index.html>) on expanded learning and afterschool programs includes research findings on effective practices, as well as articles from a compendium on expanded learning developed under the leadership of Mott Foundation Executive Director Terry Peterson, who served as Special Assistant to former Education Secretary Richard Riley. One article by Joseph Durlak (Loyola University) and Roger Weissberg (University of Illinois, Chicago) identified, through meta-analyses, four evidence-based practices which have proven to be effective in afterschool programs. Their report “identified whether or not program staff used a sequenced step-by-step training approach (S), emphasized active forms of learning by having youth practice new skills (A), focused specific time and attention on skill development (F), and were explicit in defining the skills they were attempting to promote (E). Each of these practices has a strong research base in many skill training studies of youth. The afterschool programs that followed all four recommended practices were called SAFE programs....

Our findings were clear cut. SAFE programs were associated with significant improvements in self-perceptions, school bonding and positive social behaviors; significant reductions in conduct problems and drug use; and significant increases in achievement test scores, grades and school attendance.”

The article states that the outcomes for the SAFE program were similar to the effects of many effective school-based programs to improve student academic performance or social adjustment or, “In other words, afterschool programs that follow evidence-based skill training practices are part of the array of worthwhile interventions for youth. Our findings also suggest the possibility of aligning effective interventions during the school day with those occurring after school to maximize benefits for participating youth.” These research findings imply that instructional and behavioral interventions which are effective in “in school programs” can also be effective in facilitating effective practices in afterschool programs.

Miscellaneous (e)

As reported by Education Week's Rural Education blogger Diette Courrage (April 18th), during the second Summit on the Role of Education in Economic Development in Rural America, Secretary Duncan outlined his rural education agenda which addresses teachers' capacity, technology, and college access. To address the teacher issue, he referred to the proposed FY 2013 \$5 billion RESPECT competitive grant program to improve and expand teacher training and retention. To address capacity-building, the Secretary referred to the School Improvement Grant initiative under which

between one-fourth and one-fifth of previous grants have gone to rural schools. He also noted once again the higher priority being placed on rural programs under the Investing in Innovation (i³) upcoming application round. Regarding the issue of student access, Secretary Duncan noted that the FCC is expanding its broadband initiative funding with an eventual goal of providing 98 percent of individuals in the country with access to the Internet within four years. To increase postsecondary enrollment in rural areas, the Secretary pointed to Pell grants and their expansion, noting, however, that this is an area in which the states will have to play an increasing role, especially to ensure adequate funding.

After the summit, and perhaps in response to meetings between Secretary Duncan and other high-level officials with large school districts in Texas, California, and elsewhere, an April 23rd bi-partisan letter signed by 17 Senators was sent to Secretary Duncan to level the playing field for rural school districts in the upcoming Race to the Top competition for the \$417 million competitive grants. The letter argued that rural districts need much more time and technical assistance in order to develop a grant writing capability and that the competition should include a rural priority or set-aside of funds for rural school districts. It also encouraged USED to allow consortia of LEAs to apply and permit ESEAs as eligible applicants. The letter was signed by key education Senators, including Patty Murray (D-WA), Lamar Alexander (R-TN), Michael Bennet (D-CO), Jeff Bingaman (D-NM), among others. According to Education Daily (April 26th), an education spokesperson said the Race to the Top competition guidelines for district participation would be released in “coming

weeks,” but “declined to say whether there will be any of the above provisions for rural LEAs.”

The summit was sponsored by the White House Rural Council and the Education Commission of the States which will likely have a report on the summit in the near future.

Miscellaneous (f)

On April 19th, USED released revised Non-Regulatory Guidance (NRG) on serving preschool children using Title I funds. Some of the new allowable uses of Title I funds could provide opportunities for firms with certain types of products, as highlighted below:

- If an LEA does not have existing data to identify at-risk preschool children, Title I funds can be used to identify the students who are eligible to receive Title I-funded preschool services.
- If a school determines that preschool programs “hold the most promise for raising achievement of its students and the school implements a preschool program consistent with all applicable requirements, that school may use all of its Title I funds to operate preschool programs.”
- If a Tier I elementary school receiving SIG funds determines that implementing a high-quality preschool program would improve achievement of students in the school, it may use some of its SIG funds for that purpose, provided the school can fully and effectively implement one of the four selected

models. Similar use can occur in a Tier III elementary school.

- If a district or school operates a Title I preschool program, it must comply with the same supplement-not-supplant requirements that apply to all Title I programs;
- Title I funds may be used to provide professional development for any teacher or teacher aide who works in a Title I preschool program supported in whole or in part with Title I funds, even if his or her salary is not paid for with Title I funds, so long as the training is related to the Title I preschool program and is designed to meet the educational needs of Title I-eligible students (e.g., professional development for Head Start teachers working in a preschool program jointly funded by Title I and Head Start).

The NRG is available at: <http://www2.ed.gov/policy/elsec/guid/preschoolguidance2012.pdf>

Miscellaneous (g)

Kathleen Sebelius of HHS identified the first group of Head Start programs for re-competition (see January 2012 TechMIS Washington Update). The funding opportunity announcements (FOAs) for replacement Head Start programs in 100 service areas are listed at www.grants.gov. In May 100 additional FOAs will be posted. Agencies and for profit organizations will have 90 days to submit applications for replacement grants due July 18.

Award dates vary according to the funding cycle of the grant that is being re-competed,

and in consideration of the school year schedule September through June. The goal of this variation in award dates according to Yvette Sanches-Fuentes, Director of the Office of Head Start is to minimize disruption to families and children currently receiving Head Start or Early Head Start services, and to ensure a seamless transition.

The following Head Start programs included in the re-competition pool that enroll a large numbers of children and families or that are operated by public school districts may be of particular interest:

- Los Angeles County Office of Education
- New Haven Public Schools

- School District of Pittsburgh

In New York City Administration for Children's Services, \$198 million is available in the five boroughs for between one and 50 programs.

A comprehensive Applicant Support Toolkit is available at: <http://eclkc.ohs.acf.hhs.gov/hslc/hs/grants/applclicant-support-toolkit.html>

This resource is helpful for agencies and for-profit organizations planning to apply to replace an existing Head Start or Early Head Start program or help an existing grantee improve its program.

Alabama Update

April 2012

According to cbsnews.com, an Alabama Senate committee has approved an education budget of \$5.5 billion, a cut of 2.7 percent (\$150 million) from this year. State budget officials expect that revenue available for the next school year will be about the same as this year, but that next year's budget must account for the State's new "rolling reserve" law which keeps the legislature from spending all available funds in order to build a reserve.

According to Stateline.org, the Alabama legislature is considering a measure that would provide digital textbooks and tablets to all high school students, paid for with \$100 million in bonds. If the bill eventually passes -- it still has a long way to go in the legislative progress -- Alabama would become the second state, after Florida, to require the purchase of digital content.

As reported in Education Daily, an audit of Alabama's selection process for FY 2010 School Improvement Grants raised questions about the State's ability to evaluate independently LEA applications and highlighted an appearance of conflict of interest. Some State education staff who participated in the LEA selection process, were associated with vendors who would provide fee-based services to selected LEAs. The State Department of Education, while denying any conflict of interest, has decided not to provide services under SIG programs. Moreover, the State's Federal program director was involved in the LEA selection process; her husband worked for a vendor in some of the LEA's applying for SIG funds.

Alaska Update

April 2012

Several months ago, Alaska Governor Sean Parnell submitted a FY 2013 budget proposal that flat-funded education at FY 2012 levels. The Juneau Empire notes that backlash from the legislature and education advocates has convinced the Governor to amend his budget plan by adding \$30.3 million to education spending for energy and transportation costs. The Governor's amount is close to the \$30.6 million increase called for earlier by the State Senate. However, the Governor's money would not become part of the existing State funding formula, but rather would be a one-time appropriation, making it easier to cut in subsequent years.

Arizona Update

April 2012

According to the *Charters & Choice* blog on EducationWeek.org, the Arizona legislature has approved an expansion of the State's voucher program for students with disabilities to include all students in low-performing schools. Currently, the Empowerment Scholarship Account program allows families of special education students to set aside "education savings accounts" to pay private school tuition and other services and materials. Such students are allocated 90 percent of the per-pupil State aid amount. Under the new House Bill 2626, similar accounts would be available to students from school districts that are rated D or F by the State. The measure was, however, vetoed by Governor Jan Brewer who approved the original savings account law last year.

[Education Week](http://EducationWeek.org) notes that the Arizona legislature has approved a measure that would close a loophole in the State's 2010 retention law that allowed parents to override a district's retention decision. The bill, which could have a disproportionate effect on English language learners, must still be approved by Governor Jan Brewer, who has supported the legislation in the past. The Governor, in her new budget, is also seeking \$50 million specifically for reading interventions; it is unclear whether the legislature will provide the funds.

California Update

April 2012

California school districts are facing a significant financial dilemma because they will not know how much State funding they will receive for the 2012-13 school year until the results of the tax ballot initiative in November are known. The tax measure, if approved by the voters, would prevent a \$4.8 billion cut to education funding. Some advocates say failure of the initiative would result in the layoff of 55,000 teachers or the elimination of 17 school days. To address this possibility, school districts across the State distributed 20,000 pink slips to teachers this Spring.

Education Week's State EdWatch blog notes that California wants a waiver from the requirements of the Federal No Child Left Behind Act but does not want to abide by the conditions that would be imposed by the Obama Administration. State officials believe they are better able to determine how Title I money should be spent than the U.S. Department of Education. The State is resisting the requirement that it design and implement a new accountability system.

As reported in Inside Higher Ed, the California State University System is planning to establish a centralized online learning portal that will serve as a gateway to the virtual courses offered by the System's 23 campuses. Facing huge budget cuts and rising enrollments, the University System hopes the portal -- known as Cal State Online -- will allow the enrollment of more online students. Cal State Online will promote existing online courses and will not outsource course development or delivery. It will also not utilize the State-endorsed version of Western Governors University. The portal is currently circulating a draft Request for Proposals indicating the types of services it plans to provide for faculty and students.

Colorado Update

April 2012

The National Center for Learning Disabilities notes that the Colorado Department of Education has developed a set of “fidelity tools” to support a scaling up of effective RTI practices in the State. Known as “RTI Implementation Rubrics,” the tools are intended to assist districts and schools with RTI implementation by allowing a review of policies and practices at the classroom, school, and district levels.

According to The Denver Post, the Mile High United Way has received a two-year, \$3.6 million grant from Colorado’s Social Innovation Fund, part of Governor John Hickenlooper’s literacy plan. About \$2.5 million of the grant will go to 11 programs intended to get more children reading by third grade. In the program’s first year, the 11 selected organizations are expected to serve 24,000 additional children across the State, mostly targeting those younger than eight years old. The participating organizations are: Clayton Early Learning, The Colorado Parent and Child Foundation, Centennial Board of Cooperative Educational Services, Colorado Humanities, Colorado Statewide Parent Coalition, Denver Public Schools Foundation, Reading Partners, Save the Children Foundation, Summit 54, the Bridge Project, and the Jefferson Foundation.

Connecticut Update

April 2012

According to [The Connecticut Mirror](#), one element of Connecticut's application for a waiver from requirements of the Federal No Child Left Behind Act includes the addition of a more rigorous science curriculum. However, under the waiver, the State would weight science test scores at only ten percent and would test science less frequently than English and math. An annual science test will begin in the 2015-16 school year. Over the past decade, many of Connecticut's lowest-performing school districts have reduced the amount of time spent on science instruction. Overall, the amount of time spent on science is only about half of that spent on English or math.

The [Connecticut Post](#) reports that Leeds Global Partners, a firm specializing in educational issues as "attractive investment opportunities," has worked closely with Connecticut Governor Dannel Malloy as the Governor has been developing proposed school reforms, including a number of privatization proposals. Working under a \$195,000 contract, Leeds Global has put forth plans to bypass teacher contracts and public bidding procedures, approaches which are viewed as major threats by unionized teachers and some State legislators.

Currently, about 70 percent of the students at Connecticut's 12 community colleges take at least one remedial class. According to [Inside Higher Education](#), the Connecticut legislature is considering a bill that would require the State's public colleges to eliminate non-credit, stand-alone remedial classes by the Fall of 2014. Under the policy, entering students would take an "intensive college readiness" program. Students in need of remedial work would be placed in entry-level, credit-bearing courses and receive "embedded remedial support." Critics of the approach say "embedded remedial" courses need more field testing. There are indications that the legislature may modify the proposal and/or push back the implementation schedule.

District of Columbia Update

April 2012

The *D.C. Schools Insider* blog on washingtonpost.com notes that D.C. school officials have set forth a series of goals to be reached by 2017, including:

- 70 percent proficiency in reading and math scores;
- doubling of the number of students at advanced levels;
- a 40 percent increase in proficiency at the 40 lowest-performing schools; and
- a four-year high school graduation rate of 75 percent.

According to the District's current assessment -- which will be replaced in 2015 by a new assessment aligned to the Common Core State Standards -- reading and math proficiency is 43 percent. And the current graduation rate is about 59 percent. The District has proposed a \$10 million grant program (although the source of the funds is not clear) to help schools through extended school days, innovative use of technology, and improved school staff.

The Washington Post also reports that the D.C. City Council has approved a package of education bills -- known as the Raising Expectations for Education Outcomes Act -- which includes:

- an early warning system in selected schools to track students in grades 4-9 at risk of dropping out;
- financial incentives for "highly effective" teachers to work at low-performing schools;
- a plan to ensure that all high school students take the ACT or SAT and apply to a postsecondary institution;
- a pilot program that would create five "community schools" as hubs for health services, job training, and other social programs; and
- ensuring that three- and four-year-olds are ready for kindergarten and that entering fourth-graders be able to read and do math at grade level.

Florida Update

April 2012

As reported in the Orlando Sentinel, Florida State legislators have reached agreement on a \$12.8 billion education budget. The budget deal includes more than \$1 billion in new State funding for K-12 schools, which is a priority of Governor Rick Scott who threatened a veto if the legislature did not approve a significant increase in public education funding. The new budget will include \$30 million for extended learning at the 100 lowest-performing elementary schools in the State, with half the funds earmarked for reading. As noted in the February TechMIS issue, district officials say the increase will do little to affect State cuts and loss of Federal funds over the past few years. (See also Florida brief in March 2012 TechMIS Waiver Special Report)

The Miami Herald reports that Florida has made major changes to the State's school grading formula, despite criticism from many quarters. Under the new system, starting next school year, schools at which fewer than 25 percent of students are reading at grade level are docked one letter grade on the A-F scale. The area receiving the most criticism is the decision to include students with disabilities and English language learners in a school's grade calculation. The changes were made to accommodate new State exams and to qualify for a State waiver from the requirements of the Federal No Child Left Behind Act.

The Miami Herald also notes that the Florida State Senate has killed a measure that would have allowed parents to force turnaround plans for failing public schools. The "Parent Empowerment in Education" Act (SB 1718) will have to wait until next year's legislative session to be reconsidered. The plan would have applied only to schools (currently 18 of them Statewide) that received F grades for two years in a row as measured by student scores on the Florida Comprehensive Assessment Test. The bill was strongly supported by former Governor Jeb Bush's Foundation for Florida's Future which argued that it would encourage parental involvement. Opposition came from the State teachers union which claimed it was intended to enhance the reach of charter schools.

Since the 2002-03 school year, Florida has had a policy of no social promotions for third-graders. As noted in Education Week, the number of grade retentions quadrupled -- from 6,400 to 27,700 -- in the policy's first year but has declined steadily since then. In 2009-10 (the most recent available data), there were 12,200 retentions -- about six percent of the State's third-graders. A recent study, published in Education Finance and Policy, has found that recent interventions in Florida -- including third grade retentions -- have had a "statistically significant and substantial positive effect on student achievement in math, reading, and science in the years immediately following the treatment."

The U.S. Department of Education, in its first annual report on the Race to the Top program, criticized Florida for delays in hiring contractors to implement RTTT activities. According to Education Week, the State has spent a portion of its \$700 million award to issue \$4.2 million in RTTT contracts to: Westat, American Institutes for Research, Tallahassee Community College, Florida Atlantic University, and the Florida Association of District School Superintendents.

Georgia Update

April 2012

As noted in the Atlanta Journal-Constitution, the Georgia State Senate has approved a measure that would allow all Georgia K-12 students access to online instruction. Senate Bill 289 would also require ninth-grade students, starting in 2014, to take at least one online course before graduation and all schools, starting in 2015, would have to administer all end-of-course assessments online. The online instruction could be provided by the Georgia Virtual School -- at a cost of as much as \$250 per student -- or through courses offered by private online providers or other school systems (the State maintains a list of approved online providers). The bill goes on to the House for further consideration.

Hawaii Update

April 2012

Hawaii, whose \$75 million Race to the Top award has been in jeopardy because of the State's lack of performance-based teacher evaluations, has finally approved such an evaluation system. The State Board unanimously approved the plan which would tie teachers' and principals' evaluations to performance, including student test scores. The new policies are expected to be implemented during the 2013-14 school year, although they are subject to collective bargaining negotiations with the State teachers union. The union representing principals has agreed to develop a principal evaluation system during the next school year. It is noteworthy that 18 Hawaii schools are participating in a pilot teacher evaluation program this year with another 63 schools scheduled for next year.

Idaho Update

April 2012

The Idaho Press-Tribune reports that a proposed State FY 2013 budget, approved by the legislature, would include \$1.27 billion in education funding -- an increase of \$56 million over this year (when education lost \$47 million in State money). The new budget represents a 4.6 percent increase; the overall increase, however, will be only about 0.4 percent because of the loss of Federal stimulus funds. The FY 2013 budget would include \$38 million for a merit pay plan and more than \$2.5 million the State's "Students Come First" laptop program which is to begin this Fall with computers and training for high school teachers.

The Idaho legislature is working on a measure that would establish an online course clearinghouse including a listing of State-approved classes. According to the Magic Valley Times-News, the State would allocate \$500,000 in technology funds next year to create the system. The State's online school -- the Idaho Digital Learning Academy -- currently charges about \$75 per student for each online class. The College of Southern Idaho anticipates being a vendor for the online courses but must first be approved by the State.

Illinois Update

April 2012

The Chicago Tribune reports that the Chicago school district will operate five early college high schools in partnership with high-tech companies. The six-year programs will focus on technology and career skills and will allow students to graduate with both a high school diploma and an associate's degree from City Colleges of Chicago. Students will also have priority for interviews with the company that partnered with their school. Among the schools and firms participating in the program are: Chicago Vocational Career Academy (Motorola); South West Area High School (IBM); Lake View High School (Microsoft); Corliss (Verizon); and Michele Clark (Cisco).

A study by Mathematica Policy Research looked at the four years of operation of the Chicago Teacher Advancement Program (TAP) and found that it did not raise student achievement, although it did increase mentoring and improve teacher retention rates in some schools. Financed by a Federal Teacher Incentive Fund grant, TAP was, according to the non-profit organization that oversees it, never as fully implemented in Chicago as it was in other cities. Several non-experimental studies have identified some benefits for TAP schools but none have found increases in student achievement.

Indiana Update

April 2012

[Stateline.org](#) notes that, in 2009, Indiana issued a blanket waiver to all local school districts allowing them to spend textbook money on digital content or devices. During the 2010-11 school year, only 11 percent of the State's districts took advantage of the waiver, according to a State survey. An oddity in Indiana State law allows districts to charge parents a "rental fee" for textbooks, but not more than 25 percent of the retail cost of the book. The State pays the fee for economically disadvantaged students. Under the shift to digital materials, schools can retain the fees they previously charged for textbooks. But the fees vary widely across districts, meaning some schools can buy technology more easily than others.

Indiana Governor Mitch Daniels has signed into law a measure that includes an \$80 million increase in funding for full-day kindergarten. As noted in [Education Week's State EdWatch](#) blog, starting in the 2012-13 school year, all schools will receive \$2,400 in State money for every eligible student enrolled in all-day kindergarten. The funds are available to traditional and charter schools and the law says schools cannot charge an additional fee for the full-day kindergarten program. Currently, Indiana schools are funded for half-day kindergarten through the State funding formula plus a \$1,234 per student grant supplement. The new law essentially doubles the supplement.

In 2010, the Indiana legislature passed a law that requires the evaluation of third-graders reading skills and mandates remediation and summer retesting for those who fail. According to the [Louisville Courier-Journal](#), students who do not pass the Indiana Reading Evaluation And Determination assessment (I-READ3) a second time cannot be promoted to fourth-grade reading instruction although good-cause exemptions are allowed. In most cases, this means the student will be held back in all subjects. The I-READ3 was administered in March for the first time. As noted in [Education Week](#), the State has declared that students who fail the new exam and who do not qualify for an exemption will be counted as third-graders for State testing purposes the next

year.

Iowa Update

April 2012

The Iowa legislature is considering education reform bills that include significant difference between House and Senate versions:

- Waivers -- Republicans argue that the Senate plan is not aggressive enough to meet Federal No Child Left Behind waiver guidelines; Democrats disagree.
- Competency-based Standards -- The House plan would allow students to earn credit for demonstrated proficiency rather than seat time; the Senate version, in addition, proposes a task force to provide guidance to districts.
- Online Learning -- The House would limit Statewide enrollment in full-time, online-only programs to 900 students with individual district caps; the Senate would prohibit more than 50 percent of a student's coursework from being delivered over the Internet and also establishes teacher and curriculum requirements for online learning.
- Core Curriculum Expansion -- The House would not expand expectations for all K-12 students; the Senate, with support of the Governor, would expand the core curriculum.

Kansas Update

April 2012

A new report from America's Edge, a coalition of business leaders, has found that, for every dollar spent on early-learning programs in Kansas, an economic benefit of 68 cents in additional spending is generated within the State. Kansas would require an additional investment of \$515 million in early-learning programs to ensure that all children in State under age 5 "have access to quality early care and education." The report estimates that such an investment would add \$350 million to the Kansas economy.

According to [The Kansas City Star](#), three Kansas school districts -- Kansas City, McPherson, and Clifton-Clyde have received waivers from some requirements of the Federal No Child Left Behind Act. Specifically, the districts will not have to use State exams to test eighth-grade and high school students in reading, math, and science. Instead, they will be allowed to track academic progress using the ACT college entrance exam and the ACT-EXPLORE for younger students. The districts will not be permitted to use alternative exams for students in grades 3-7. These waivers are independent of the State's waiver request to the U.S. Department of Education.

Kentucky Update

April 2012

The Louisville Courier-Journal reports that the Kentucky House has approved a \$19.5 billion budget for the FY 2013/FY 2014 biennium. The budget matches the budget proposed in January by Governor Steve Beshear which included 8.4 percent cuts to many State programs as a means of addressing the State's tax revenue shortfall. In addition, the budget cut funding for State universities by 6.4 percent.

Louisiana Update

April 2012

As reported in The New Orleans Times-Picayune, House Bills 974 and 976 have been approved by the Louisiana legislature and have been signed into law by Governor Bobby Jindal.

Considered the cornerstones of the Governor's proposal overhaul of K-12 education in the State, the measures would:

- limit teacher tenure;
- shift personnel authority from school boards to superintendents;
- expand charter schools and authorize non-State entities to issue charters; and
- create a Statewide program that would pay private school tuition for low-income students.

As part of its sweeping education reform package, Louisiana would establish the nation's most expansive system of school choice, according to The Wall Street Journal. The legislation includes rapid expansion of charter schools and a "parent trigger" provision that would allow parents to vote to convert a low-performing school into a charter. It would also stretch the definition of vouchers which traditionally were available to lower-income public school students to pay for private schools. The new law would allow vouchers to be used by students enrolled in public schools to pay for college courses, private online classes, and even State-approved apprenticeships at local businesses.

Education Week's Early Years blog reports that a new law in Louisiana requires the State to establish an early-childhood-education-and-care network to be governed by performance standards for kindergarten readiness. The network must be created by July 2013 and fully implemented by the 2015-16 school year. The system must:

- define kindergarten readiness and establish performance targets for children under age 3 and academic standards for three- and four-year-olds;
- create an assessment and accountability system for programs with letter grades for

performance; and

- coordinate with health and social service agencies to align day-care and early childhood education standards.

The National Institute for Early Education Research notes that, in 2011, Louisiana spent \$94.6 million -- \$4,700 per enrolled child -- on preschool programs.

The nonprofit organization, New Schools for New Orleans, has produced a guide for policymakers interested in creating reforms similar to the New Orleans Recovery School District (RSD). As noted in Education Week's District Dossier blog, the RSD took over most New Orleans schools in the wake of Hurricane Katrina and converted them to charter schools. The RSD currently manages schools in New Orleans and other parishes. The guide -- which can be accessed at <http://newschoolsforneworleans.org/guide> -- was developed as part of a five-year \$28 million Federal Investing in Innovation (i³) grant intended to expand the charter school model in New Orleans and other urban school districts.

Education Daily reports that the Title I and special education departments of the Livingston Parish school district are collaborating on the creation of an RTI program for struggling students in Title I schools. Using money from both sources, the district's RTI program is intended to build consistent interventions across schools and allow for collaboration among Title I, special education, and general education teachers, tutors, and administrators. Tutors are being trained in the use of PLATO Learning's instruction for remediation and the AIMS web progress monitoring system.

Maine Update

April 2012

Maine provides laptop computers to every middle school student in the State and has a goal of providing laptops to all high school students by 2013, according to Stateline.org. State technology officials believe schools will find savings in digital textbooks if they take advantage of free content or develop their own materials. The State has used Federal stimulus funds to pay teachers to create digital content that can be distributed free to schools. The same State officials stress that creating open content materials help the developers to improve their subject knowledge and instructional skills.

Maryland Update

April 2012

Before the April 9 deadline, the Maryland legislature failed to pass a balanced budget plan putting in jeopardy hundreds of millions of dollars in education funding. It is expected that a special legislative session will be called, according to the *State EdWatch* blog on EducationWeek.org. If the budget issue is not resolved by July 1 when the FY 2013 budget kicks in, the State would be required to eliminate \$205 million in aid to K-12 schools, including:

- \$70.9 million in reductions to the State's per-pupil spending -- from \$6,761 to \$6,650;
- \$128 million to the States index that makes up for regional cost differences; and
- \$5.2 million in teacher quality incentives and certification fees.

The *State EdWatch* blog also notes that the Maryland State legislature has approved a measure that changes education funding requirements for local school districts (counties). The bill would establish maintenance of effort as the legal funding floor for districts and would require them to seek a waiver if they cannot meet maintenance-of-effort requirements. Districts that do not meet maintenance of effort and do not receive a waiver would lose tax revenues. The legislation would also permit districts to exceed local property-tax caps to fund education.

Maryland is planning to approve new regulations for gifted-and-talented education, according to The Washington Post. The new rules will provide guidance to local school districts on identifying gifted students, designing appropriate programs, and monitoring student progress. Under the plan, children as young as three-years-old could be identified as gifted.

Beginning July 1, Maryland's new State superintendent will be Lillian M. Lowery who has been Delaware's education secretary for the past three years. [Education Week's State EdWatch](http://Education Week's State EdWatch blog) blog notes that Lowery has also been superintendent of Delaware's Christina school district and an assistant superintendent in Fairfax County, Virginia. She replaces Nancy Grasmick who retired in 2011 after 20 years in office.

Massachusetts Update

April 2012

The Boston Globe reports that, as of mid-April, Boston's IEP teams had missed deadlines for meeting with parents of 2,918 students with disabilities. This backlog represents more than 25 percent of the district's special education students. District officials have proposed one-time bonuses to staff for eliminating the backlog. The proposal would provide about 80 special education coordinators with \$60 for each review completed by the end of the school year, but only if all reviews at a given school are completed.

Michigan Update

April 2012

Education Week notes that Michigan will receive a new \$20 million continuation award under the Federal School Improvement Grant (SIG) program. The State has received a total of \$175 million in SIG money intended to turn around the State's persistently lowest-achieving schools.

February's Washington Update included an item on an Issue Brief from the National Governors Association on mastery versus seat time. In 2007, Michigan established a policy which granted waivers from seat-time requirements to districts on a case-by-case basis. According to Education Week, more than 200 Michigan schools have requested waivers during the past year. It is estimated that 5,500 students in the State are taking advantage of the flexibility through a blended-learning approach, combining in-person and online instruction.

Michigan has established an Education Achievement Authority -- at a startup cost of \$24.7 million -- to oversee the State's lowest-performing schools. As reported in The Detroit News, the Authority has raised only \$1.38 million from philanthropic donations. Expecting to launch this Fall with 15 low-performing Detroit schools, the Authority is planning to seek a share of Michigan's \$82.7 million School Improvement Grant money.

Minnesota Update

April 2012

As we have noted in prior TechMIS issues, last Fall, Minnesota delayed paying \$770 million in State aid to schools in an effort to address its budget shortfall. The Pioneer Press observes that the total owed to school districts reached \$2.7 billion. The latest budget forecast allowed a \$323 million surplus to be applied to the debt. The State legislature has put forth a Republican-backed plan to begin repaying the remaining \$2.4 billion by using the State's budget reserve. The proposal would shift \$430 million from rainy day funds to repay K-12 schools. It would also end the practice of laying off teachers based on seniority rather than performance. But, in early April, Governor Mark Dayton, a Democrat, has vetoed the measure, calling it "fiscally irresponsible." The voting margins in the State Senate and House would not be enough to override the veto. Further action can be expected.

Missouri Update

April 2012

Lottery sales from the recent Mega Millions jackpot have allowed Missouri to restore \$6.8 million in funds previously cut from public education programs. The restored money will go to:

- K-12 transportation assistance -- \$5 million;
- Fine arts and scholars academies for gifted students -- \$200,000;
- Access Missouri scholarship -- \$357,500;
- A+ Schools -- \$659,783;
- Math and science tutoring -- \$300,000; and
- Early literacy -- \$100,000.

The Columbia Missourian reports that the Missouri Senate has passed two pieces of legislation designed to help struggling school districts. One measure would allow charter schools to be established in districts that have been declared unaccredited and in provisionally accredited schools that have had poor test scores for three consecutive years. Under current law, Kansas City and St. Louis are the only Missouri districts allowed to have charter schools. The second bill would remove the existing two-year waiting period given to districts that lose State accreditation before State officials can intervene. If approved, the bill would empower the State to dissolve the unaccredited Kansas City district and replacing it with a new State-established governing structure. The measures must still pass in the House which has already approved its own version of the charter schools bill.

The St. Louis Post-Dispatch notes that the Missouri Board of Education has voted to close six St. Louis charter schools -- currently serving more than 3,500 students -- operated by the nonprofit Imagine Schools, Inc. The Imagine charter schools have performed poorly -- worse than traditional public schools -- and face charges of financial improprieties in Missouri and elsewhere. Moreover, the schools were paying far more for rent and less for instruction than other charter schools.

Montana Update

April 2012

Over the past decade, the Montana Quality Education Coalition has filed a number of lawsuits against the State of Montana calling for increased K-12 funding in the State. The most recent settlement will yield an increase in State funding for K-12 schools of \$4.6 million, according to the Great Falls Tribune. In 2011, the State legislature approved a 2.43 percent increase in public school funding for the 2012-13 school year. Political wrangling resulted in a veto by the Governor and a reduction of the increase to 1.6 percent. In early April the State and the Coalition came to an agreement to provide the full amount -- a \$4.6 million increase.

Nevada Update

April 2012

Nevada's new State Superintendent will be James W. Guthrie who is currently professor of public policy and education at Southern Methodist University. Guthrie has, for years, called into question the fears, expressed by education advocates, about cuts in education spending. He has also strongly supported tying teacher compensation to effectiveness as a way to "improve student outcomes and yield savings."

The Washoe County School District has received a \$4.2 million grant for this year as part of Nevada's \$14.2 million allocation from the Federal Striving Readers Comprehensive Literacy Grant. The money will be used to fund literacy programs in several schools. Specifically, the grant will provide teacher training in integrated technology and Common Core Standards, as well as support for family engagement programs focusing on special needs populations. The programs will be evaluated after two years to determine if funding will continue.

New Hampshire Update

April 2012

Consistent with the recent Issue Brief from the National Governors Association -- reported in last month's Washington Update -- New Hampshire eliminated the Carnegie unit in 2005 and told its schools that, by the 2008-09 school year, they would have to award academic credits based on mastery, not seat time. Although, the State's policy was intended to expand student learning opportunities (through online instruction and other mechanisms) and reduce dropouts, some districts have not yet made the change, according to Education Week.

New Jersey Update

April 2012

New Jersey State officials are exploring new ways to count economically disadvantaged students whose districts qualify for additional State school aid. The current measure -- participation in a subsidized lunch program -- is, according to a State audit, rife with fraud; it is estimated that 37 percent of the applications in 2011 were fraudulent. As reported in Education Week, Governor Chris Christie has said that the current formula sends additional State money to the poorest districts without regard for results. Last year, the Governor cut \$500 million in aid to the poorest districts, money which the State Supreme Court ordered restored. Overall, for the coming fiscal year, the Governor has proposed an increase in aid to K-12 schools of \$213 million.

New York Update

April 2012

The Albany Times-Union reports that, in addition to a \$415 million increase in “foundation aid” for schools, New York State’s local school districts will receive \$30 million in what is called “bullet aid.” There is no specific application process for the money. Rather, according to supporters, it will be used to plug gaps in the foundation formula, which is based on population and district wealth. Opponents of the “bullet aid” say it should be distributed through the foundation formula and that is just another form of “pork” to make incumbent politicians look good.

According to Federal spending reports, New York, like many other states, has spent only a fraction of their Race to the Top award. As of mid-April, the State had spent only \$76 million of its \$700 million grant. State officials indicate that, over the next two months, total RTTT spending will reach more than \$300 million, largely as the result of awards to districts to implement new teacher/principal effectiveness policies and a mentoring program for new teachers in low-performing schools. New York State will also be issuing a number of contracts for such things as elementary-level English and math curricular materials and professional development for STEM (Science, Technology, Engineering, and Mathematics) teachers.

According to WGRZ.com, New York State is implementing two new grant programs intended to improve student achievement and reduce bureaucratic costs. One of these, the School District Management Efficiency Awards program will distribute \$75 million over the next three years to districts that have most effectively cut unnecessary bureaucratic costs while maintaining the integrity of student programs and services. The second program, for which the State has received 70 applications, will award grants to schools that improve student achievement. The awards will range from \$100,000 per year for small districts (fewer than 750 students) to up to \$10 million per year in New York City.

Between 2001 and 2008, New York City closed 23 large, failing high schools and opened 216 new, small high schools in their place. Of the new schools, 123 were academically nonselective with approximately 100 students per grade. A report by MRDC, a nonprofit research organization, addressed the effectiveness of 105 of these “small schools of choice” (SSCs). MRDC found that SSCs significantly improved students’ academic progress and graduation rates particularly for disadvantaged students. The SSC program was supported by a consortium of funding organizations, including the Bill & Melinda Gates Foundation, the Carnegie Corporation, and the Open Society Institute, in collaboration with the City’s teacher and administrator unions.

North Carolina Update

April 2012

North Carolina's Race to the Top grant will enable the State to intervene in an effort to improve performance in the State's lowest-performing schools. The RTTT funds will build on the State's Turnaround Schools program in similar schools between 2006 and 2010. The Turnaround Schools program included:

1. a requirement that schools focus on adopting/changing practices thought to affect student achievement;
2. professional development designed to build schools' capacity to carry out reform plans; and
3. follow-up coaching and school-specific professional development which will continue as long as a school's performance composite score remains below 60 percent.

State data indicate that the Turnaround Schools intervention has made a significant contribution to improved performance in high schools that has grown progressively larger over the period of treatment.

The *State EdWatch* blog on EducationWeek.org reports that North Carolina Governor Beverly Perdue has announced she will not seek a second term. The Democratic Governor has battled with the State's Republican-controlled legislature over many issues -- including school funding - - and is considered the election underdog against her likely opponents.

Ohio Update

April 2012

Ohio's current two-year State budget includes \$780 million in cuts for local school districts. Governor John Kasich has proposed some new initiatives (e.g., encouraging districts to share administrative and other features) and is developing a new funding formula for State aid (which is not expected until after November). In early March, Ohio voters approved 75 percent of the tax requests for local schools -- the highest passage rate in 12 years.

As reported in The Columbus Dispatch, Ohio's application for a waiver from the requirements of the Federal No Child Left Behind Act includes a new system for rating the performance of schools and school districts. The new system would rate each school and district in four categories: (1) student performance on State tests and graduation rates; (2) a school performance index; (3) student progress; and (4) the performance of student subgroups (e.g., minority, economically disadvantaged, students with disabilities). Under the current rating system, 92 percent of traditional school districts received grades of A or B; only 66 percent would get A or B under the new system. A simulation of the new system using last year's data indicates that 87 percent of districts would get a B or C and 74 percent of charter schools would get a D or F.

Oklahoma Update

April 2012

As noted in Education Week, Oklahoma is one of a number of states that have recently adopted policies calling for third-graders to be held back if they fail a State reading exam. With the mandate slated to become effective in the 2013-14 school year, many districts are reaching out to families of students in kindergarten and first grade to explain the requirement. The State is providing \$7.1 million this year to help struggling students and expects to deploy 60 literacy coaches in the Fall.

According to the Tulsa World, an Oklahoma State district judge has ruled that the State's special education voucher program is unconstitutional on the grounds that it violates an Oklahoma constitutional prohibition against the use of State funds for any sectarian institution. It is expected that the parents who filed the lawsuit will file an appeal and a motion to stay the decision until the appeal process is completed. Currently, 149 students are using the vouchers. Although several states have voucher programs for students with disabilities, only Oklahoma and Arizona have faced legal challenges.

According to the National Governors Association (see item in February's Washington Update), Oklahoma schools allow students, upon request, to earn graduation credits in core subjects based on mastery demonstrated by tests. To receive credit, students must score 90 percent or higher on those tests.

An audit by Oklahoma's Auditor & Inspector has reported that some former State education officials used secret accounts to spend more than \$2 million on entertainment. According to Education Week, the "slush fund" was used over a ten-year period "without any of the requirements normally associated with government expenditures." The audit was requested by current Superintendent of Schools, Janet Barresi.

Oregon Update

April 2012

As we reported in February's Washington Update, the National Governors Association has provided an Issue Brief on the topic of state approaches to seat time versus mastery. Since 2003, Oregon has allowed its districts and schools to use proficiency-based measures for awarding student credit. According to Education Week, the State pilot tested this policy in seven school districts between 2004 and 2006. Then, in 2009, the State policy was expanded to require that all in-class work be linked directly to demonstrated proficiency with respect to academic standards.

South Carolina Update

April 2012

In February, we reported the South Carolina legislature was considering a measure that would prevent implementation of the Common Core State Standards in the State. It appears that the bill -- S.604 -- has been tabled and will not be considered again this year. The sponsor of the measure plans to take a different anti-CCSS approach by inserting a provision in the legislature's version of the budget barring implementation of the Standards.

For nearly a year, South Carolina has been facing a \$36 million penalty in Federal special education funds because the State did not spend enough on special education during the 2009-10 school year. Although the penalty could have been imposed last July, the State has been granted a delay that would allow it to add \$36 million to its spending for this year. State education officials have asked the South Carolina legislature to find the money. The *On Special Education* blog from EducationWeek.org notes that South Carolina -- which spends \$410 million on its 100,000 students with disabilities -- has appealed the Federal penalty but that the U.S. Department of Education has not yet ruled on the appeal.

South Dakota Update

April 2012

South Dakota Governor Dennis Daugaard has signed a new teacher evaluation law that will award bonuses to teachers based on student achievement and also eventually eliminate teacher tenure. The new law allows districts to establish bonus programs that would award \$5,000 annual bonuses -- beginning in the 2014-15 school year -- based on a range of measures including student test performance. According to Education Week's State EdWatch blog, the law also allows for \$2,500 annual bonuses for math and science teachers labeled "distinguished" or "proficient" in the new Statewide evaluation system. Under the law, districts can eliminate tenure provisions for all teachers hired after July 1, 2016. The South Dakota State teachers union says it will fight the law and wants to put the plan to a Statewide vote.

Tennessee Update

April 2012

Starting next Fall, the State of Tennessee will intervene in the operations of six low-performing Memphis schools with the goal of taking the schools from the bottom five percent in the State to the top 25 percent in five years. As reported in The Commercial Appeal (Memphis), the State will take over three schools -- Corning Elementary, Frayser Elementary, and Westside Middle -- as part of the State's Achievement School District. The ASD comprised the lowest five percent of schools Statewide; 69 of the 85 ASD schools are in Memphis. Also next school year, the KIPP Memphis charter school will open a middle school and a high school inside the Cypress School, privately-operated Cornerstone will convert Lester School to a charter school, and Gestalt Community Schools will open a charter middle school inside Gordon Elementary. Local per-pupil tax funding will follow the students to the ASD or the charter firms. The charter companies have received \$1 million in Federal funding to cover start-up costs over the next 18 months.

Texas Update

April 2012

The Dallas Morning News reports that this Fall a trial will be held to resolve the issue of State education funding cuts. Last year, the Texas legislature cut \$5.4 billion in State K-12 education funding for its next biennial budget in effort to address a \$23 billion overall shortfall. A total of 500 Texas school districts have filed lawsuits against the State saying the current school funding system is “inequitable, inadequate, and unconstitutional.”

The Austin American-Statesman reports that, last year, the Texas legislature passed a measure -- Senate Bill 6 -- that gives school districts more flexibility to spend textbook funds on technology tools and content. The new law had the effect of stripping the State Board of Education of its veto power over the Statewide textbook market. Before the law, school districts could use State money only to pay for textbooks approved by the Board as compliant with State curriculum standards. Now, the State’s \$792 million textbook budget is available for districts to buy instructional materials that may not be Board-approved.

Texas, which declined to adopt the national Common Core mathematics standards, has developed its own framework for math curricula in the State. As noted in Education Week’s Curriculum Matters blog, the draft of the standards received considerable criticism for lack of rigor and coherence. Even after more than 100 amendments, the new standards have been criticized by the respected Thomas B. Fordham Institute as having too many elements making it “difficult to discern what’s most important for students to learn at each grade” and for putting “far too great an emphasis on process over content.” Moreover, the Texas Association of Business has asked Ze’ev Wurman, a vocal critic of the math CCSSs, to analyze the proposed Texas standards. His analysis argues that Texas’ proposed math standards are inferior to the CCSS as well as to many of the better standards in other states. The business group states that the proposed with standards are “far from in-line with Texas’ goal of raising educational standards” and are “actually worse and less rigorous than the Common Core Standards.” Texas’

new math standards will be implemented in grades K-8 by the 2014-15 school year and the following year for high school. It is noteworthy that one amendment to the standards encouraged schools to prohibit calculators and other electronic devices for K-5 students.

Since 1984, Texas has had a 22-student cap on class sizes in kindergarten through fourth grade, although districts have been able to apply for exemptions. As reported in The Texas Tribune, during the 2011 legislative session, because of budget difficulties and an influx of new students, lawmakers made class size exemptions easier to obtain. State data indicate that, during the 2011-12 school year, 8,479 elementary classes exceeded the 22-student cap -- up from 2,238 last year. Texas' 102 fastest-growing districts have been the most affected by increasing class sizes. About 46 percent of these districts have schools with exemptions to the class size cap compared with 28 percent of non-fast-growth districts.

Education Week notes that, in the 2011-12 school year, four Houston high schools and five middle schools participated in the first phase of a three-year program -- known as Apollo 20 -- intended to give them the same qualities as the nation's top-performing charter schools. In partnership with Harvard University's Education Innovation Laboratory, each school adopted five strategies that correlate with successful charter schools: increased instructional time, better educators, data-driven instruction, heavy tutoring, and high expectations. Apollo 20 added 11 elementary schools for the 2011-12 school year. The program was funded at \$19.3 million for the first year including local funds, Federal School Improvement Grant money, and \$3.6 million from private donors. First-year results found higher student math performance on the State assessment, but only mixed results in reading.

According to Education Daily, the Lancaster school district, in partnership with Educate Texas and the Texas Instruments Foundation, will create a program that could serve as a model for science, technology, engineering, and mathematics (STEM) education Statewide. Funded by \$4.8 million from the Texas Instruments Foundation, the initiative is intended to:

- leverage the existing Teacher Advancement Program to provide time for teachers to learn

and apply STEM best practices;

- create STEM-articulated pathways for industry certification in such areas as health sciences and information technology;
- implement a rigorous college- and career-ready curriculum with increased opportunities for Advanced Placement and dual-credit courses; and
- a strong partnership among higher education, industry, government, and community.

Utah Update

April 2012

The Salt Lake Tribune reports that the Utah State Office of Education has made a \$25 million miscalculation in next year's education budget. The error, which resulted in the resignation of two State finance officials, will apparently not cause a shortfall that will hurt schools or school districts. State officials say they will address the issue by using leftover end-of-year funds or by calling for a special legislative session. They note that no school will not receive money because of the error. Typically, there has been \$30 million left over each year because of conservative budgeting estimates. In addition, there is an available \$16 million carried forward from the previous year.

According to The Salt Lake Tribune, a Utah State Senate committee has proposed legislation that would allow the State to withdraw from any agreement -- referring to the Common Core State Standards -- that "cedes control of Utah's core curriculum standards to any other entity." The committee also urged the State to "continually monitor" the State's implementation of the CCSS. The language in the resolution is less severe than the original resolution that called for the State Board to reconsider its adoption of the CCSS.

Vermont Update

April 2012

The *Curriculum Matters* blog on EducationWeek.org notes that Vermont Governor Peter Shumlin has called for requiring Algebra I and geometry for high school graduation beginning with next school year's freshman and sophomores. Moreover, he has asked the State Board to consider making Algebra 2 a requirement by 2017 and requiring physics and chemistry in future years. Most of Vermont's public schools require three years of math to graduate, but do not specify the courses. Currently, 47 percent of high schools require Algebra 1, 13 percent require Algebra 2, and 31 percent require geometry.

Virginia Update

April 2012

As noted in The Washington Post, Virginia Governor Robert McDonnell has signed into law a measure that will require Virginia high school students to take at least one online course before graduation with a standard or advanced diploma. The new requirement begins with entering ninth-graders in 2013, so no current high school students are affected. The new law also requires students receiving a standard diploma to earn a credential in career and technical education -- e.g., a State license or industry certification.

Washington Update

April 2012

The University of Washington's Center on Reinventing Public Education (CRPE) has released a new report showing that Washington schools participating in the first year of the Federal School Improvement Grant program failed to make aggressive reform efforts. The report -- called Tinkering Toward Transformation -- found that only two of the nine schools studied took a "comprehensive, no-excuses" approach. Rather most schools adopted more scattered intervention strategies. In the report, CRPE suggests that:

- the U.S. Department of Education tighten the rules so that only rigorous reform proposals can be funded;
- states and districts be given more time for planning and hiring;
- states should be active partners in turnaround efforts, rather than merely monitoring compliance; and
- districts need to give principals true autonomy and create an office that is empowered to provide schools with appropriate flexibility and resources.

The Seattle school district, working with its teachers union, has developed a framework for a concept called Creative Approach Schools; the approach will allow these schools to opt out of many requirements if 80 percent of their teachers sign on. According to The Seattle Times, Creative Approach Schools will still be required to teach to Federal standards and administer State tests, but will have the flexibility to take different educational approaches as long as they are research-based and cost-neutral to the district. Among the approaches being considered are:

- specialized curriculum models, such as those based on experiential learning or team teaching;
- intensive partnerships with community organizations, tutoring programs, or parent groups;
- adoption of instructional materials based on specific student needs;
- new assessments; and

- focuses on specific areas such as science, the arts, language immersion, etc.

Fifteen schools have expressed interest in applying for the Creative Approach School designation.

West Virginia Update

April 2012

During the recent SIIA conference, West Virginia State Superintendent Jorea Marple outlined the State's goals for which she and her staff are generating "buy in" with districts and other stakeholders as follows:

- increasing expectations of what students need to know;
- how students should behave rather than using techniques such as behavior modification after students display adverse behaviors; and
- indicating what students are expected to achieve.

One major challenge is the State's teacher shortage; of the 22,000 K-12 teachers in the State, 10,000 are expected to leave in the near future. The State is also promoting assessment as part of instruction and is now allowing "digital content" to be purchased in the State adoption process. Another major effort is replacing seat time requirements with evidence-based performance measures such as mastery and competency assessments. She also notes that the State recently received \$125 million USED grant to expand broadband. Another priority focus in the State is to build in career exploration at the pre-K/elementary level.

Superintendent Marple also volunteered, during an offline discussion, that the State is preparing a waiver request which will affect the priorities she mentioned. Stakeholder buy-in, which takes time to develop, would be critical. The SEA is also identifying what State laws need to be changed and is undertaking activities to facilitate such changes with key legislators and others. She agreed that, based on her knowledge of State laws in other states which have been approved, this could create implementation problems and affect timetables.

For more than a decade, the rural McDowell County school district has been under the control of the State of West Virginia and shown little academic progress. As reported in Education Week, the State's former first lady, Gayle Manchin, has helped establish a five-year partnership of more than 80 public and private organizations with the goal of turning around one of the State's

lowest-performing districts. Known as Reconnecting McDowell, the effort is an education and community-engagement program that includes as partners: the American Federation of Teachers, the Alliance for Excellent Education, Blue Cross/Blue Shield of West Virginia, Cisco Systems, the College Board, and the United Mine Workers. The project has received a \$100,000 planning grant from the Benedum Foundation and \$150,000 from the AFT. The State plans to allocate \$1 million in State funds to support literacy and early childhood education efforts. When we asked what lessons can be learned from the State's partnership with the American Federation of Teachers (AFT) to work with a major district in turn around failing schools, Dr. Marple indicated that it is too early to tell since the project only recently got underway. However, a major effort has been undertaken to ensure buy-in from State and local stakeholders beyond AFT.

Wisconsin Update

April 2012

The Wausau Daily Herald notes that Wisconsin Governor Scott Walker has signed into law a significant education reform measure. Among the reforms are mandatory reading tests for all public school kindergarten students and the requirement that teacher evaluations be based, at least half, on student test scores. The new law also establishes the Read to Lead Development Council which will include:

- a new early literacy screening for students in early grades;
- more training in teaching reading for teachers;
- greater parental involvement in reading instruction; and
- support programs to promote reading among low-income students.

As reported in the Milwaukee Journal Sentinel, beginning on August 31, 2015, any prospective teacher in Wisconsin must be evaluated using a portfolio-based assessment known as the Teacher Performance Assessment. This assessment system is being field-tested in three Wisconsin schools (as well as schools in 23 other states). Teacher hopefuls at field-test schools will have to take the Teacher Performance Assessment for practice, and also submit lesson plans and a video of their classroom interactions with students. This new teacher assessment requirement is consistent with an education reform measure pending in the State legislature.

Wyoming Update

April 2012

As reported in the Billings Gazette, the Wyoming legislature has approved an education reform bill in its session that ended in early March. Among the important features of the plan are:

- Schools will be rated on such measures as student scores on State assessments and college entrance exams and on graduation rates.
- The State will intervene when individual schools fail to meet standards.
- A process is established for measuring the academic progress of students in core subjects over their school careers and for evaluating college- and career-readiness.
- Wyoming students will be given one assessment in first grade, two tests a year in grades 2-8, and a shorter version of the ACT in the Spring of high schoolers' final year.
- Schools will be required to have a 16:1 student:teacher ratio, although exemptions will be given to high-performing schools.