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MEMORANDUM

DATE: August 30, 2012
TO: TechMIS Subscribers
FROM: Charles Blaschke, Blair Curry, and Suzanne Thouvenelle
SUBJ: New Waiver Guidance on Supplement-Not-Supplant; RTI Advocate Posny Resigns; Effective After-School Components; Third-Grade Retention/Interventions; Final Race to the Top-District Guidance; and State Profile Updates

On August 9th, we sent a State Waiver Update focusing on new guidance which allows districts designated as “low-performing” to use Title I funds to provide professional development to all instructional staff; this new guidance can provide immediate opportunities for firms providing professional development and related products. Included in this TechMIS issue is a related Special Report analyzing August 3rd ESEA Flexibility Waiver Guidance addenda which are designed to provide additional flexibilities in the use of Title I funds without violating the traditional supplement-not-supplant (SNS) provisions required in Title I. The Special Report is one of the first to raise a host of related questions that are just beginning to “hit the education press” in a number of areas, such as using Title I funds to pay for all RTI Levels as part of the “intervention approaches” in state-approved waivers to be used in Priority and Focus Schools. Districts which want to use Title I funds to purchase a firm’s RTI components or services should be encouraged to justify their case and submit it to USED as soon as possible as the newest “supplement-not-supplant” guidance should be considered an “evolving moving target” as state waiver implementation is about to begin.

Even though the Congressional August recess is underway, several important new developments and/or reports of interest to subscribers are addressed in the Washington Update:

- **Page 1**
An updated report from the Education Commission of the States (ECS) that summarizes third-grade reading policies related to identification, intervention, and retention initiatives; 13 states have passed new laws over the last year. The types of interventions

required/allowed are identified on a state-by-state basis.

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A new meta-analysis of the effectiveness of alternative models of extended learning has found that after-school programs appear to have positive education outcomes if they are well-implemented and have quality design features and curriculum. Extended school day and school year opportunities appear to have mixed results.

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USED Assistant Secretary Alexa Posny, a leading USED advocate for RTI, has resigned with Michael Yudin serving as her acting replacement, which raises the question about the impact on the RTI movement; recent discussions with Yudin suggest his continued support for RTI.

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Final Race to the Top-District guidance includes numerous changes from the earlier draft guidance; some of these changes have significant implications related to instructional components and “personalized learning environment” features.

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Our analysis of final district Title I allocations has found no meaningful difference from the preliminary district Title I allocations provided in our May 2nd Special Report; TechMIS subscribers should take these listings into account as they develop their sales approaches to these districts, of which most are likely to obligate unspent Title I funds by September 30th.

As this TechMIS was being prepared, the USED Expenditures Report for the Education Jobs Fund became available which indicates that, as of August 24th, of the \$10 billion Fund, slightly over \$500 million had yet to be “drawn down,” including Virginia (\$50 million), Texas (\$71 million), New York (\$109 million), and Puerto Rico (\$32 million). Unless last minute waivers are allowed to carry over such unobligated funds, after September 30th, these funds may have to be returned to the Federal Treasury.

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A number of miscellaneous items include:

- a) During the annual meeting of the National Conference of State Legislatures, it was reported that state revenues are stable or have increased in all states except Illinois and California and that 44 states are projecting revenue increases next year.
- b) Whether low-performing charter schools should be shut down is receiving new attention in state legislatures, according to several recent reports.
- c) Provisions in new state teacher effectiveness laws in 21 states are summarized in a recent report which also addresses how teachers are paid, assigned to schools and classes, and are promoted or dismissed.

- d) The USED “access initiative” to convert more printed text into digital versions which students with certain disabilities can download and read is being continued with a five-year, \$32 million grant to Bookshare; publishers are still concerned that only eligible students with certain disabilities have access to this copyrighted material.
- e) A Commentary from the Annenberg Institute for School Reform chides USED for ignoring its requirements that failing schools must incorporate “parent and community engagement” under waivers and in their turnaround schools; high-level USED officials continue to place a higher priority on improving “school climate” in competitive grants such as Race to the Top and under approved state waivers.
- f) A recent survey from the American Council on Education (ACE) found that college enrollment of veterans has doubled over the last three years and, while three-fourths of colleges have designated veteran’s offices, faculty training in counseling veterans is inadequate, especially for female veterans.
- g) A USED policy letter to post-secondary institutions said it would no longer “enforce the requirement that distance education programs obtain permission to operate in every state in which they enroll at least one student.” A similar statement regarding distance learning in K-12 has not been issued.
- h) A new report from NAEYC includes recommendations for organizations and consultants that provide technical assistance and training to early care and education workforce entities, including Head Start.
- i) Education Week’s Learning the Language blog identified challenges confronting California to incorporate Common Core Standards that include English language learners which could affect initiatives in other states implementing Common Core Standards for ELLs and assessments.
- j) The designation renewal system for local Head Start entities to recompute is underway, but the names of competing applicants and reviewers evidently will not be made available.

The State profile updates address a number of issues including state K-12 funding, NCLB waivers, expanded learning time, charter schools, state assessments, and Common Core participation.

Please call Charles if you have any questions, particularly related to new SNS waiver guidance.

Special Report:
Newest USED State Waiver Guidance Allows Districts in Approved States Additional Flexibility in the Use of Title I Funds Without Violating Supplement Not Supplant (SNS) Requirements, Thereby Providing Expanded Opportunities for Many TechMIS Subscribers, Although Several Questions Still Need Clarification

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

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The August 3rd addendum to the ESEA flexibility state waiver guidance provides more flexibilities for districts in states with approved waivers regarding allowed uses of Title I funds. These flexibilities can create numerous opportunities for firms with appropriate products and services. Because of longstanding traditional interpretations of “supplement-not-supplant” (SNS) requirements, many district and SEA Title I officials will have to be “made aware” of these changes which can benefit both districts and the firms with products that can meet their needs without violating SNS requirements. The types of products could range from components of RTI approaches to some state-required assessments. These new flexibilities are in the ESEA Flexibility guidance questions A18, A19, and B-12a. Our August 9th TechMIS State Waiver Update covered B-12a which allows Title I funds to be used to provide professional development for any instructional staff/teacher in a district which has been identified by the state as being “low performing.”

Addendum question A18 asked whether SNS requirements in Title I apply if a district uses Title I funds to implement an approved SEA Flexibility request. USED’s response stated, “In general, an LEA and its schools may use Title I, Part A funds only to supplement, and in no case supplant, the funds that would, in the absence of Title I, Part A funds, be available from non-Federal sources for the education of students participating in Title I programs.”

Beginning in the 1990s, the evolving exemption for a school which was designated as a Schoolwide Program (SWP) allowed it to use Title I funds to serve all students in need of assistance in the school, especially if other Federal funds were “comingled” with Title I funds. The school did not have to report whether the services were “supplemental.” Eventually, a

requirement evolved that only “comparability” of resources had to be met. In fact, in 2002, Senator Ted Kennedy, then Chairman of the HELP Committee, recommended that Schoolwide Programs be exempt from SNS requirements. Under the new ESEA Flexibility state waiver guidance, if an SEA has identified a school as a Priority or Focus School and the LEA is implementing interventions “consistent with the turnaround principles or interventions based on the needs of the students in the school and designed to enhance the entire educational program in the school,” the school can be designated as a SWP even if it does not meet the 40 percent poverty enrollment threshold. The bottom line is that, over the last four or five years in most states, SWPs have been increasingly recognized as the most “flexible” type of school regarding the use of Title I funds. Yet, groups such as the Title I-Special Education Working Group have recommended that SWPs be given additional flexibility, for example, to allow Title I funds to be used for purchasing not only products which could be in Level II or Level III Response to Intervention (RTI) approaches, but also Level I approaches (discussed below).

Beyond loosening SNS requirements for schools designated as Schoolwide Programs, the most recent guidance addresses Targeted Assistance Schools (i.e., Title I schools not designated as Schoolwide Program) and three “presumptions” of a violation of SNS which can be “rebutted” in such a way that the SNS requirement can be overridden or made an exception. The areas in which presumptions can be rebutted in Title TASS fall into three areas addressed in the August 3rd addendum:

- whether the activity is required by local, state, or Federal law and hence Title I cannot be used to pay for such services;
- whether an activity was provided in prior years with non-Federal funds, such as state or local funds; and
- whether the activity was provided to non-Title I students with non-Federal funds.

The most significant clarification of the presumption and acceptable rebuttal in the August 3rd addendum relates to the first area (i.e., whether the activity is required by State or other law). As Leigh Manasevit, a leading Title I lawyer noted in the *TitleI-derland* blog (August 10th), “Solving the Supplement-Not-Supplant Conundrum,” as more states adopted Federal mandates under NCLB and the recent ESEA Flexibility state waiver approval process, the SNS problem has surfaced to an extent that required USED to make “its resolution essential.”

As the guidance states, “In response to the opportunity to request ESEA flexibility, many states have enacted laws or promulgated regulations to govern their LEAs’ implementation of the SEA’s ESEA flexibility request. Other SEAs have incorporated into their ESEA flexibility request plans that rely on existing State laws or regulations, with necessary modifications to meet the ESEA flexibility principles. In light of the critical nature of the three ESEA flexibility principles to a State’s educational system, we presume that State laws or regulations that an SEA has incorporated into its ESEA flexibility request stem from that request and would not have been required of LEAs, at least in precisely that form, in the absence of ESEA flexibility. Thus, an LEA that is using Title I, Part A funds to implement elements of its SEA’s flexibility request that are required by State law or regulations would not violate the ‘required by law’ presumption

of supplanting.”

The guidance includes as an example: if the SEA included in the waiver request an A-F grading system for determining its differentiated recognition, accountability and support system and requires that any school receiving an F grade must implement schoolwide interventions that meet the turnaround principles, then “we would not consider the use of Title I funds to meet the requirement as presumptively violating the supplement not supplant requirement.” As Manasevit notes in his article, “...if states legally mandated new statewide testing programs to comply with NCLB, were they then precluding themselves from using NCLB funds to conduct those very same tests? For many years, the answer appeared to be a clear ‘yes.’”

At a general level, one might assume that, if a state’s waiver request complied with the three ESEA Flexibility principles and the turnaround principles and the request is approved, then the Federal mandates would have been incorporated into state law or regulations; if so, Title I funds could implement elements of the waiver without violating the required-by-state-law presumption of supplanting. One question which was not addressed is whether states with “conditional” approval could be an allowable exception. Another question which could arise is whether the presumption that state laws or regulations incorporated into the approved flexibility request stem from the request and would have been required of LEAs “at least in precisely that form, in the absence of ESEA flexibility.” Still another question could surface -- i.e., because the initial Race to the Top eligibility criteria included many of the same principles that were incorporated in the ESEA Flexibility waiver conditions, for those waiver-approved states which hurriedly passed state laws or regulations to qualify for Race to the Top and then were not awarded Race to the Top funding, the question is whether the new state law and/or regulation has to be a “mirror image” which is “precisely” in the form of the Federal mandate in the ESEA Flexibility state waiver guidance?

The second area of presumptive violation of SNS which could be rebutted relates to activities provided in prior years with non-Federal funds. The new guidance states, “This presumption may be rebutted, however, if the LEA can document contemporaneously that it would not have continued to provide the same activities with non-Federal funds, perhaps because of a budget shortfall or by the changing educational needs of its students.” After giving examples of appropriate documentation, which include school board minutes, actual budget cuts, etc., the guidance states, “...the LEA may use Title I, Part A funds to implement the same or similar strategies consistent with the SEA’s flexibility request.”

Regarding the third area of presumptive violation of supplement-not-supplant, the guidance cites the longstanding rule: “Using Title I, Part A funds for an activity that an LEA is providing to non-Title I students with State or local funds raises a presumption of supplanting...This presumption is particularly relevant in a number of States receiving ESEA flexibility because they are implementing their State-developed differentiated recognition, accountability and support system in all schools, not just Title I schools.” As the guidance notes, a district would have to use state or local funds to provide rewards or interventions in its Title I schools as it would do in its non-Title I schools to execute the waiver in all of its schools. To rebut the

presumption of supplanting, the guidance states, “In other words, if the services would be allowable under Title I, Part A -- that is, they are supplemental and designed specifically to improve the achievement of students who are failing, or most at-risk of failing, to meet State standards -- they would not be considered in determining whether there is a supplanting violation, even if they are funded with supplemental State or local funds in non-Title I schools and Title I, Part A funds in Title I schools.” As an example, the guidance states that if the approved waiver calls for all F schools in the state to be designated as a Priority School, “an LEA would not presumptively violate the supplement not supplant requirement if it uses Title I, Part A funds to implement interventions consistent with the turnaround principles in its Title I priority schools and uses supplemental State or local funds to provide the same interventions in its non-Title I priority Schools.” This clarification is similar to that for districts “identified “ for improvement included in the September 2, 2009 Non-Regulatory Guidance. As we noted in our September 15, 2009 TechMIS report, earlier guidance states that, if the service provided to non-Title I students meets the “intent and purposes” of the Title I, Part A program, “the LEA may exclude those services from supplement not supplant considerations....For example, if an LEA offers after-school tutoring for any student who scores below proficient on the state’s math assessment, paying for Title I students with Title I funds and non-Title I students with supplemental local funds would not violate the supplement-not-supplant requirement because the students in the non-Title I schools, by virtue of being non-proficient in mathematics are failing to meet the State’s mathematics standards and thus would be eligible for Title I services if they attended a Title I school.” The new August 3 flexibility is similar to the September 2, 2009 guidance which would allow a district identified for improvement to use Title I funds to purchase an effective program used in Title I schools for use in similarly situated non-Title I schools without violating SNS. Regarding the newest guidance, does the district have to be “low performing,” as designated by the SEA?

Several very knowledgeable association officials and Title I observers thought the SNS clarification regarding “required by state law” could have significant implications. One area which we discussed with them related to use of Title I funds to purchase any level of RTI or Multi-Tier System of Supports (MTSS) approaches. Currently, about 12 states require the use of RTI approaches (versus discrepancy IQ tests) to determine whether a student has a disability or not (for example, a reading problem) and should be placed in special education programs. From the perspective of a special education SEA or district-level official, if the state requires RTI then, under existing IDEA regulations, a district could not implement RTI district-wide until every special education teacher and other appropriate personnel have been adequately trained and all of the RTI infrastructure is in place to serve all students. A concern would be that parents or advocacy groups could sue the district for violating the Free Appropriate Public Education (FAPE) requirement for IDEA students. Hence, most states permit the use of RTI which would then allow for “staged” pilot programs to be conducted and expanded over time as training and infrastructure requirements are met.

From the perspective of a state or district-level Title I official, the existence of a provision requiring RTI by state law creates problems that are being addressed by the Title I/Special Education Working Group which recommends that Title I funds be used to pay for Level I “core

instructional programs” of an RTI intervention approach (see February 2010 TechMIS Special Report). Under IDEA, districts which have “disproportionality” (i.e., over-representation of minority students in special education programs) must set aside 15 percent of their district IDEA allocation for Coordinated Early Intervening Services (CEIS)/RTI. This money is usually reallocated to Title I schoolwide programs to be used with at-risk students to determine whether a student should be placed in special education program because the student has a disability, and not a “reading problem.” It appears that, if a state’s waiver request called for the use of RTI/MTSS interventions as part of overall turnaround intervention approaches for Priority and Focus Schools, can the use of Title I funds, particularly in SWPs, which are major recipients of the 15 percent CEIS set-aside, be used to purchase Level I “core instructional” interventions, especially if IDEA funds are “co-mingled” with Title I funds? Currently, although not explicit in any written regulations, Title I policy would allow Title I funds to pay for Level II (small group) or Level III (individual tutoring) interventions. It appears that the presumption of violating SNS because an activity is required by state law could be rebutted and Title I funds could be used to pay for Level III “core instruction” interventions, if the IDEA 15% set-aside for CEIS/RTI was included in the states’ approved waiver request for use in Priority and Focus Schools.

After discussions with several USED policymakers, it remains unclear as to whether the state approved waivers apply only to ESEA requirements or whether they apply to “other Federal laws,” such as IDEA. One USED official said that it applies only to ESEA provisions. However, if an approved SEA waiver request stated that it would use RTI/MTSS intervention approaches in Priority and Focus Schools and the 15% set-aside were reallocated to Priority and Focus Schools which would be designated as Schoolwide programs, then could the Schoolwide Program’s allocation, including Title I and IDEA funds, be used to pay for all RTI components? Another USED official suggested that districts submit a request to do so based on their interpretation of the guidance (districts should send such requests to: ESEA Flexibility @ed.gov-subject line “Flexibility Guidance”). Evidently, such requests would be handled on a case-by-case basis with opinions included in Letters of Determination or perhaps future ESEA waiver guidance addenda.

Even if high-level policymakers and USED Title I and special education (IDEA) program officials arrive at a less strict, more flexible policy decision, as Andrew Brownstein noted in his recent *TitleI-derland* blog (August 24th), “Supplanting Solved? Not So Fast...” regarding the Manasevit blog noted earlier, “So far, so good, but the policy staff at the Education Department and auditors at the federal Office of Inspector General (OIG), as well as those at state and local levels, don’t always play from the same rulebook. Auditors and federal policymakers may end up battling over policy disagreements or even simple misunderstandings using an unfortunate grantee as a playing field.” In his blog, Brownstein reported that Susan Wilhelm, a USED policy staffer, stated during the recent National Title I Association annual meeting “...the issue likely won’t be important until after the 2012-13 school year, when implementation flexibility begins for many states.” However, as Brownstein concludes, “Will that be time enough for a meeting of the minds between auditors and federal policymakers?”

Should SEAs and districts be allowed to take advantage of the new ESEA Flexibility interpretation described above relating to use of Title I funds for RTI, the number of states that currently “require by state law” RTI (versus the discrepancy model using IQ tests) will likely increase from about 12 to more than 40 very quickly. This, in turn, should increase funding for district purchases of products and services which can be integrated into different levels of RTI/MTSS approaches, currently estimated to be between \$4.5 billion - \$5 billion.

It is interesting to note that both the conservative-leaning American Enterprise Institute (see the Rich Hess *Straight Up* blog on EducationWeek.org August 27th) and Democratic-leaning Center for American Progress recently issued a joint report in which the two groups agreed that the current supplement-not-supplant requirements in Title I are having unintended effects on educational performance for all at-risk students and, in some cases, are acting as a deterrent to innovation in education. Bipartisan support could be expected for these August 3rd addendum questions among education associations, such as AASA which has been an ardent supporter of SWPs and relaxation of SES requirements in such schools.

To review a copy of the August 3rd addendum, go to: www2.ed.gov/policy/eseaflex/esea-flexibility-faqs.doc

Washington Update

Vol. 17, No. 8, August 30, 2012

A New Updated Report on Third-Grade Reading Policies by the Education Commission of the States Summarizes Policies in 32 States and the District of Columbia that Focus on Identification, Intervention, and/or Retention Initiatives; 13 States Have Passed New Legislation in the Last Year

The newest ECS report on third-grade reading policies summarizes statutory provisions regarding the identification of interventions for, and retention of, struggling readers in grades P-3. As Education Week's State EdWatch blogger Andrew Ujifusa noted in his August 13th blog posting, "...it's probably fair for the media to say that for 13 states to take action on one specific policy area of public education in one year is a significant shift." According to the ECS report, in 31 states plus the District of Columbia, diagnostic reading assessments to identify deficiencies are conducted in at least one P-3 grade, consisting of a mix of state-mandated and locally-determined approaches with most states administering criterion-referenced reading tests in grade 3. Twenty-nine states and District of Columbia offer some type of intervention or remediation for struggling readers in P-3. Fifteen states require and three additional states recommend supplemental instruction during regular school hours, while five states require and 11 states plus the District of Columbia recommend instruction outside of regular school hours, including after school and Saturday. Four states -- Arizona, Oklahoma,

Utah, and Virginia -- either require or recommend that online or computer-based instruction be used. Five states require and eleven additional states plus the District of Columbia recommend the use of summer school.

In 14 states plus the District of Columbia, third-graders must obtain a specific score on a statewide reading exam or meet a defined literacy benchmark in order to be promoted to the fourth grade. In eight other states, retention is permitted only if a student does not participate in an intervention, such as mandatory summer school, before starting the fourth grade. Some states allow exemptions for students who have IEPs or have limited English proficiency.

In most states, more than one type of intervention is required or recommended as detailed in the report's appendices. Most of the 32 states and the District of Columbia provide for student retention in grade 3, although Connecticut, for example, provides for retention in grades one, two, and three; in some states, such as Texas, students can be retained in grades five through eight.

The ECS report and an earlier report in March 2012 provide excellent information which can be used by firms with appropriate products and services to identify states to target. Opportunities for firms could be even greater in states in which Title I SES set-asides are being freed up under state waivers, particularly in states which received approval for Option 11. Option 11 frees up 21st Century Community Learning

Center funding to be used to extend learning, such as supplemental instruction during the regular school hours, which is one of the most frequently required interventions noted in the ECS report.

For a copy of the ECS report go to: www.ecs.org

Extended Learning Opportunities Such as After-School Programs Appear to Have Positive Education Outcomes, if Well-Implemented

Commissioned by The Wallace Foundation, a new report provides evidence about the effectiveness of extended learning time and after-school programs in improving a range of education outcomes for students, including academic achievement. Finding that such programs “can be effective,” the report suggests that extending learning time may be more advantageous for low-income, low-performing, ethnic minority or otherwise disadvantaged students. However, it also cautions that the evidence for extended school day and extended school year models is limited and based largely on “quasi-experimental studies that vary in their quality”; however, the evidence base for after-school and extended learning opportunities (ELOs) is stronger, but more random assignment evaluations are still needed in order to better understand the potential impact of these programs on outcomes such as educational attainment.” In perhaps the most important finding, the report notes, “Across all approaches to extended learning time, we see that schools and programs that are well-implemented, that attract strong participation levels, and that are of high quality tend to have positive effects, whereas those that suffer from poor

implementation have no effects or sometimes negative effects on children and youth.” It also finds that if the extended time is not used effectively, it may not make much of a difference.

The report points to a few Federally-funded education programs and policies that seek to expand learning opportunities by increasing time available for students to learn, including:

- the initial ARRA Race to the Top competition in which seven of the ten Phase II winners proposed extended learning day models; seven proposed expanded year models; six proposed summer programs; seven proposed after-school programs; and two proposed full-day kindergartens;
- the ESEA Flexibility state waiver initiative which, under Option 11, allows 21st CCLC funds to be used for extended school day or year initiatives and encourages previous SES 20% set-asides to be freed up to be used for extended learning time or after-school programs.

Some of the outcome study findings varied across the different types of extended learning programs.

1. Extended school day (ESD) seems to benefit students who are at increased risk of academic failure or dropout, especially when bundled with other reforms;
2. Participation in full-day kindergarten has a significant and positive effect on reading and math knowledge, but positive achievement gains tend to disappear rapidly over time.
3. Extended school year (ESY) models are not consistently more likely to be associated with students’ improved

academic outcomes in math or reading. A few studies suggest that such programs may be more effective when targeting elementary students rather than secondary students. However, ESY programs can be costly and initiatives that were implemented without “the buy-in” and support of key stakeholders “were not found to be successful.”

4. Extended learning opportunity (ELO) models, which include a wide range of social interventions that could be school or community based and which provide at least one academic component, were found to have “the potential to positively impact a range of educational outcomes”, moreover, ELO programs were “more effective in improving predictors of academic achievement, such as educational expectations and scholastic behaviors, than in improving academic achievement outcomes.” However, often they did improve academic skills, homework, and study habits. The report also found that, in the programs examined, “the effects were larger and stronger for lower-income students, lower-performing students, and students in other more disadvantaged subgroups. Ineffective programs usually had low participation rates

Quality features that seem to be common across more effective ELO models included:

- highly-qualified, committed staff;
- programs which are intentional and focused, and which follow a guide or manual or that used a specific curriculum, and which provide

individualized attention through tutoring or mentoring;

- programs which are highly-targeted and provide age-appropriate programming, which provide a certain amount of structure and which are clear about expectations, and which use culturally-appropriate materials.

To review the study, go to: <http://www.wallacefoundation.org/knowledge-center/summer-and-extended-learning-time/extended-learning-time/Documents/Expanding-Time%20for-Learning-Both-Inside-and-Outside-the-Classroom.pdf>

Leading Advocate of Response-to-Intervention/Multi-Tier System of Supports (RTI/MTSS) Assistant Secretary Alexa Posny Has Resigned, with Michael Yudin, Deputy Chief of Office of Elementary and Secondary Education Serving as Acting OSEP Chief, Raising the Question of the Impact on the RTI Movement

With the rather abrupt resignation and departure from USED on August 10th of Assistant Secretary Alexa Posny, we have raised the question of the possible impact on the RTI/MTSS movement among education association leaders and knowledgeable RTI/MTSS influencers. Most observers hesitate to comment except to say that it largely depends on Acting Chief Michael Yudin who replaces her and whether he is formally nominated as the new Assistant Secretary for OSERS. Yudin has taken the lead role thus far in the implementation of ESEA Flexibility state waiver process.

As Posny stated in an interview with Education Week in January 2010, “To move ideas forward then, you must have data, evidence, credibility, and a relentless focus on doing what’s best for the students.” Addressing support systems and response-to-intervention, she said, “In Kansas, we had great success using a “multi-tiered system of supports,” including response to intervention, early intervening services, and transition planning. It worked for many of our districts to forge a really strong system of supports, but what’s even more important is that it worked for our kids, who showed tremendous gains in reading and math, a reduction in the achievement gap between white and minority students, and achievement rates among special education students that ranked in the top 10 in the country. I look forward to being able to use the position of assistant secretary to promote the possibility of connected, coherent systems of academic and social supports.”

Bruce Hunter, Associate Executive Director of AASA, in an interview with Education Daily’s Mark Sherman (August 10th) and our follow-up interview, suggests that Posny and her RTI advocacy role will be sorely missed by public school administrators.

In a recent discussion, Rich Long, Executive Director of the National Title I Association, suggested that Yudin will play an important role. As acting Assistant Secretary for Elementary and Secondary Education, he played a key role in implementing the state waiver initiative. Long and Bill East, Executive Director National Association of Special Education Directors, head the Title I/IDEA Special Education Working Group which has made recommendations that would allow schoolwide programs to use Title I funds for purchase/development of

RTI/MTSS components (see enclosed TechMIS Special Report on supplement-not-supplant waivers addenda).

In another recent interview with Mark Sherman, Nancy Reder, Deputy Executive Director of the National Association of State Directors of Special Education said of Michael Yudin, “I am confident that he will be able to bridge the work of ESEA and IDEA, given his background and that is important to us at NASDSE.” Sherman also quoted Eric Buehlmann, Deputy Executive Director of the National Disability Rights Network, who worked with Yudin in Senator Jim Jeffords’ office, noted that Yudin could “think outside a given funding stream and see how programs tie together,” and concluded, “That’s one thing a lot of people are looking at, is the different silos and ways to get rid of the different silos,” according to the Education Daily interview (August 17th). In the same article, Laura Kaloi, Public Policy Director for the National Center for Learning Disabilities, perhaps the leading independent advocate of RTI through its national “RTI network,” referring to Yudin, stated, “He understands very well the importance of how special ed fits within the context in general ed, and [he] has been a major bridge builder for those conversations.”

Over the last two years, since her appointment as Assistant Secretary, Posny -- formerly served as Deputy Assistant Secretary in USED over the Office of Special Education and Chief State School Officer in Kansas. We have reported on numerous instances where Posny has taken a strong official position advocating RTI/MTSS. At a Brookings Institute conference on July 18, 2011, as reported in Education Daily, she stated, “I don’t have

evidence to show even how effective this 15 percent was, but ultimately, if we got the evidence and can show it, [then] go for it...” As we reported in our February 15, 2011 TechMIS Special Report, “By that, noted Sherman, she said she means raise the CEIS spending cap above the 15 percent and allow districts and schools to use a greater amount.” In that interview, she also proposed creating pilot programs in Title I schoolwide programs to experiment with blending Federal education dollars above and beyond that which is currently allowed, even if it means raising the 15 percent cap on the number of IDEA dollars that can be used for students without disabilities. Her personal beliefs and feelings, it goes without saying, caused many special education and disability advocacy groups to distance themselves from her remarks, which they felt would increase the amount of IDEA funds reallocated from special education students to serve at-risk non-special education students. Whether Yudin, who has the support of many special education and disability advocacy groups thus far, will be as vocal and outspoken as Posny, is uncertain.

USED Publishes Final Race to the Top-District Guidance Which Includes Numerous Changes from Draft Guidance Published on May 22nd

The final Race to the Top-District guidance for districts (or other eligible applicant entities in districts) include a number of changes in response to comments from associations and 400+ other groups, some of which were summarized in our June 30th TechMIS Special Report. Some of the apparent significant changes which have

implications for TechMIS subscribers who wish to “partner” with certain districts are highlighted below. Interested parties need to review final guidance in the RTTT-D Executive Summary (<http://www2.ed.gov/programs/racetothetop-district/2012-executive-summary.pdf>) and the Federal Register dated August 16, 2012.

While the earlier draft referred to personalized learning “plans,” which included “strategies,” “sequences,” and “recommendations,” the final draft appears to emphasize personalized learning “environments,” a broader concept which would appear to apply to all students to ensure that each student masters the critical areas in the college and career standards or graduation requirements. Inclusion of “personal” interests of each student appears to be a higher priority. Within the personalized learning environment, there appears to be a heavier emphasis on ongoing assessments to provide more timely, detailed data and other information to students, instructional staff, and others to increase student mastery of standards.

Under a new section of the selection criteria, the applicant must describe its approach to implementation (ten points), particularly including a description of “how the reform proposal will be scaled-up and translated into meaningful reform to support district-wide change beyond the participating schools,...the applicant’s logic model or theory of change of how its plan will improve student learning outcomes for all students who would be served by the applicant.” While college enrollment is one LEA-wide goal for improving student outcomes, post-secondary degree attainment is an important optional goal which has been added.

Under selection criterion, “Prior Record of Success and Conditions for Reform,” which replaces “district capacity and success factors” (45 points), applicants evidently must include demonstrated evidence of success over the last four years in advancing student learning and achievement, including evidence from the use of turnaround interventions which can be “homegrown” as opposed to one of the four SIG-required intervention models. The applicant must also provide evidence that each LEA has “sufficient autonomy under State legal, statutory, and regulatory requirements to implement the personalized learning environments described in the applicant’s proposal.” This replaces the required state-level review and comments in the earlier draft. Under stakeholder involvement, a description of how students were involved in developing the proposal must be included and letters of support from the stakeholders are outlined. In numerous sections, references are made to “the logic behind reform initiatives” or underlying “theories of change”; Tom Vander Ark, in his [Education Week](#) blog on August 16th, said the Race to the Top-District initiative “should be viewed at least in part as an R&D effort.”

Under the selection criterion, “Preparing Students for College and Careers” (40 points), new language emphasizes “deep learning experiences in areas of academic interest,” exposure to “diverse cultures, contexts, and perspectives that motivate and deepen individual student learning,” and developing critical skills such as “goal-setting, teamwork, perseverance, critical thinking, communication, creativity, and problem-solving,” the latter of which is a reflection of 21st CCLC skills.

The section “Teaching and Leading” (20 points) was for the most part rewritten with greater emphasis on:

- district capacity to support student progress to meeting college- and career-ready standards;
- adaptation of content as well as instruction with additional emphasis on learning approaches such as collaborative work and project-based learning;
- continual measurement of student progress and acceleration of student progress;
- continual use of interventions including student supports; and
- emphasis on not only student academic needs but also interests.

Carrying a total 30 points, the selection criterion called “Continuous Improvement” now includes the statement that the applicant must have a total of approximately 12 to 14 performance measures which are grouped by levels: pre-K-3, grades 4-8, and grades 9-12. Some of the measures refer to a “grade-appropriate academic leading indicator of successful implementation of its plan.” This appears to be contradictory to the personalized learning priority in which students proceed at their own learning rate regardless of grade level.

The Coalition for Community Schools, in its analysis of the final Race to the Top-District guidelines has noted that five points have been allocated to “Ongoing Communications and Engagement” and that, under Performance Measures, age-appropriate non-cognitive indicators for PreK-3 (e.g., physical well-being, social-emotional development) are also included, as is at least one grade-appropriate social-

emotional leading indicator for all grades. The Coalition's analysis also identified additional activities under the Competitive Preference Priority (10 points) which has been slightly reworded to include "Results, Resource Alignment, and Integrated Services." The range of activities include additional student and family supports that address the social-emotional and behavioral needs of participating students; however, the proposal does not have to be comprehensive and may provide student and family supports that focus on a subset of student needs. Applicants also must identify not more than ten desired results for students in the LEA or consortium, which include both educational results and other education outcomes, such as the number of children exiting third-grade reading at grade level or the number of children entering kindergarten prepared to succeed in school. It would appear that improving "school climate" under this Competitive Reference Priority is very important and reflects the increasing priority placed on this area by high-level USED officials (see related [Washington Update](#) item).

It is important to note that, in the application form's Section III on scoring rubrics, the guidance states that, in the event of a tie, the selection criterion Prior Record of Success and Conditions for Reform with 45 total points (especially (B)(1) Demonstrating a clear record of success which is worth 15 points on its own) would be used to break such ties.

Around the middle of August, USED and numerous organizations provided teleconferences/webinars on the final Race to the Top-District guidance. USED held a three-hour conference call on August 16 in which the moderator read from the related

documents published on the Department's website, and due to lack of questions from participants the call ended a full 30 minutes early. Participants in the call were highly encouraged to register their intent to apply by the August 30th deadline. In an informative call held during the same timeframe, the Coalition for a College and Career-Ready America provided a good summary of provisions of the competition with helpful details about possible strategies for those considering applying for grants.

Although this district-level competition was ostensibly designed to address criticisms of previous Race to the Top program competitions, it generally falls short of extending benefits to small districts and in particular those located in rural areas (see [Education Daily](#), August 29 for rural LEA's perspectives). There was a consensus that: (a) the lowering of the minimum number of students in a district did not help much, and (b) limited funding available and the complexity of the 116-page application further served to discourage rural districts from putting in the major effort required to collaborate and submit a quality response to the grant announcement.

Another USED webinar of consortium applications was scheduled for August 30th.

USED Releases Final District Title I Allocations Which Have no Meaningful Differences Than Those in Our May 2 Analysis of Preliminary Allocations

On May 2, we sent to TechMIS subscribers a special report containing listings of school districts across the country which, under preliminary allocations from the U.S.

Department of Education, would receive significant increases in their Title I funding for SY 2012-13. These listings included districts getting large absolute (greater than \$400,000) increases and those getting large percentage (at least 30% and greater than \$100,000) increases.

This summer, USED released final district Title I allocations. We have looked at a significant number of districts in every state and found no meaningful changes from preliminary to final district allocations. For marketing purposes, the allocations in our May 2 special report should be considered very reliable Federal determinations before state adjustments.

As we noted in the May 2nd TechMIS report, the Federally determined district allocations are subject to a variety of normal SEA adjustments related to the 4% set-aside for school improvement, hold harmless clauses, students attending charter schools, and so forth. This year, a number of states, such as Florida and Texas among others, also had official or unofficial policies to have up to ten percent of district allocations either put in reserves or held back at the state level should Federal budget sequestration go into effect in January. A July 20th USED policy letter to Chief State School Officers basically stated that sequestration would not affect the FY 2012 Title I allocations, but rather, should sequestration occur, it would only impact FY 2013 Title I budget appropriations taking effect in July 2013. Some states such as Texas have now withdrawn their policy of withholding at the state level Title I district funds for potential sequestration.

According to knowledgeable Title I officials, state Title I directors are taking

seriously the July 20th letter. We urge TechMIS subscribers to consider targeting those districts in the May 2nd report which are receiving large absolute Title I increases and particularly those receiving large percentage increases immediately as many of these districts will consider the large percentage increase as a “windfall” and will likely spend such funds on products and one-time services rather than salaries. Many of these same districts, which were planning to carry over FY 2011 Title I funds to the 2012-13 school year are now likely to spend or obligate such funds by September 30th, particularly because of the large increases they are receiving for the 2012-13 school year.

If anyone has any questions, please contact Charles Blaschke directly.

Miscellaneous (a)

Highlights of recent National Conference of State Legislatures Annual Conference are more optimistic than the last several years as Chris Edmondson, *Education Sector*, reported revenues are stable or have increased in all states except Illinois and California and 44 states and the District of Columbia are projecting revenue increases for next year with only five predicting declines. Education Week reports that many of the policy changes passed since the November 2010 election will be affected by state legislative elections in 44 states as this election year over 80 percent of the state legislative seats, or about 6,000 positions, are up for re-election. Currently, Republicans control 26 legislatures while Democrats lead in 15, eight are split and Nebraska remains non-partisan. About 25 percent of the seats have term limits and will

turn over compared to a normal rate of about 17 to 19 percent, according to NCLC officials as reported in Education Week.

Miscellaneous (b)

According to a recent Education Week article, the question of whether low-performing charter schools should be shut down is receiving new attention. On one hand, school districts are losing state and some Federal funds as students in the district attendance area attend charter schools (e.g., dollars follow the student); on the other hand, charter school advocates have concerns “that lax and inconsistent standards for closing them will undermine the public’s confidence in the sector.” The rate of closure of charter schools up for renewal has actually fallen over the past three years which could be interpreted as a sign of the combination of weaker oversight or improved quality. Closure rates vary from zero to 20 percent among states. The Center for Education Reform’s most recent survey found 15 percent of 6,700 charter schools that have opened over the last 20 years have shut their doors for a variety of reasons, with about 19 percent of these being shut down for academic reasons. Closure rates for charters seeking renewal declined from 12.6 percent in 2008 to 6.2 percent in 2010 according to the National Association of Charter School Authorizers.

The Education Week article notes several barriers confronting authorizers’ ability to close low-achieving charters, including the fact that authorizers have “no clear criteria for renewing or revoking charters, and their decisions about closing schools can, in some cases, be overruled by state officials or courts.” Moreover, differences in state

policies relating to authorizers’ authority and responsibilities explain much of the variation in closure rates across states. In some cases, entities which are selected as authorizers have conflicts of interest. For example, part of their revenue may be based on charter school enrollment; or, in the case of districts, they may be hesitant to treat charter schools fairly because charter schools may siphon off students and funding from public schools, according to the Education Week article.

As we have reported over the last three years, the Administration has promoted and provided funding that encouraged non-profit entities and charter school prominence in many of its reform initiatives, such as Race to the Top and to a lesser extent School Improvement Grants; more recently, it appears that charter schools and charter management organizations (CMOs) may have a leg up in the Race to the Top-District competition (see July 31st TechMIS Special Report). In her recent guest blog in *TitleI-derland*, Julia Martin, Legislative Director for Brustein and Manasevit, noted about potential ESEA reauthorization, “Both parties have also promoted legislation that would support the expansion of charter school programs,” although Democrats and Republicans clearly have different positions on “school choice.”

Miscellaneous (c)

A recent report summarizes provisions in new state teacher effectiveness laws regarding how teachers are paid, assigned to schools and classes, and are promoted or dismissed. According to author and *Policy Notebook* blogger Sara Mead, the report is the “first comprehensive review of all

recently passed state teacher effectiveness laws.” The report includes a number of provisions and activities in the 21 states with such laws that are of interest to some TechMIS subscribers including:

- All but one of the 21 states requires that both teachers and principals be in the evaluation system.
- While all 21 states require that evidence of student performance be a factor, 14 states require that student performance count 50 percent or more in the evaluations.
- 13 states ensure that reductions in force take into account teacher effectiveness rather than seniority.
- 14 states “create or require districts to create some form of performance-based teacher compensation.”

According to Mead, only four states explicitly require aggregated, but not individually identified, reporting on teacher effectiveness, although others have plans to do so. She also notes that few states hold teacher preparation programs accountable for their students, while several other states “have the capacity to link teacher evaluations back to their preparation programs, but have not done so.”

Stephen Sawchuk, who is one of the leading veteran reporters on the impact of the Administration’s education policies’ on teachers, calls the report written by Mead -- an analyst for Bellwether Education Partners -- “a great resource for keeping tabs on all the complicated moving parts in these [teacher] evaluation systems.” He also notes that teacher evaluations are part of the ESEA Flexibility State Waiver Initiative, but as he reported in his *Teacher Beat* blog (August 22nd), “...states’ bids weren’t very

clear on what consequences those evaluations would carry.”

Miscellaneous (d)

USED has continued funding its initiative to convert more books into versions which students with certain disabilities can download and read when such books become available on paper. Bookshare has received another five-year grant to do so for a cost of \$32 million, according to Education Week’s On Special Education blog (August 20th). Bookshare will also use the grant to translate diagrams in printed math texts into easy-to-understand formats for students with visual impairments or even blindness. Bookshare’s previous contract in 2007, for the same amount, was to convert publishers’ books to digital format for students to use at school and at home. In the Education Week blog, Betsy Beaumon, Vice President of Benetech, the parent nonprofit of Bookshare, is quoted, “...we are committed to continue revolutionizing the field of accessibility at a fraction of the cost of current approaches, delivering the next generation of innovation.” Bookshare hopes to increase its current student membership from 200,000 to 400,000. A major concern of USED’s “accessibility initiative” among publishing groups such as AAP and AEP is to ensure the Bookshare versions are used only by those students for which the digital format is intended in order not to violate publisher copyright and other rights of content owners.

Miscellaneous (e)

A “Commentary” on urban education by Sarah McAlister of the Annenberg Institute

for School Reform argues that USED, under its waiver policy, needs to enforce meaningful compliance with parent engagement principles and that the Department “consistently ignores its own requirement that failing schools must develop ways to incorporate parents and the community in their turnarounds in exchange for progress waivers.” While the July 24th article points to the waiver turnaround principle calling for the creation of “ongoing mechanisms for family and community engagement,” it appears that some of the argument is also based on Annenberg’s perceptions of a lack of parent engagement during the implementation of the School Improvement Grant programs, although no survey data from approved waiver states is cited. Some of the suggestions, which the Commentary argues are being neglected, are providing wraparound supports for students, holding public meetings to engage parents and communities in shaping school improvement plans, conducting community needs assessments and identification of strengths. The Commentary argues that states receiving waivers thus far have not received any “specific advice on strengthening their plans for fostering ongoing family and community engagement in priority schools. In some states, the ‘ongoing mechanisms’ for engagement are limited to *notifying* parents that their school has been identified as a priority school -- and these plans passed muster.”

Although the article presents little data justifying the Annenberg position reflected in the Commentary, the actual experience of implementing parent involvement and engagement provisions in Title I are similar. While parent involvement has received verbal policy support at Federal and state level in the past decade, inadequate

enforcement has resulted in wide gaps. Over the last three years, the Administration, in response to pressures from parent and community engagement advocacy groups, has proposed to double the amount of Title I set-aside funds for parent involvement from one to two percent in larger districts and to establish Federally funded, state-level entities to encourage and support parent engagement activities. Moreover, guidance for programs such as School Improvement Grants has placed a higher priority on parent and community engagement, including such activities as student support activities and social and behavioral interventions. In fact, a recent Center on Education Policy report on the “challenges” facing state and district officials implementing SIG grants identified improving “school climate” as the first activity in virtually all SIG schools involved in selected case studies to be implemented before other reform initiatives (see the July 31, 2012 TechMIS [Washington Update](#)). The CEP report also suggested that, in addition to student academic measures, “school climate measures” be included in any assessment of the effectiveness of the School Improvement Grant program.

As reported in [Education Daily](#) (August 23rd), newly appointed Assistant Secretary for the Office of Elementary and Secondary Education, Deborah Delisle, noted in a recent speech that programs like School Improvement Grants do include school climate as one indicator; but she wants school climate to become “central to the work we do.” And the waiver initiative should give USED an opportunity “to look more closely to how states address school climate.”

Miscellaneous (f)

A recent report from the American Council on Education, entitled “Soldier to Student II,” which is a follow-up to a 2009 analysis just before the new GI bill went into effect, has found that the enrollment of veterans in the sample of 690 institutions more than doubled over the last three years to an average of 370 veterans per institution. Over 60 percent of colleges offered programs and services designed specifically for students who were active-duty service members or veterans -- up from 57 percent over the last three years. Three-quarters of the colleges have dedicated veteran’s offices. The ACE reports that less than half of the institutions “offer training for faculty and staff on veteran and military students and what they need to succeed in college.” As cited in The Chronicle of Higher Education (July 25th), only eight percent of respondents reported having support groups specifically for female veterans who represent roughly one in five veterans on campus.

Miscellaneous (g)

According to a recent article in Inside Higher Ed, the U.S. Department of Education said that “it will no longer enforce the requirement that distance education programs obtain permission to operate in every state in which they enroll at least one student.” The change was announced quietly and sent to institutions in late July. As the article notes, “Colleges have fought the state authorization rule both in Congress and in the courts since it was first forward in October 2010, arguing the archaic authorization rules create too much red tape and financial burden for online

programs.” However, colleges will still need permission to operate in their own states. According to the July 27th USED letter, the final regulations made changes only to regulations governing programs under the Higher Education Act of 1965 as amended (HEA). The regulations appear to be silent on whether a similar policy applies to high school students enrolled in dual-enrollment programs and whether the policy will apply to K-12 generally.

Miscellaneous (h)

A recently released National Association for the Education of Young Children (NAEYC) report includes policy recommendations for those organizations and individuals that provide technical assistance to the Early Care and Education Workforce. The report entitled, *Strategic Directions: Technical Assistance Professionals in State Early Childhood Professional Development Systems* is based on data compiled from NAEYC surveys, interviews, and focus groups.

The report offers definitions for key terms that frame the dialogue around strategies currently used to promote workforce development that results in a skilled cadre of effective, diverse, and adequately compensated professionals. These include technical assistance, mentoring, coaching, and consultation.

The policy recommendations inform those national and state-based organizations and individuals/consultants who are involved in providing training and technical assistance to Head Start, childcare, family childcare, and after school care. For those technical assistance providers in states which recently

received EC Race to the Top grants, this report is a valuable blueprint for structuring systems.

Recommendations highlight four key areas for policy development and align with NAEYC's Professional Preparation Standards that outline what tomorrow's teachers should be able to know and do. The four key policy areas include:

1. Common terminology;
2. Standards, specialized knowledge and competencies, and qualifications and credentials;
3. Pathways, ongoing support and compensation; and
4. Data, evaluation and quality assurance.

Each of the recommendations is supported by specific summaries of data from NAEYC surveys, interviews and focus groups. For the complete NAEYC report use the link: http://www.naeyc.org/files/naeyc/TA_Professionals.pdf

Miscellaneous (i)

The Education Week *Learning the Language* blog (August 10th) recently highlighted challenges for California to incorporate Common Core Standards for English Language Learners. This discussion illuminates policy issues for other states with significant numbers of students who are dual language learners.

California K-12 includes 25 percent of students who are English Language Learners (ELLs), who are primarily children who are learning English in addition to their home language. New and more rigorous common standards and the upcoming assessments offer a promising opportunity to upgrade the

rigor and quality of public education offered to children learning English in addition to the home language.

To ensure that CA legislators have the opportunity to make the most of the potential of new standards, two experts on English language learners have been contracted to make concrete policy recommendations for the state. Here's what they have included in their policy brief published by Policy Analysis for California Education whose former director is Dr. Mike Kirst, now Chairman of the State Board of Education:

- Rethink the definition of the subgroup category of ELL—the status of this designation is meant to be temporary as students should eventually leave, so when students are designated as such, the category will always skew to the low-performing side of the achievement spectrum;
- As part of the revision of the English Language Development (ELD) standards consider alignment with language arts, math, and the forthcoming science standards;
- Teacher credentialing officials should carefully examine current requirements for educators seeking endorsements in ESL to ensure a match with what will be necessary to effectively teach ELLs the common core; and
- CA should use its leadership position in the Smarter Balanced Assessment Consortium to push for new assessments that include a way to measure how all students (not just ELLs) perform when it comes to

handling sophisticated language uses called for in the standards.

Miscellaneous (j)

According to the *Early Years* blog of Education Week, the DHHS Designation Renewal re-competition for Head Start and Early Head Start programs began with the review of more than 130 grant submissions from school districts, community action agencies and other organizations nationwide. Last November, DHHS issued regulations that outlined the criteria to be used in identifying low-performing grantees and the process whereby such grantees would be required to compete for continued funding (see January 12 TechMIS Washington Update).

A total of 130 Head Start and Early Head Start grantees, including some of the largest in the country—Los Angeles and New York City -- were on the list designated for re-competition. Although the grant review process is apparently in full swing, little specific information is available to the public. Kenneth J. Wolfe, a spokesman for DHHS, explained that once awards are made there will be a news release announcing final decisions, but until that time little basic

information, including how many applicants submitted, is available. December is the date identified for this announcement. Blog posts from *Early Years* and *Politics K-12* suggest that the Department of Education review procedures for the Race to the Top competitions provide a model for transparency that DHHS would be well-served to embrace. That Department of Education process involved announcing the number of and names of applicants, and basic information about the judges well before the final results were available.

Other knowledgeable sources from DHHS confirm that 500 potential reviewers were trained to apply the evaluation criteria reliably; and, from that pool of 500, 200 were selected to review the grant proposals. The review process is ongoing for the next several weeks. Once awards are announced, every effort will focus on smooth transitions, especially in the event that an existing grantee is replaced. Since Head Start grantee funding year start dates vary, and programs begin full-year service to parents and families, newly awarded grantees will transition to providing services with every effort focusing on continuous service with no disruption during the school year.

Alabama Update

August 2012

As reported in [The Birmingham News](#), Alabama's Education Trust Fund -- which supports the State's K-12 education program -- expects to collect enough revenues to meet its spending targets and thus avoiding across-the board cuts. During the first ten months (October-July) of the current fiscal year, the Trust Fund collected \$4.51 billion -- up 5.9 percent from the previous year. The legislature approved an additional \$40 million for the Fund this year to be spent in FY 2013.

Alabama has said it will seek a waiver from provisions of the Federal No Child Left Behind Act. The State's waiver will be based on Alabama's new student achievement goals -- known as Plan 2020 -- which calls for all high school graduates to be prepared for a job or to pass first-year college courses without remediation. State officials say the waiver request will be submitted in early September with a response expected by December.

A Federal Appeals Court has upheld an Alabama law which requires police to ask for the citizenship status from people they stop. But the Court struck down the portion of the law that would have required public school officials to check the immigration status of new students. [Education Week's Learning the Language](#) blog notes that Alabama educators have expressed strong opposition to the law which they believe could scare immigrant parents into keeping their children out of school, or at the least, stop driving them to school.

California Update

August 2012

Education Week's *Early Years* blog reports that 800 California school districts are getting ready for a second year of transition kindergarten, which is intended for children who turn five years old after the new kindergarten cutoff date. Although Governor Jerry Brown cut transitional kindergarten from next year's budget, strong support from California's education community saved the program. After the program is fully implemented over the next three years, about 125,000 children will be eligible each year.

According to Education Week, the Superintendent of the Los Angeles school district has decried California's lack of commitment to public education and challenged district educators, despite reduced State funding, to reach for four main goals for 2012-13: (1) implement Federal curriculum standards; (2) establish more college prep courses in high schools; (3) mainstream more English language learners and students with disabilities into regular classes; and (4) expand professional development for educators.

The Los Angeles school district is planning an expanded learning time initiative in high schools that would leverage the resources of community partners to provide students with real-world experiences outside the classroom. As reported in Education Week's *Beyond School* blog, the \$1.7 million project is part of the Ford Foundation's \$50 million *More and Better Learning Time* initiative (\$1.5 million), with support and guidance from the California Community Foundation (\$200,000).

Colorado Update

August 2012

Education Week's Curriculum Matters blog notes that Colorado, previously participating in both Common Core assessment consortia, has decided to become a governing member of the Partnership for Assessment of Readiness for College and Careers (PARCC). As a governing member, Colorado has voting power within PARCC and has committed to use the tests when they are completed in 2014-15.

According to The Denver Post, the Transitional Colorado Assessment Program (TCAP) has shown continued flat overall performance compared with the CSAP test it replaced. Given to nearly 500,000 students, TCAP found slight Statewide gains across all grades in reading, lower scores in five of eight grade levels in writing, small gains in five of eight grade levels in math, and small gains in fifth- and tenth-grade science. The writing scores have drawn particular attention of State officials. In 2011, CSAP writing scores generally fluctuated from the previous year by one or two percentage points. This year, writing scores in grades 4 and 6 on the TCAP fell 6.4 and 5.8 percentage points respectively.

Education Week's State EdWatch blog notes that Colorado has established a nonprofit partner -- the Colorado Legacy Foundation -- which spent nearly \$4 million last year on a number of integration, health, and wellness programs. It has also convened summits on "education reform" and "educator effectiveness" and has provided case studies and other resources in support of the State's new evaluation system. Passed last year, Senate Bill 191 instituted new student-performance requirements for teacher evaluations.

Education News Colorado reports that the Denver school district is undertaking a \$2.5 million pilot project calling for an expanded school day in seven schools. The district is also considering a November tax initiative that, if approved, would generate \$49 million, \$28 million of which would be earmarked for enrichment, student supports, and expanded learning opportunities.

Connecticut Update

August 2012

According to the Connecticut Mirror, the Connecticut State Board of Education approved turnaround plans for Milner and three other struggling urban schools in Bridgeport, New Haven, and Norwich. These are the first three schools to be selected for millions of dollars in State assistance and intervention under a new Commissioner's Network. Earlier this year the State legislature allocated \$7.5 million for the Commissioner's Network to support reforms at these four schools. According to the new State law, over the next three years, the State has authority to intervene in as many as 25 schools. It plans to seek additional funds for the remaining school interventions in efforts to improve the worst schools, which was a key element of Governor Dannel P. Malloy's education reform package.

Under the Milner plan, Jumoke Academy would help manage Milner using a highly structured model that emphasizes teacher recruitment and training, family involvement, strict attendance guidelines, classroom discipline and smaller class sizes. The plan calls for a longer school day, a series of Saturday classes and the expansion of an afterschool enrichment program.

In Bridgeport, officials proposed smaller class sizes and more instructional time by extending the school day and the school year, as well as a new curriculum model. Education Week's K-12 Parents and the Public Blog notes that parents (i.e., Excel Bridgeport) are taking the lead in developing the district's Family Engagement policy. Among the provisions just adopted in the policy are:

- Clear behavioral expectations including respectful behavior from parents; a receptive attitude from teachers;
- Resources to increase parents' skills and knowledge so parents can better help their children; and
- Opportunities for parents to engage in service, encouraging parents to dedicate at least 10 hours per year to help schools—from home, at meetings, or in the classroom.

District of Columbia Update

August 2012

Education Week notes that, the District of Columbia, for the sixth straight year, has failed to meet Federal special education goals. Ratings from the U.S. Department of Education, covering the 2010-11 school year, indicate D.C. “needs intervention” in large part because the district takes too long to evaluate students with disabilities, re-evaluate them when necessary, correct areas of non compliance, and implement hearing officers’ decisions. For the past few years, USED has required the district to reallocate \$500,000 in administrative costs toward evaluating students. And, for the 2012-13 school year, the District must set aside \$250,000 for planning for life after high school for students with disabilities.

Florida Update

August 2012

Education Week's *State EdWatch* blog notes that Florida's Commissioner of Education, Gerard Robinson, steps down on August 31, citing family matters. In office only about one year, Robinson was previously Secretary of Education in Virginia and also headed the Black Alliance for Educational Options.

The nonprofit Children's Movement of Florida, along with the United Way and a number of school districts, is funding the ReadingPals Program which is intended to connect volunteers with students from preschool to third grade to help improve reading skills. According to Education Week's *Early Years* blog, the three-year ReadingPals initiative plans to recruit 2,000 volunteers in its pilot year, to work with at-risk children, either individually or in small groups. The program will be operated through United Way chapters in the following counties: Alachua, Broward, Duval, Flagler, Highlands, Hillsborough, Leon, Manatee, Marion, Miami-Dade, Pinellas, Polk, and Volusia.

The *State EdWatch* blog (Education Week) observes that Florida, like Colorado, has a nonprofit organization -- the Florida Education Foundation -- whose overall purposes include "to lead in education enhancements statewide" and "to foster meaningful business involvement in schools." The Foundation also serves as fiscal agent for Statewide grants from the Gates Foundation and AT&T related, respectively, to student data and reading assessments.

Georgia Update

August 2012

The U.S. Department of Education has informed Georgia that the State's teacher-evaluation plans are in conflict with its Race to the Top application. USED has placed Georgia's RTTT grant on "high-risk status" and has reiterated its notice that the State could lose \$33 million of its \$400 million grant if the teacher-evaluation plan is not implemented in a "comprehensive and deliberate manner." USED did, however, extend the State's deadline to submit a new plan from August 1 to October 15.

Education Week's *Early Years* blog notes that Georgia has initiated a new rating system for childcare and early education programs. Known as Quality Rated, the system is intended to help parents make early childhood decisions based on standards that go beyond the State's minimum licensure requirements. Seven hundred programs/providers have already signed on. The State is offering incentives for participation in Quality Rated, including free professional development and technical assistance. Next summer, the State will implement a tiered reimbursement system for Quality Rated programs that serve low-income children, with higher-rated programs receiving higher reimbursement rates.

The *Charters & Choice* blog on EducationWeek.org notes that Georgia's November ballot will contain a constitutional amendment to establish a State-level commission to authorize charter schools. The measure is supported by Republican Governor Nathan Deal and the Republican-controlled legislature. However, the State's elected school superintendent, John Barge (also a Republican), has opposed the amendment saying it would divert money from already-struggling traditional public school districts.

The Atlanta Journal-Constitution reports that, last year, more than 70,000 Georgia public college students took remedial classes, at a cost of about \$55 million. Yet, only about a quarter of those who take remedial classes earn a four-year degree within six years and, of students who need

remediation in reading, writing, and mathematics, the six-year graduation rate is only 15 percent. In an effort to reduce its costs of remediation, the Georgia university system has set forth new rules that give students two chances to pass English and reading and three chances to pass math remedial classes before they must sit out a year (previously, students had four or five tries). If the new rules had been in effect last year, 2,577 freshmen would have been turned away.

Hawaii Update

August 2012

The Honolulu Star-Advertiser reports that Hawaii plans to request a waiver from some requirements of the Federal No Child Left Behind Act. Expecting to submit its request in September, the State plans to use multiple measures -- not just tests scores as in NCLB -- to determine schools' performance. Under NCLB benchmarks, more than half of Hawaii's schools failed to make adequate yearly progress during the 2011-12 school year. During August, the State has been soliciting input to its application from a range of stakeholders through an online survey.

Idaho Update

August 2012

Idaho education officials report that, despite some bidding issues this summer, the State's five-year, \$60 million high school laptop program is on target for rollout this Fall. The State is negotiating directly with providers of hardware and support services, bypassing the planned bidding process because of insufficient competition. Teachers are expected to get their computers during the upcoming school year, with students getting their devices in 2013. The project is commencing even though continued funding will be subject to voter approval on the November ballot. Idaho is also the first state to require high school students to take at least two credits online in order to graduate.

Illinois Update

August 2012

A new Illinois law requires the State's Advisory Council to evaluate the success of bilingual education programs and to explore the possibilities of "parent academies" intended to increase the involvement of parents of English language learners. HB-3819 and similar initiatives in other states are a response to research that shows a connection between bilingualism and improved brain function. In 2010, Illinois was the first state to require bilingual preschool programs.

Indiana Update

August 2012

The U.S. Department of Education announced that three additional low-performing Indiana schools will receive School Improvement Grant funding in the 2012-13 school year: Broad Ripple Magnet High School (Indianapolis), Dickinson Intermediate Fine Arts Academy (South Bend), and McGary Middle School (Evansville).

According to the [Indianapolis Star](#), 41 additional private schools have signed on to Indiana's school voucher program bringing the total to 301 schools. Although the State does not keep clear records, it is estimated that only eight of the schools participating in the voucher program are non-religious. This has prompted the State teachers union to file a lawsuit claiming the State is violating the separation of church and state. Although the suit was rejected by a lower court, it has been appealed to the Indiana Supreme Court.

Kentucky Update

August 2012

As noted in Education Week's *State EdWatch* blog, Kentucky is in the process of creating a nonprofit partner, called the Fund for Transforming Education in Kentucky, as an additional funding source for public education. Kentucky, following a similar approach used in Colorado, will use the nonprofit Fund to attract and distribute money to supplement State and other school funding. It is expected that the group will not be operational for a number of months until its trustees are selected and final approval is given.

Louisiana Update

August 2012

In mid-August the Louisiana Department of Education announced its *Believe and Include*, a \$4 million competitive grant program for schools to develop innovative programs to help students with disabilities achieve proficiency in the more rigorous Common Core State Standards. This grant is part of *Louisiana Believes*, the State's comprehensive plan to empower educators closest to students to make decisions about instruction in the classroom. The State is funding *Believe and Include* by redirecting Federal funds provided under the Individuals with Disabilities Act (IDEA) from SEA centralized programs to school districts and local leaders. The grant program seeks to fund projects that offer replicable, scalable solutions in staffing, planning, scheduling technology or other tools, which allow students with disabilities to learn and perform in the least restrictive environment. Grant priority will be given to applications that develop innovative strategies which are tied to measurable and timely goals, establish additional support structures to promote academic achievement, and reduce the achievement gap for students with disabilities. Additional priority will be given to schools that develop Coordinated Early Intervention Services/RTI that reduce the number of at-risk students who are ultimately classified as needing special education and related services.

For the fourth year in a row, there will be a general freeze in State aid for Louisiana public schools, which constitutes about half of education spending in the State. The legislature and Governor Bobby Jindal have agreed on a \$3.4 billion spending plan for the 2012-13 school year that keeps per-pupil funding unchanged. According to [The Advocate](#), the lack of funding increases has led to frozen salaries, layoffs, and withdrawals from "rainy day" funds at the local level.

According to [Education Week's Charters & Choice](#) blog, the Louisiana Supreme Court has ruled that the State's new private school voucher program can continue even while a legal challenge goes on. Louisiana's two main teacher unions had sought an injunction to stop the program. It is

expected that, this year, the program will serve about 5,600 students in 118 participating private schools.

Maine Update

August 2012

A new report from Harvard University's Program on Education Policy and Governance has found that:

- 54 percent of students entering the Maine Community College System from high school require remediation;
- 18 percent of first-time students entering the University of Maine system need remediation; and
- Maine students spent \$13 million on college remediation in 2007-08.

Governor Paul LePage has proposed legislation that would require high schools to pay for their graduates' remedial courses. The Governor says such a system would give schools added incentive to ensure their students meet standards when they graduate. It is noteworthy that most colleges and universities in Maine use the College Board's *Accuplacer* exam to determine students' readiness for college-level work.

Massachusetts Update

August 2012

As reported in the Boston Globe, many Massachusetts school districts will not meet the September 1 deadline, under the State's Race to the Top grant, to implement new teacher evaluation systems that include student achievement. Only a few districts have finalized their plan; close to a third of the districts have been unable to reach agreement with their teachers union, over such issues as whether evaluations can make unannounced classroom visits and the amount of time ineffective teachers can continue in the classroom.

Education Week's *Learning the Language* blog highlights Governor Deval Patrick's plan to improve outcomes for English language learners (ELLs) in 24 former industrial cities that have struggled economically. New training requirements are being rolled out for core-content teachers under the Gateway Cities Education Agenda, which also includes grants of up to \$3 million in support of summer and after-school enrichment academies for middle and high school students learning English in addition to their home language. The goal calls for all English-learners to be assigned to classrooms with teachers who have had the training by fall 2016.

Additionally, Governor Patrick is focusing on closing the achievement as a top priority for his term, and wants the gaps between the State's white students and its English-learners closed. He proposed ELL and career academies as one way to address the problem. In the 2011-12 school year, Massachusetts' K-12 enrollment was just over 950,000 students with more than seven percent identified as English language learners. Since 2009, Federal civil rights officials have been closely reviewing the State's and several districts' efforts to provide effective instruction for ELL students and to ensure that these students are properly identified and receive the services to which they are legally entitled. In response, the State has generated comprehensive improvement plans that included the adoption of new English-language-development standards and assessments, and will soon launch a large-scale effort to provide intensive training for thousands of academic-content teachers with ELLs in their classrooms. Next spring, ELL

enrichment academies -- including after-school, Saturday, and/or Spring break sessions geared toward middle and high school students -- are set to begin. Summer academies with at least four consecutive weeks of four full-day sessions a week are part of this intensive effort to provide assistance in learning English and subject matter content. Outcomes focus on improved literacy skills, confidence in the classroom, and assessment scores.

Michigan Update

August 2012

A new survey by the Mackinac Center for Public Policy has found that 61 percent of Michigan school districts are contracting out for custodial, food, or transportation services -- up from 54 percent the year before. The biggest jump came in custodial services; nearly 40 percent of the State's school systems outsource custodial activities. Researchers say a key factor in the increased outsourcing is a provision in the State's 2012 budget which offered financial incentives for districts to seek competitive bids for non-classroom services.

Mississippi Update

August 2012

Starting with the upcoming school year, 35,000 Mississippi public school teachers will be able to buy classroom supplies using State-issued “debit cards.” The new procurement cards were authorized under Senate Bill 2761 passed in May. Funding for the cards comes from an \$8 million Educational Enhancement Fund; each card will have a value of \$175-\$225 that will expire at the end of each school year. Teachers will agree to use the cards only for “allowable purchases” and will be subject to audits. The procurement program is optional for districts in 2012-13 (three districts declined to use them) but will become mandatory in 2013-14.

Missouri Update

August 2012

The Columbia Missourian reports that the Missouri legislature and Governor Jay Nixon have approved a \$3 billion budget for K-12 public education. This amount is about \$250 million short of what is required according to education officials; and, by 2014, the State's foundation formula will face a \$700 million shortfall. Candidates for seats in the Missouri legislature have agreed that K-12 funding should be a priority and that the existing foundation formula is overly complicated and confusing.

Nevada Update

August 2012

In early August, Nevada became the 33rd state to earn a waiver under the No Child Left Behind Act. The State has a one-year conditional waiver and would be able to extend it for another year if its school rating system wins approval from the U.S. Department of Education. It appears that USED approval was based on Nevada's plan to revise alignment of the school rating system with student achievement goals.

As reported in the Las Vegas Review-Journal, Nevada's new (appointed by the Governor for the first time) State Superintendent, James Guthrie, has set forth five over-arching goals for the State's low-ranking public school system:

- construct a tracking system for individual students from kindergarten through high school, college, and career;
- ensure students who advance to the next grade have the skills to succeed (only 58 percent of Nevada's third-graders tested at grade level in 2011);
- make the teaching profession more attractive by paying top teachers higher salaries;
- blend technology-based courses with traditional teaching; and
- level the playing field for charter schools in terms of State funding.

A new study by the American Institutes for Research has determined that Nevada has an "outdated" funding structure that over-funds rural districts and does not provide the additional funding needed for high-cost students in poverty and English language learners. As reported in the Las Vegas Review-Journal, the Nevada legislature is considering a new school funding formula that would mean higher per-pupil funding for Clark County (Las Vegas and surrounding area) and reductions in State aid for the State's other 16 school districts.

The Las Vegas Review-Journal reports that budget constraints have put a lot of pressure on principals at Clark County schools. At the end of the 2011-12 school year, the district lost 1,015

teaching positions through attrition and layoffs, in large part to cover the \$70 million cost of mandatory teacher pay raises. The district had originally tried to freeze all employee salaries in 2011-12 and 2012-13, but the district teachers' union prevailed in arbitration.

New Jersey Update

August 2012

According to Education Week, New Jersey's approach to implementing its waiver from the Federal No Child Left Behind Act will focus on the establishment of seven Regional Achievement Centers that will monitor and, if necessary, intervene in the State's lowest performing schools. These Centers will work with 253 schools that serve 183,000 students. Among the interventions that could be used at individual schools are: (1) revamping curriculum; (2) installing a full-time data specialist; (3) redesigning the school day to provide more learning time; and (4) school closure. The State's waiver plan calls for the Centers to develop school-specific strategies collaboratively with district and school officials. The Eli and Edythe Broad Foundations is providing \$1.5 million for the intervention effort and another \$430,000 for professional development at the Centers and for Statewide charter school research.

New Mexico Update

August 2012

A recent report from New Mexico's Legislation Finance Committee has found that an extended school year program for low-income students is achieving positive academic results. The State's "K-3 Plus" program gives parents of students in grades K-3 the option of an extra five weeks of classes before the start of the school year. K-3 Plus is available this Summer at 75 schools serving 9,300 students in 20 low-income school districts. Students in the K-3 Plus program had higher test scores in reading, writing, and math than similar students who were not in the program. New Mexico has budgeted \$11 million this year for K-3 Plus. Total State spending for preschool is \$117 million, including \$19.2 million in direct State funding, \$41 million in State formula money, and \$57 million in Federal Head Start funds.

North Dakota Update

August 2012

North Dakota Governor Jack Dalrymple has called for \$545 million in tax cuts including reductions in property taxes, individual and corporate income taxes, and a 50 percent reduction in school district tax levies. The Governor's Democratic opponent in the November election has also called for significant tax cuts, according to the Bismarck Tribune. Due to oil revenues, North Dakota has the nation's lowest unemployment rate and a billion-dollar budget surplus.

Ohio Update

August 2012

A number of sources have reported the resignation of Ohio's State Superintendent of Public Instruction, Stan Heffner, amid ethical questions raised in a State Inspector General's report. The IG's report says Heffner, while interim Superintendent, had agreed to work for Educational Testing Service at the same time he lobbied the legislature to adopt ETS tests. Deputy Superintendent Michael Sawyers, who took the lead role in negotiating the Ohio state waiver effort, will become acting Superintendent. The State's education department is also dealing with an investigation by the State Auditor concerning school districts manipulation of school attendance records to hide poor test results.

Oregon Update

August 2012

This Fall, 16 Oregon elementary schools will pilot test a new kindergarten readiness assessment process. As noted on the *Early Years* blog on EducationWeek.org, the assessment will evaluate children's readiness in such areas of development as social-emotional, self-regulation, approaches to learning, early literacy, and early math. It is intended to help ensure "a smooth hand-off between early childhood programs and the K-12 system," according to a work group that has studied the issue over the past six months. After the pilot test has been evaluated, it is expected the assessment process will be broadly launched in the Fall of 2013.

Pennsylvania Update

August 2012

In early August, Pennsylvania awarded a total of \$6.9 million in Federal School Improvement Grant money to ten of the State's lowest-performing schools for the 2012-13 school year. These schools include:

- Albert Gallatin High School, Fayette County (\$1.0 million);
- Corry Area High School, Erie County (\$788,000);
- Greater Johnstown Middle School, Cambria County (\$989,000);
- Lebanon High School, Lebanon County (\$816,000);
- Grover Cleveland School, Philadelphia County (\$1.4 million);
- Aldan Elementary School, Delaware County (\$439,000);
- McKinley Elementary School, York County (\$563,000); and
- William Penn High School, York County (\$731,000)

The Catholic Archdiocese of Philadelphia has assigned a private organization -- the Faith in the Future Foundation -- to take leadership of 17 Catholic secondary schools and four special education schools. Beginning this September, the Foundation will focus on such areas as fundraising, school marketing, managing enrollment, and developing "best practices in leadership and education." The Foundation will also provide support to other Philadelphia Catholic schools, including elementary schools.

Rhode Island Update

August 2012

Deborah Gist, Rhode Island Commissioner of Education, has been diagnosed with a brain tumor according to Kimberly Shannon, *State EdWatch* guest blogger (August 23rd), but she is expected to have a full recovery. She has been recognized by groups such as Time 100, a list of people having the greatest effect on education in the world, for her bold moves to make teacher staffing based upon qualifications and not seniority. She also received national attention when, last year, she fired the entire staff of a low-performing Rhode Island high school, receiving praise from President Obama. According to the blog, some credit her as the “first superintendent to fully implement Obama’s plan to turn around under-achieving schools.”

Tennessee Update

August 2012

According to The Tennessean, last year's third-graders were the first class subject to a new Tennessee law that called for students to be retained in grade if they did not demonstrate "a basic understanding and skill" in reading. But many schools have not used that measure by itself and have promoted many students based on classroom grades or participation in supplemental reading program. For example, more than 800 Nashville third-graders scored below basic on the State assessment but only 49 were retained. Despite this, State education officials say the law is a success because it has renewed focus on essential reading skills.

Texas Update

August 2012

According to the Associated Press, in a sharp increase compared with previous years, 876 Texas public and charter school districts failed to meet Federal accountability standards based on the No Child Left Behind Law. This year only 44 percent of schools Statewide met “adequate yearly progress” compared to 48 percent in the previous year, according to Texas Education Agency officials. This is an especially dramatic decrease from 66 percent of Texas school campuses that met AYP standards in 2009. Officials blame the lower scores on passing standards that have gotten tougher.

Education Week reports that a Houston City Councilman -- who was formerly the City’s police chief -- has called for significant increase in funding for after-school programs. C.O. Bradford has been appointed chairman of a Harris County after-school enrichment consortium (called ENRICH) that is compiling research on correlations between after-school programs and lower crime rates and recording available funding for local afterschool programs. Current funding is about \$63 million, mostly Federal; the consortium is also seeking police department money for the after-school programs.

Utah Update

August 2012

The Salt Lake Tribune reports that Utah has withdrawn from the Smarter Balanced Assessment Consortium which is one of the two groups developing tests based on the Common Core State Standards. Utah will still be able to adopt the tests but will have no input into their development. Earlier this year, Utah downgraded its role in the consortium from “governing” to “participating” and has seen vocal opposition to the Common Core in recent months. There are now six states that do not participate in either of the assessment consortia: Alaska, Minnesota, Nebraska, Texas, Utah, and Virginia.

An analysis published in the *Economics of Education Review*, University of Utah, found that Utah charter schools which mature over time appear to produce students with greater achievement gains than public school students, especially at the secondary level. However, across the board, according to the *Charters and Choice* blog in Education Week (August 24th), Utah charter schools performed slightly worse than regular public schools in elementary math, and language arts and, at the secondary level, scored roughly the same in language arts. The poor results were attributed mainly to “charter schools in their organizational infancy,” with about half of the 65 charter schools having been open in three years or less. According to authors Yongmei Ni and Andrea K. Rorrer, the so-called “vintage effect” is supported by past research. As the blog notes, charter school performance is “mixed, and tends to vary considerably according to location, academic and organizational philosophy, and other factors” which we highlight in a related Washington Update item. As we have written in past TechMIS reports, the state of Utah, on numerous occasions, has balked at implementing most of the Administration’s education reform initiatives, with the exception of the increased priority on the use of charter schools and related entities in flagship programs such as School Improvement Grants. As blogger Sean Cavanagh has written, referring to charter schools, Utah “shuts down a relatively small portion of those schools, compared to other states.”

Virginia Update

August 2012

Education Week's *State EdWatch* blog reports that student scores on Virginia's new, more rigorous Standards of Learning math tests for the 2011-12 school year show significant drops in performance. The pass rates for high school math subjects were significantly lower than the previous year: Algebra I (94% pass rate to 75%), Algebra II (91% to 69%), and Geometry (87% to 74%). Interestingly, the sixth-grade math pass rate went up from 73% to 74%. State officials theorize the improvement is due to the increased professional development for middle school math teachers over the past six years. In September, the State plans to release the school-by-school performance results on Federal testing targets. State officials declared that math caused the most headaches in this transition year where the new tests have fewer multiple-choice questions. The online format permits students to respond to fill-in-the-blank questions and items may also ask the students to use a virtual protractor to create a graph, or to click and drag to answer options. The State believes that changes in the math exam were needed to prepare Virginia students better for college and careers. Teachers whose classes had strong math scores:

- worked closely with colleagues
- collaborated on lesson plans as best practice; and
- emphasized inquiry-based assignments that required solving multistep problems.

In late August, Virginia and the U.S. Department of Education reached an agreement by which the State will revise the annual measurable objectives (AMOs) in its waiver plan such that the lowest-performing students will be expected to make the greatest progress. This effort to close the achievement gap for at-risk students is expected to be approved at the State Board meeting on September 27. Virginia will likely adopt new, more rigorous benchmarks for all subgroups of students in response to criticism from civil rights groups and former state Board of Education members.

Washington Update

August 2012

The November ballot in Washington State will include Initiative 1240 which would allow charter schools in the State. Washington voters have previously turned down charter school proposals in 1996, 2000, and 2004. If the measure is approved, as many as 40 charter schools could be established in the State over the next five years. The charters could be operated by either public school districts or non-profit organizations, with the per-pupil allotment of State funds going to the charter school.

Education Week's Curriculum Matters blog reports that private grants totaling \$1.2 million will support a number of science, technology, engineering, and mathematics activities in Washington state. A nonprofit group called Washington STEM will administer the grants which will include:

- an initiative at the University of Washington to improve math and science teaching practices in two districts (\$460,000);
- a math-science leadership program at the University of Washington-Tacoma to support students in grades 6-12 in the Tacoma school district (\$215,000);
- a Renewable Energy Lab for the Brewster school district to provide hands-on explorations for middle and high school students (\$16,000); and
- support for teachers to create interactive kits for families of children in two native-American tribes (\$25,000).

West Virginia Update

August 2012

The Register-Herald (Beckley) notes that the West Virginia Virtual School allows students to take online courses that are not offered at their home schools -- important in the largely rural state. An online program, *Learn 21*, allows students to use interactive games, virtual field trips, and video lessons for core subjects. West Virginia has mandated a downloadable social studies textbook for adoption during the 2013-14 school year.

Wyoming Update

August 2012

The Casper Star-Tribune reports that Wyoming has decided to eliminate its Proficiency Assessment for Wyoming Students (PAWS) for high school juniors in favor of the ACT, despite a U.S. Department of Education opinion that PAWS should be retained. The State expects to convince USED that PAWS is unnecessary. Wyoming says it is seeking a waiver from requirements of the Federal No Child Left Behind Act and a freeze of their annual measurable outcomes. Even with an approved waiver, it is not clear that USED will accept the shift from PAWS to ACT.

Data from the National Education Association indicates that, in 2011, Wyoming spent \$15,997 per public school student, fifth highest in the nation. But researchers from Harvard University rank Wyoming 24th out of 41 states studied in terms of improvement in student scores on a national assessment.