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MEMORANDUM

DATE: September 27, 2012
TO: TechMIS Subscribers
FROM: Charles Blaschke, Blair Curry, and Suzanne Thouvenelle
SUBJ: Possible Sequestration; Exit Exams; and Response-to-Intervention State Laws; Waiver Updates; and School Turnaround Research Findings

The enclosed Special Report highlights recent developments in, and Office of Management and Budget estimates of, the impact of possible sequestration on education programs, most of which would receive an 8.2 percent cut in July 2013. If an FY 2013 appropriations bill with “required” cuts is not passed during the post-election lame duck session, then the recently passed Continuing Resolution, which generally level-funds all education programs, will be in effect through March 27, 2013. During the current Congressional election recess, closed-door sessions are being held to seek a compromise that would fend off the impact of sequestration. Activities and developments relating to sequestration, prior to the lame duck session, will be reported as they occur.

The Washington Update includes:

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Preliminary findings from the Institute of Education Sciences’ Turning Around Low-Performing Schools Project will likely be built into future guidance under the School Improvement Program, ESEA Waiver flexibility, and Race to the Top initiatives; as a follow-up to the 2008 What Works “Practice Guide” for turning around low-performing schools, the most recent preliminary findings suggest the interplay of particular programs and practices with district policy support are important beyond use of data, targeted student interventions, and teacher collaboration implemented independently.
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The Center on Education Policy, in its 11th Annual Report on State High School Exit Exams, reports that most states are planning to align their exit exams to college and

career readiness standards and to replace current exit exams in English/language arts and math with assessments being developed by the two assessment consortia; all states with exit exams allow retakes and many states offer alternative paths to graduation. State-by-state reports/updates are also accessible.

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Nine states submitted waiver applications on September 6th, including seven which had previously received AMO “freeze” waivers; 33 states and the District of Columbia have been approved thus far; six states have not formally applied, including Texas and California, which are likely to receive “freezes” or conditional waiver approvals based on ongoing negotiations with USED.

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USED has begun monitoring planned activities for each state-approved waiver, which should pressure states to implement interventions in Priority and Focus Schools on schedule; this should increase the demand for appropriate products and services immediately, especially among most Focus Schools.

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The RTI Action Network has published an update on the legal dimensions of RTI “required” or “permitted” activities among states, which should allow states that “require” RTI greater flexibility in the use of Title I funds, if RTI is a component of interventions for Focus or Priority Schools under the waiver process.

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In its most recent update, the Center on Budget and Policy Priorities reports that more than half the states are reducing state K-12 funds this year, compared to last year with only 11 states’ K-12 funding above the 2008 pre-recession level; the fiscal cliff created by dwindling stimulus funding is affecting implementation of reform initiatives in many states.

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The National Parent Teachers Association (PTA) has formulated a new policy supporting non-public school district “entities” authorization of charter schools, as the movement celebrates its 20th anniversary with two million students attending charters and 600,000 on waitlists.

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A number of miscellaneous items include:

- a) The release by the American Library Association of the Complete Copyright for K-12 Librarians and Educators which addresses legal, “fair use” options.
- b) If the November election results in a Republican takeover of the White House and Senate, some observers, including former Education Secretary Margaret Spellings

speculate that the ESEA Flexibility Waiver Initiative could be rescinded which could create major unintended effects in waiver states.

- c) The STEM advocacy group of corporate CEOs, *Change the Equation*, reports on the current status and trends in STEM-related activities in each state, providing specific information which could be useful in developing state marketing/sales strategies.
- d) According to Achieve's *Closing the Expectations Gap*, states are reportedly moving toward fulfilling the college- and career-ready agenda as part of common core standards; Achieve appears to be more optimistic about progress in the assessment and related areas than are findings from the most recent Center on Education Policy survey on exit exams (see related [Washington Update](#) item).
- e) The Council of the Great City Schools, in partnership with Student Achievement Partners has developed a new online tool called the *Baseline Alignment Project* which can help districts transition to new standards; the Council has also launched its first commercial venture in selling a performance management system to non-member school districts.
- f) USED has released the application for five eligible states to receive portions of the \$133 million for Phase 2 of the Race to the Top Early Learning Challenge; however, these five unsuccessful states Phase 1 applicants must reduce budgets by 50 percent in their Phase 2 application and can modify initially proposed activities but not fund "newly" created activities.
- g) The Common Core initiative will thrust librarians into a key leadership role at the district level according to an [Education Week](#) article; this could have implications for firms' sales staff and instructional program designers/developers.
- h) The Center for American Progress' recent article "Using No Child Left Behind Waivers to Improve English Language Learner Education" encourages other states to follow the principles underlying the New York State model.
- i) USED issues addendum 1 to Race to the Top-District applications guidance which addresses concerns of district consortium applicants, including charter schools/CMOs and eligibility criteria for schools.
- j) The National Alliance for Public Charter Schools headed by Nina Rees has announced the addition of two new officers which appears to reflect a new bipartisan approach in the charter school movement.
- k) Senator Lamar Alexander and Chairman John Kline, Committee on Education and Workforce, have requested information about the ongoing Head Start Designation Renewal System application and review process -- including whether new applicants currently receive other Head Start funding, evidence of applicants' past performance/capacity, and the related experience in early childhood field of the several hundred grant reviewers --to meet the lack of transparency criticism.

The State profile updates address a range of topics including NCLB waivers, charter school initiatives, state budgets, English language learners, and early childhood education.

We have found that a valuable source of information about Congressional communities and

education groups/associations/think tanks' scheduled meetings, and available education-related jobs -- particularly in the Washington, D.C. area-- is a daily e-mail service provided by Public Private Action. The service, known as *Fritzwire*, alerts us to developments, new reports, legislation proposals, etc., some of which we analyze in-depth and include in our TechMIS reports. Should you be interested in receiving its notices, alerts, etc., contact Fritz Edelstein (fritz@publicprivateaction.com) for complementary alerts in the daily e-mail service.

Special Report:
**The Office of Management and Budget Estimates Impact of
Sequestration on Education Programs Would Be
an 8.2 Percent Cut for Most Programs,
With Impact on Title I and IDEA not Occurring Until July 2013**

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

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Following a Congressional mandate, the Office of Management and Budget (OMB) has estimated that, should sequestration occur on January 2nd, most Federal education programs would receive across-the-board cuts of 8.2 percent, which is higher than the 7.8 percent that Secretary Duncan estimated before Congress two months ago. If Congress and the current Administration do not pass an FY 2013 budget during the lame duck session with \$1.2 trillion in cuts over the next ten years thus fending off sequestration, Title I would receive a \$1.3 billion cut from \$15.7 billion, while IDEA special education would receive a \$1.03 billion reduction from \$12.6 billion. However, in a July 20th letter to Chief State School Officers, USED said that the sequestration will not impact the FY 2012 budget this year, but only affect the FY 2013 budget which would not be implemented until July 2013. As we reported in our July 24th TechMIS Special Report, the USED letter encouraged SEAs not to withhold this year's Title I funds and told LEAs to continue spending FY 2012 Title I funds as planned during this new school year. While sequestration would impact Career and Technical Education, which includes Adult Basic Education, by almost \$300 million, like Title I and IDEA, the impact would not be felt until July 2013. The largest program which would feel the most immediate cuts in January would be Impact Aid, cutting funding for some districts which have Federal properties, such as Air Force bases, in their attendance area. The \$1.2 billion Impact Aid program funds almost 1,200 school districts serving 950,000 students.

As the OMB report notes, the general impact of the sequestration, should it occur, would be upon ongoing reform initiatives, such as afterschool programs, and “children with disabilities would suffer.” However, as Charles Edwards observes in his September 14th *TitleI-derland* blog, there is an almost \$1.3 billion reduction in the account called Accelerating Achievement and Ensuring Equity, which includes Title I and other programs. However, the report provides no details on “the exact cuts to Title I Part A, the migrant education program, the neglected and delinquent

program, school improvement grants,” and other program, project and activity (PPAs) in that account. As he states, details “will be welcome... Unfortunately, OMB offered no projection for when it could issue the PPA detail.” As Clare McCann in *Ed Money Watch* adds, “It is uncertain whether agencies or offices have the discretion to apply cuts unevenly across programs within an account, but if they can that means OMB’s report provides little information about how sequestration will actually affect individual programs.”

During the planned lame duck session which is scheduled to begin in November, the current Administration and Congress have a chance to produce an FY 2013 appropriations bill either separate from, or part of, an omnibus bill which could negate the impact of sequestration in January. The House has already passed its proposed FY 2013 appropriations level, referred to as the Ryan Bill, which would exempt many defense accounts thereby resulting in an estimated 20 percent reduction in domestic discretionary spending, including education. However, it appears that the impact of sequestration would be deferred to 2013. According to Jennifer Cohen Kabaker of *Ed Money Watch*, if the 20 percent cut would be made in education programs across the board, then 1,500 districts would lose approximately ten percent of their total revenues. While many of these districts would be smaller districts, many of which receive Impact Aid funding, the nation’s second, third, and fourth largest school districts -- Los Angeles, Chicago, and Miami -- of which about 16 percent of their total revenue is Federal education funding -- would also be heavily impacted. For example, in Chicago a 20 percent reduction in Federal education programs would result in \$244 million reduction of their \$5.1 billion annual revenues (*Ed Money Watch* September 5th). In her September 14th *Ed Money Watch* blog, Kabaker said 48 districts stand to lose more than \$10 million if the 8.2 percent cuts become a reality. In comparison to the Ryan-proposed 2013 budget, Chicago public schools, for example, would lose \$100 million. She has called sequestration “a blunt instrument” that does not allow Congress to target more funds for higher-risk students.

As a stopgap measure leading into the lame duck session after the November election, a Continuing Resolution was passed by the House and then by the Senate last weekend, to be signed by the President, which would fund virtually all education programs at current levels plus a 0.6% increase through March 27, 2013. If an FY 2013 budget with adequate acceptable discretionary cuts is passed or if the Budget Control Act is amended, then the sequester in January may not go into effect. Or, if the November election results in a Republican sweep, then the new Congress would have a chance to pass an FY 2013 budget with deep cuts before the Continuing Resolution runs out, which Candidate Romney has indicated is his preference.

Washington Update

Vol. 17, No. 9, September 27, 2012

Findings from the Institute of Education Sciences “Turning Around Low-Performing Schools Project” Will Likely Be Built Into Continuing Guidance Under School Improvement Programs, ESEA State Waiver Flexibility, and Race to the Top Initiatives in the Immediate Future

During a recent symposium, research team leaders shared updated preliminary findings of IES’s “Turning Around Low-Performing Schools Project,” referred to by Education Week reporter Sarah Sparks as the most comprehensive research on turning around low-performing schools to date. The project involved 750 chronically, low-performing schools in Florida, North Carolina, and Texas which were tracked by four interconnected longitudinal studies, beginning in 2003, which focused on the lowest-performing five percent of schools in each state. As Sparks reported, about half of the low-performing schools showed some signs of improvement within three years, with 35 percent showing no increase in student growth. Only 15 percent of schools were considered “true turnarounds” as more students reached proficiency in math and reading with higher growth rates.

Earlier findings under the IES project were published in 2008 and were included in the What Works Clearinghouse “practice guide” for turning around chronically low-performing schools. Reflecting the findings at that time, the guide included several recommendations including:

- signal the need for dramatic change with strong leadership;
- maintain a consistent focus on improving instruction, using data to set goals for instructional improvement and making changes, immediately and directly, to affect instruction, while continually reassessing student progress;
- make visible improvements early in the school turnaround process in order to overcome resistance and inertia; and
- build a committed staff which may require changes in personnel such as releasing, replacing, or redeploying staff and bringing in new staff that are committed.

The IES project’s most recent findings, which will be included in final reports later this year according to Sparks, concluded that “It’s not just particular programs or practices, but the interplay of school implementation with district policies and support...” Case study findings reported by Policy Studies Associates found, “Data use, targeted student interventions, and teacher collaboration topped the most common strategies at the schools deemed to be turnaround schools, while more schools that did not improve used new curriculum or professional development.” A related study in the IES project found strategies such as extended content periods and schedule changes were more likely to be used at improving middle schools than at primary schools. Regarding the types of professional development which were effective, PSA’s

Brenda Turnbull said that effective turnaround schools, for example, provided professional development on how to analyze and use student data to improve instruction. As Sparks reported, “Improving schools tended to combine strong leadership and data use with strategic teacher recruitment, management, and ‘intensive’ professional development.”

Another difference between improving and non-improving turnaround schools was that a third of the turnaround schools “implemented a combination of data use and targeted interventions, compared with fewer than one in 10 of the schools that didn’t improve.” According to Eric Arcaira, also of PSA, turnaround schools implemented fewer improvement strategies than did schools that did not improve.

And finally, schools showing substantial improvement had accountability pressures and support from district leaders with respect to how individual school reform fits into district reforms; however, both “turnaround” and “no improvement” schools reported “adequate funding” was provided.

Based on preliminary updated findings, some of the expected greater emphases in new guidance for programs such as State Waivers, SIG, and Race to the Top-District will likely include:

- a greater focus on, and integration of, individual school improvement with districtwide reforms and improvement initiatives, which is already reflected in the new Race to the Top-District guidance;
- a greater emphasis on intensive embedded professional development which focuses on specific

interventions or functions such as formative assessment; and

- differentiated interventions related to extended learning time for specific grade level groups (e.g., middle vs. elementary school turnaround candidates).

According to Education Daily (September 20th), extended learning time is now a focus of USED monitoring of school improvement grant implementation, which is frequently cited as one of its most challenging components. The most common findings in the most recent SIG monitoring reports include schools not increasing learning time by enough, not using the extra time for all students, and not offering enrichment activities.

For a copy of the IES Practice Guide go to: <http://opi.mt.gov/pdf/promise/TurningAroundLPSchools.pdf>

In its 11th Annual Report on State High School Exit Exams, The Center on Education Policy Reports that Most States Are Planning to Align Their Exams to College- and Career-Readiness Standards and Expect to Replace Current Exit Exams in English Language Arts and Math with Consortia Assessments; All States With Exit Exams Allow Test Retakes and Many States Offer Alternative Paths to Graduation

According to the Center on Education Policy’s new report, in 2011-12, more than 70 percent of low-income and minority students were located in the 26 states with existing/planned exit exams; end-of-course exams (EOC) are required for graduation in

nine states, with six additional states requiring students to take EOCs which they do not have to pass in order to graduate. Twelve of 22 states with exit exams who responded to the CEP survey reported exit exam requirements are intended to ensure students are ready for college and/or careers, up from only one such state (Georgia) in 2004. While most states have not aligned their exams to college- and career-readiness standards, most are planning to do so and plan to replace their current exit exams in English/language arts and mathematics with consortia-developed assessments. However, corroborating earlier CEP study findings, “Very few states with exit exam policies report that scores from these exams are used by post-secondary education institutions for admission, placement, or scholarship decisions.”

In one important area which CEP has tracked over the last 12 years, CEP found, “The percentage of students who pass exit exams on the first try varies by state and by subject but generally ranges from 70% to 90% with few exceptions. Initial pass rates are important because students who fail exit exams on the first try may have very different school experiences from those who pass, even if students who fail the first time eventually pass the exam before graduation.” As CEP notes, students who fail an exit exam are often taught a specific curriculum “because they are assigned to remedial courses and other interventions that affect their learning opportunities.” The report cautions that, while state-by-state comparisons of student pass rates are difficult to make because they can vary in terms of content tested, difficulty levels, and other aspects, some exceptions are worth noting:

- only 50 percent and 54 percent, respectively, of students pass reading state exams on the first attempt in Florida and Nevada;
- first attempt passing rates in mathematics were Arizona (60%), Florida (58%), Minnesota (58%), Nevada (54%), and Rhode Island (56%).

The CEP report also states, “Initial passing rates also give an indication of how many students in each state may require remediation or other interventions that add to the expense of exit exam policies.” Previous research has found that passing rates on exit exams typically increase more rapidly during the first few years after a new testing requirement has been introduced and then level off after the program has been in place for several years. In its review of CEP’s report, *Education Week’s Curriculum Matters* blog reports, “The use of the new consortia-developed tests as a graduation threshold raises the specter of even heavier stakes for students than they now face. If it’s true that common standards expect more of students than most state’s standards do now, and if it’s true that the forthcoming assessments will be similarly demanding, the chances of more students stumbling at that threshold are far higher than they are now.”

Although all students who fail initially have retake opportunities even after the twelfth grade, 22 of the 26 exit exam states offer alternative paths to graduation for general education students, while four states -- Alabama, Alaska, South Carolina and Texas -- provided no alternative paths during 2011-12. Twelve states allow students to take alternative assessments or use scores from other assessments such as ACT or SAT;

eight states permit students to use portfolios of coursework or end-of-course projects to demonstrate their knowledge. Moreover, 22 of 26 states with current or planned exit exams (not necessarily the same states) provide alternative paths to graduation for students with disabilities, such as taking alternative or modified assessments; only three states (Texas, Minnesota, and Oregon) provide alternative paths for English language learners who failed exit exams.

The lead author of the CEP report indicated that, unlike CEP's 2009 report, the current survey did not collect information on remediation requirements such as the types of interventions, funding amounts/sources, and other information related to state initiatives in this area. We both surmised that, since 2008-09, many of the types of remediation interventions -- tutoring and online interventions -- have probably been cut back as a result of the states' budgetary situations, especially cuts in specific categorical programs such as initiatives in California. With implementation of the State Waiver initiative now beginning, we suspect more Federal and state resources will be allocated to this area, especially as states begin to prepare for implementation of new assessments as part of exit exams and/or end-of-course exams when Common Core assessments begin.

Nine SEAs Submitted Waiver Plans on September 6th; 33 States and the District of Columbia Have Been Approved and Six States Have not Formally Applied

On September 6th, the third-round deadline for NCLB waiver submissions included revised or new waiver plans from Alabama,

Alaska, Hawaii, Maine, New Hampshire, North Carolina, West Virginia, and SEA entities from Puerto Rico and the Bureau of Indian Affairs. Thirty-three states and the District of Columbia have been approved by the end of the second round with three of these states -- Illinois, Idaho, and Iowa -- still under review. The seven states resubmitting plans on September 6th had previously received "AMO freeze" waivers under which the Annual Measurable Objectives necessary to meet the NCLB requirement that all students be proficient by the end of 2014 school year would not increase for at least a year and the number of districts and schools identified for improvement based on AYP calculations should remain about the same. Six states have not officially submitted waivers in accordance with the USED guidance which requires states' adherence to "turnaround principles" and other "assurances" embedded in Race to the Top and other priority USED initiatives.

In previous TechMIS reports, we have addressed state waiver plans submitted in applications and in some cases as finally approved. It is not clear what the final outcomes will be for the states submitting on September 6th under Round 3, or for the remaining six states which have submitted preliminary plans based on "proposed" waiver changes which were not consistent with the USED guidance in terms of meeting all the principles and assurances.

One might assume that the seven states, which had received AMO freezes based on their Round 2 submission and have now resubmitted plans with negotiated changes, could be good candidates to receive fairly immediate approvals. In some of these states, it is likely that full or partial

implementation of many of the planned initiatives could proceed during this school year; however, in most cases, full implementation would not occur until September 2013, with this coming school year considered a transition year. The fate of the six remaining states is less clear.

Of the remaining states, Pennsylvania, Wyoming, and Montana have requested limited waivers which are similar to the AMO freezes received by the above seven states, according to *Ed Money Watch* reporter Anne Hyslop (September 13th). The ranking Republican on the Senate HELP Committee is Senator Mike Enzi who represents Wyoming and the State Superintendent of Montana Denise Juneau was one of the keynote speakers in the recent Democratic convention nominating President Obama for reelection. On numerous occasions, high-level SEA officials from Pennsylvania have expressed displeasure with several flagship initiatives under the Administration such as Race to the Top; in other cases, however, they appear to be supporting such Obama initiatives as greater support for charter schools. Two other holdouts -- Texas and California -- appear to be taking different approaches in their desire to be given greater flexibility to get out from under many of the NCLB provisions.

Over the last few years, Texas has developed a boisterous “go it alone” approach to Federal funding, usually in defiance of Federal mandates and conditions contained in USED guidance in order to receive funding. On numerous occasions, former TEA Commissioner Robert Scott opposed the waiver process, then in an abrupt move just before the September 6th “deadline,” the new Commissioner,

Clarence Williams, who served as an Assistant Secretary for Civil Rights under the Bush Administration, announced to the surprise of many Texas superintendents and educators that Texas would apply for a waiver; however, Texas would essentially “rewrite” the waiver guidance in its application. As Hyslop noted in her blog, “Namely, they’d like to rewrite the entire Title I funding formula and decide how the state’s nearly \$1.4 billion allocation would be distributed to districts.” And as Charles Edwards of *TitleI-derland* noted, “This radical proposal would overturn the whole concept behind the Title I formula, dating back to its inception in 1965...Setting aside the revolutionary implications of Texas’ request, there is the significant issue of whether ED even has the authority to issue such a waiver. ESEA Section 9401, on which ED’s whole waiver program is based, fences off a list of statutory provisions that ED is forbidden to waive. Among them is ‘the allocation or distribution of funds to State, local education agencies, or other recipients of funds under this Act.’”

Over the last four years, Texas has developed a record of defiance, clashing with many of the Obama Administration priorities and mandates. Examples include:

- disagreements between Governor Rick Perry and President Obama and Secretary Duncan on several occasions regarding use of stimulus funds and eligibility for Texas to receive EduJobs funding;
- failure of the Governor and TEA Commissioner Scott to apply for Race to the Top state grants, which infuriated most of the State’s large district superintendents and other educators throughout the State;

- TEA’s withdrawal from the Council of Chief State School Officers who, with the National Governors Association, advocated and otherwise facilitated the adoption of Common Core Standards, which Texas has still not adopted although it did develop college and career-readiness standards with its institutions of higher education which evidently USED has approved as an acceptable alternative.

The Title I formula rewrite would also allow the TEA to transfer all ESEA Federal funds into Title I thereby basically converting ESEA to a state block grant to be administered at the whim of the TEA.

Even though USED’s acceptance of Texas’ alternative career and college readiness standards is significant, the proposed conversion of Title I to a block grant, through a rewrite of the Title I formula which has been in place for over 40 years, would undoubtedly be the most significant change in the use of Federal funds. However, the approach is not that surprising. In a conversation with then TEA Commissioner Scott over two years ago, he discussed the need for greater flexibility in the use of Title I and other Federal funds. He suggested one policy option at his disposal (because Texas was an “Ed Flex” state) would be to reduce the poverty enrollment threshold from 40 percent to a much lower level -- such as 20 percent -- which would essentially designate the vast majority of then current Title I schools as Schoolwide Programs under which Title I funds could be used in a much more flexible manner without violating most interpretations of supplement not supplant. Moreover, other ESEA funding such as Title

II and Title III, among others, could be transferred to designated Title I Schoolwide Programs and co-mingled with Title I and to be used to serve all students in schools with the highest priority being placed on those students most in need. The TEA proposal under the waiver plan is extremely similar to that outlined two years ago by former Commissioner Scott. Indeed, one of the purposes of increased flexibility in Title I Schoolwide Programs, which was built into ESEA reauthorization in 1998 under leadership of Chairman Bill Goodling (R-PA) of the House Education Committee, at that time was to convert Title I schoolwide programs to a block grant where the “rubber hit the road” at the school level. Referring to Edward’s *TitleI-derland* blog, Hyslop concludes that even though Texas has accepted all of the waiver requirements, its rewrite of the Title I formula would be “quite possibly illegal.” Before the U.S. Department of Education is willing to negotiate, she argues, Texas will “have a long way to go before their requests should be considered seriously.”

As to the California on-again/off-again waiver request, which we addressed in our May TechMIS issue, the State’s very brief -- less than 15 pages -- preliminary waiver request was based on statistical data supporting intervention approaches the State has undertaken under State law using State as well as Federal funds over the last five years. The estimated cost of implementing certain other assurances in the waivers, such as evaluation of teachers and principals, was a major concern. In a discussion with State superintendent Tom Torlakson and personal observations of other high-level education officials in the State, it appears that California’s strategy is to “wait and see.” It is very difficult to believe that some types of

accommodations will not be negotiated on some of the State's proposed waivers which are perceived to be legal.

USED Begins Monitoring Planned Activities in Each Approved Waiver State, Which Should Help Ensure Intervention Implementation Dates in Priority and Focus Schools Will Be Met, Thereby Increasing Demand for Appropriate Products and Services Immediately

In the August 30th Federal Register, USED formally initiated its monitoring of the waiver implementation, as proposed in USED-approved state waiver plans, with an initial focus on state-proposed interventions in Priority, Focus, and other Title I schools. According to Education Week (August 29th), USED officials seek to “give states the flexibility to innovate while holding them to a high bar of accountability,” and, “Ultimately, if we feel like a state is backtracking, they could lose their waiver.” If states perceive monitoring as having “accountability teeth,” scheduled implementation of interventions in Priority and particularly in Focus Schools, could begin purchasing cycles immediately.

According to USED, telephone calls or desk audits will be conducted by USED “teams” (similar to those used in monitoring implementation of Race to the Top) through October in which an initial report will be prepared for each state. As summarized in the Education Week article, key areas in which evidence of individual state progress will include:

- implementing turnaround principles in Priority Schools and implementing interventions in Focus Schools;

- monitoring school districts’ implementation plans for interventions in Priority and Focus Schools; and
- supervising districts’ use of Title I funds under the new flexibility.

These will occur as Priority, Focus, and reward schools have been identified and made public in each state. As the article notes, “Federal officials also want states to discuss their vision for education reform, and what success will look like three years from now. States will have to submit evidence that they’ve completed certain tasks, such as creating procedures to monitor how districts are intervening in low-performing schools.”

Following the initial 90-minute telephone calls/desk audits described above, monitoring Part B and Part C of Title I will occur this winter and next spring, although the details have not been formulated, according to Education Daily (September 12th). During the August State Title I Directors meeting, USED officials emphasized that monitoring will differ from the past in that the focus will be primarily on providing technical assistance through partnerships of USED teams with individual states, much like that which has already occurred in Race to the Top and School Improvement Grants. While technical assistance will be a priority, monitoring to ensure compliance and adherence to Title I program rules will also occur for those states which have received AMO freeze waivers for non-waived portions of ESEA.

Our analysis in previous TechMIS reports (May and June) has found that intervention implementation dates among states vary. For example, in Utah, all Priority Schools are existing recipients of SIG grants, in

which case waiver implementation has already begun and, in some cases, would likely be expanded and possibly redirected to some extent. Interventions in these states are likely to be the SIG transformation models. In most other states, full implementation of interventions in Priority Schools is not scheduled until Fall 2013. However, many states plan to begin full or partial implementation of interventions for Focus Schools in the next month and, in some of the earlier approved waiver states where Priority and Focus Schools had been identified in their applications, pre-implementation activities -- such as professional development, remediation, and planning -- have already begun. As we noted in our analysis of the August 3rd State Waiver Guidance addendum, in Focus Schools which are not Title I schools, states are likely to use the SEA 4% school improvement set-aside or state funds to purchase or otherwise implement interventions to avoid being accused of violating supplement-not-supplant requirements (see August 30th TechMIS issue). In most states, the number of Priority and Focus Schools that will be designated as Title I Schoolwide Programs should increase dramatically to allow for even greater flexibility in the use of Title I funds. As veteran Education Week reporter Michele McNeil noted in August 28th Education Week, many states are already “asking federal officials if they can tweak their proposals...in fact, the federal Education Department is anticipating that states will need to make changes to their waiver plans, and it has set up a formal amendment process that’s similar to how states can make changes to their Race to the Top proposals.” However, states will not be allowed changes to timelines that would delay implementation of a state’s flexibility

plans, according to USED.”

After the desk audits are completed in October and individual state reports have been prepared, each state report is supposed to be made public, but “what it will include and when it will be available is unclear.” Some of the intervention-related areas in which proposed changes could occur include:

- increased flexibility to use ESEA Title I, and possibly other ESEA funds, to support implementation of response-to-intervention (RTI) approaches as interventions in Priority and Focus Schools in states which already require, under IDEA, the use of RTI approaches (versus IQ test discrepancy models);
- the use of “home grown” intervention approaches, especially in states or districts receiving Race to the Top funding, particularly the upcoming district-level competition.

RTI Action Network Has Published an Update on the Legal Dimensions of RTI Among States

Authored by Perry Zirkel, University Professor of Education and Law at Lehigh University, *The Legal Dimension of RTI: Part II. State Laws and Guidelines* is the most recent update on policies impacting RTI. Whether a state mandates/requires RTI by state Law or guidelines could have an impact on whether funds, such as Title I in Schoolwide Programs or Targeted Assistance Schools, can pay for different levels of an RTI approach. Based on his surveys, literature reviews, and detailed analysis of states’ legal frameworks beginning in 2010, this latest report is

invaluable for firms which have components of RTI approaches or directly-related services. It clarifies how these components/services could be positioned to districts in states with different types of “mandates” or those which encourage RTI use as a “permitted” activity.

Zirkel identifies 14 states that mandate RTI for the identification of Specific Learning Disabilities (SLD) by categories. Colorado, Florida, Idaho, Louisiana, Rhode Island, West Virginia, and Wisconsin mandate RTI “completely and exclusively,” while Georgia, Illinois, and Maine mandate RTI with the option of adding the Severe Discrepancy Model. Partial mandates for RTI exist in Delaware (reading and math), New Mexico (grades K-3), and New York (reading K-4) for specific subjects and/or grade levels. While requiring RTI, Iowa regulations are perhaps the most flexible, allowing “alternative research-based procedures” in addition to RTI or discrepancy models. As the report notes, most state law provisions for RTI in both the “mandatory” and “permissive” categories relate exclusively to SLD determinations; however, a number of state laws extend RTI to other classifications, such as Florida which requires RTI for not only SLD, but also speech and language impairments. States such as Colorado, Connecticut, and Maryland suggest use of RTI should be “global,” as stated in their guidelines, such that RTI can benefit students with a variety of disabilities.

Implementation features for RTI are usually in the form of state guidelines which can vary, with ten states (Arizona, Colorado, Illinois, Nebraska, North Carolina, Pennsylvania, Rhode Island, South Dakota, Tennessee, and Vermont) requiring districts

to develop implementation plans subject to state approval. In some states, the duration of interventions are specified, along with the intensity and frequency of interventions, usually in the form of recommendations and guidelines for Tier I, Tier II, and Tier III interventions.

While some states, such as Delaware and Wisconsin, give legal mandates, Zirkel notes, “In contrast, the vast majority of states rely on the rather fluid form of guidelines for the development and implementation of RTI. They are fluid in several respects: a) they do not have the full force of law; b) they are often worded in terms of recommendations rather than requirements; c) they range from directive to resources, with resources often including links to professional sources; and d) they grow and change in rather direct response to both internal and external experience, including information from other states.

Under the state waiver guidance new addenda published on August 3rd, states that have been approved for waivers could change with legal status of RTI requirements in order to use Federal funding flexibility to support and expand the RTI movement at the grassroots district level, which would increase RTI spending, now at \$4.5-5 billion.

Center for Budget and Policy Priorities Update on State K-12 Expenditures Reports More Than Half of the States Are Reducing K-12 State Funds this Year Compared to Last Year, With Only 13 States Above the 2008 Pre-Recession Level

According to the Center for Budget and Policy Priorities (CBPP), “Elementary and high schools are receiving less state funding in the 2012-13 school year than they did last year in 26 states, and in 35 states school funding now stands below 2008 levels -- often far below.” States with the largest percentage cuts in inflation-adjusted, per-pupil state expenditures between this school year and last school year include Alaska (-5.7%) and Nebraska (-5.2%). On the flip side, states with largest percentage increases in per-pupil spending this year compared to last include Rhode Island (+9.5%), South Carolina (9.2%), and Florida (+8.0%). The largest absolute per-pupil reduction this year was \$221 in Alaska, while the Rhode Island per-pupil increase was \$452. However, as CBPP cautions, the amount of state K-12 funding this year does not offset previous cuts over the last four years. Florida, as an example is increasing school funding by \$273 per-pupil this year, but four-year previous cuts totaled \$569 per pupil. The report notes that 17 states have cut per-pupil funding by more than ten percent from the 2008 level, with three states -- Arizona, Alabama, and Oklahoma -- having reduced per-pupil funding to schools by more than 20 percent since 2008.

Even though state revenues have increased 6.6%, they remain 5% below the pre-recession level; as the report concludes, “...at current growth rates it will take years before state revenues are able to sustain

services like K-12 education at normal levels.”

One of the critical consequences of the state budget crisis has been local school district cuts totaling 328,000 jobs nationally since 2008. According to CBPP, the cuts “counteract and sometimes undermine education reform and more generally hinder the ability of school districts to deliver high-quality education, with long-term negative consequences for the nation’s economic competitiveness.” As CBPP reports, state K-12 aid formulas can have a significant impact on districts with low revenue-raising capacity and large populations of students in which state formula aid provide large portions of district funding. In about half of the states, in addition to state formula funding weighted for low-income and high-need and minority students, there are numerous categorical programs which have also been affected by the recession-caused cutbacks. While the report attributes such K-12 state funding reductions to depressed revenues and rising costs, it also attributes cause to the expiration of stimulus funding, stating, “After the 2011 fiscal year, the federal government largely allowed this aid to expire, even though states continued to face very large shortfalls in 2012 and beyond. The expiration of most federal aid at the end of the 2011 fiscal year is a key reason why state education funding dropped so sharply in the 2012 fiscal year, and remains suspended at such low levels.” Without mentioning the word supplanting, it is apparent that many states did indeed reduce K-12 state aid through a “re-appropriation” process (used in about half of the state legislatures) or other means to replace state aid with Federal ARRA funds, particularly the Fiscal Stabilization portion.

Even though much of the report addresses the negative consequences of K-12 funding reductions on some of the recent Administration flagship reform initiatives, such as School Improvement Grants and Race to the Top, the state-by-state K-12 spending trends could assist firms in identifying priority states to target. While references are made to past and ongoing Federal funding levels generally, the analysis does not include Federal funding levels of such programs as Title I or IDEA, nor does it take into account some of the funding flexibilities now allowed under the state waiver process.

For a copy of the report go to:
<http://www.cbpp.org/files/9-4-12sfp.pdf>

The National Parent Teacher Association (PTA) Has Formulated a New Policy which Supports Non-Public School Districts Entities to Approve Charter Schools as Authorizers, as the Public Charter School Movement Celebrates its 20th Anniversary this Year With More than Two Million Students in 41 States Attending and Some 600,000 Students on Waiting Lists

According to Education Week (August 28th), a new PTA position statement on charter schools represents the organization's first policy change since 1995. At that time, the PTA stated that charter schools had to be "chartered by and made accountable to the state and local school boards in the districts in which they were located." Education Week reports, based on interviews with PTA officials, "The new statement emphasizes that both charter schools and the entities that typically create and oversee them -- known

as authorizers -- be held to high standards. Authorizers need to regularly engage parents, review charters' performance, and hold them to contracts based upon their performance...It calls for transparency in charter schools' finances and operations and says they should neither exclude students nor divert funding from regular public schools."

In justifying the changes, PTA officials noted that almost 50 percent of public charter schools have authorizers other than school districts and urged local PTAs to continue working with those entities. Over the last decade, public support for charter schools has increased, with about 70 percent of the public a recent Gallup poll in favoring charter schools, even though the effectiveness of charter schools compared to traditional public schools is mixed. According to the Huffington Post (September 7th), over the last two decades, only three percent of charter schools have ever been closed for underperforming academically. Continued support of charter schools and increased opportunities for charter schools have been built into flagship Administration initiatives, such as School Improvement Grants, and direct line item funding in bipartisan budget proposals. To varying degrees, both parties support charter schools as an opportunity to provide parents with choices. After 20 years, the National PTA has reformulated its policies in light of this trend.

Miscellaneous (a)

A book entitled Complete Copyright for K-12 Librarians and Educators, has recently been released by the American Library Association (ALA). According to Education

Week's Bookmarks blog, the guide, developed by Carrie Russell, director of ALA's Program on Public Access to Information, responds to a recent survey finding that much current information on copyright available to teachers and librarians was incorrect or incomplete. As a result, many K-12 educators tend to "make overly cautious copyright decisions because of liability fears." The guide offers: (1) detailed advice on the distinctive issues of intellectual property in school settings; (2) explores scenarios confronting educators, such as using copyrighted material in school plays, bulletin board displays, and student participation in social media; and (3) precisely defines "fair use," showing exactly what's possible within the law. An appendix includes a copy of the survey and an agreement on guidelines for classroom copying with respect to books and periodicals' fair use guidelines for education multimedia. The author, Carrie Russell, writes a popular monthly column "Carrie on Copyright" in the *School Library Journal*.

Miscellaneous (b)

If the November election results in a turnover in the White House and/or Senate, some speculate that the ESEA Flexibility Waiver Initiative could be rescinded. While not addressed in much detail during the Republican Convention, reporters' interviews with a number of policy observers including former Secretary of Education Margaret Spellings, have hinted at the possibility of the ESEA Flexibility state waiver initiative being rescinded if candidate Romney takes over the White House. *Straight Up* blogger Rick Hess reflected about the Obama approach to NCLB waivers, "It is horrifically bad for the

country," while at the same time calling NCLB "a profoundly flawed law." He then noted there is nothing permanent about the waiver initiative adding, "Where Mitt Romney to claim the White House, he could rescind the Obama Administration's waivers -- and institute his own waiver process with his own conditions -- any time he pleased." *Politics K-12* blog (August 30th) interview with former Education Secretary Spellings who formally advised the Romney education team and then subsequently withdrew felt that the Obama Administration waivers to states include some provisions that do "for minority children a major disservice and will be tough to manage and oversee." Calling waivers a mistake, she reportedly said, "It's a crazy quilt of a system which I think will die [on its] own." Moreover, she felt that a future education Secretary under a Romney regime "whoever that might be, could rescind the waivers when they take office."

Miscellaneous (c)

The major STEM advocacy group of corporate CEOs, Change the Equation, has released another "Vital Signs" brief on the current status and trends in STEM-related activities in 50 states and the District of Columbia. Different types of data are provided in four-page summaries for each state, addressing a number of issues including:

- the number of hours which students in grades one through four spend weekly in learning science with comparisons over time (e.g., 2008 with 1994);
- the percent of eighth-grade students whose science teachers took three or more advanced science courses in college;

- the percent of students in the eighth grade from high-poverty families who were enrolled in schools that have science labs; and
- the percent of black and Hispanic students in schools that do not offer calculus, by state.

As noted in the *Curriculum Matters* blog on Education Week (September 12th), science instructional time declined in most states in grades one through four between 1994 and 2008 and, across the country, eighth graders from low-income families were less likely to have access to science labs -- 84% compared to 89% for students not living in poverty. However, in both cases, Texas “bucked the trend.” For example, the percent of eighth-graders in schools that had science labs in 2011 was 96 percent for both students from both poverty and non-poverty families. Texas students in grades one through four spent 3.3 hours receiving science instruction in 2008 compared to 2.8 hours in 1994. The brief also addressed whether schools and teachers in Texas have what they need to succeed related to the “tools of their trade.” Eighty-six percent of teachers of students from low-income families said they “had all” or “most of” the resources they needed in math, compared to 88 percent of teachers of students from wealthier families compared to national percentages of 75 and 81 percent respectively. However, the gaps among percentages of science teachers differed by almost ten percentage points when comparing teachers of low-income students versus students from wealthier families. Only about a quarter of Texas teachers said that lack of support from parents and inadequate parent engagement was a serious problem.

While the report notes that Texas holds

schools accountable for reaching performance targets in science, not just math and reading, “Vital Signs” recommended that the bar for eighth-grade science tests was much too low and should be set at a higher proficiency level.

The “Vital Signs” report is available at: <http://vitalsigns.changetheequation.org/>

Miscellaneous (d)

According to Achieve’s seventh annual “Closing the Expectations Gap” report, various states are moving toward fulfilling the college and career-ready agenda putting new policies in place to support their new mission in implementing Common Core Standards. Mike Cohen, President of Achieve which conducts annual state policy surveys also stated, “...there is still much room for progress to be made.” Highlights from the most recent survey include:

- Currently, 23 states and the District of Columbia have adopted college- and career-ready graduation requirements that require all students to meet the full set of expectations defined in the Common Core State Standards (CCSS); three states -- Hawaii, Iowa, and Washington -- have recently raised their graduation requirements.
- Eighteen states administer assessments to high school students that post-secondary institutions use to make decisions about students’ readiness for college including seven states which have developed college-ready assessments tests aligned to their state standards; the remaining 11 states administer a national college admissions exam.

- Thirty-two states have now incorporated one of the four accountability indicators which Achieve argues is critical to promoting college- and career-readiness; only Texas meets all of Achieve's indicators, with Florida, Georgia, Indiana, and Kentucky using multiple indicators in different ways.

Education Week's *Curriculum Matters* blog, which has been one of the first and best observers of Common Core Standards adoptions and directly related developments, reports (September 13th), "Nearly all states are developing curricular and supplemental materials to help districts and schools implement the common core state standards, but far fewer are approving or certifying lists of materials...And just four states -- Delaware, Kentucky, Oklahoma, and Nebraska -- said they are requiring that districts use materials aligned to the common standards in English/language arts and mathematics." Regarding professional development activities for the 39 states that reported having a coordinated agency-wide plan for professional development, only 20 states say they "have or will identify high-quality or promising providers for districts and schools to access." The types of curriculum materials being developed that are being recommended include lessons, curriculum maps, or model units and are usually available on state education department websites.

The Achieve report includes a number of tables relating to state activities in the areas of curriculum and professional development activities which are in place or are being developed, including:

- Sixteen states are approving/certifying lists of materials including Alabama, Arkansas, California, Florida, Georgia, Hawaii, Louisiana, Mississippi, New Mexico, Oklahoma, Oregon, Tennessee, Texas, Utah, Virginia, and West Virginia.
- Four states require the use of certain materials, including Delaware, Kentucky, Nebraska, Oklahoma, and Virginia.
- More than three-quarters of the states are developing, or making available, tools for direct voluntary use by districts and schools which are provided on the SEA websites.
- Twenty states have or will identify "promising" providers of professional development and 14 will audit professional development activities.

In January 2012, Achieve launched the new America Diploma Network collaborative, referred to as Educators Evaluating Quality Instructional Products (EQuIP) which builds upon rubrics and evaluation processes developed by Massachusetts, New York, and Rhode Island to determine the quality and alignment of instructional lessons and units to the CCSS. The report also provides useful information for firms wishing to identify states in which the demand for certain types of products could grow over time as implementation of CCSS occurs. For example, 35 states have policies permitting or encouraging students to attain credit through competency based pathways rather than seat time. In some

states, state superintendents or state boards are permitted to issue waivers from seat time regulations while, in other cases, districts are required to use competency-based pathways. Maine is identified as one of the nation's leaders in mastery or proficiency-based learning tied to graduation, along with Kentucky, New Hampshire, Ohio, West Virginia, and Wisconsin. In Florida and New York students can earn high school credit by earning certain scores on end-of-course or Regents exams. As the report notes, mastery-based pathways which allow students to progress through a course at their own pace can require new forms of school organization and "robust instructional management systems."

For a copy of the 2012 Achieve ADP Network report go to: <http://www.achieve.org/files/Achieve201250StateReport.pdf>

Miscellaneous (e)

In a partnership with Student Achievement Partners (SAP), whose principals were key in developing the Common Core State Standards, the Council of the Great City Schools has developed a new online initiative called the Baseline Alignment Project which includes CCSS aligned materials and other information which can help districts transition to the new standards. According to an article in Urban Educator (September 2012), the BAP includes questions that teachers and administrators can use in conjunction with their current curriculum while new instructional products are being developed. According to CGCS Executive Director Michael Casserly, the

initial focus of the BAP's English/language arts literacy curriculum has been developed through a cooperative effort of content specialists and SAP experts and "their work is freely available to all school districts in the nation." The article also notes that the Council and SAP are working with publishers on the first wave of new resources which focus on grades three, four, and five. As we noted in a previous TechMIS report, the Council has received agreements from more than 30 of its 60 member districts to use the purchasing power of Council memberships -- which could be several billions of dollars -- to leverage publishers to design, adapt, and/or produce instructional materials that are aligned with the "adapted" Common Core State Standards and related materials being developed by BAP and Council member districts (see July 2012 TechMIS). In another recent related development, the Council of the Great City Schools is launching its first commercial venture by selling a management tool that allows any district's, financial and information officers to track key performance indicators in their school systems," according to Education Week (September 19th). The Act Point KPI Performance Management System will be available to districts which are not members of the Council to purchase based on their own needs. This recent announcement further suggests that the Council of the Great City Schools has become an important actor in the Administration's reform initiatives and for many firms can be an important influencer of products and services which are purchased and for other firms, an important potential partner facilitating the transition to Common Core Standards and assessments. For a limited number a firms, it could be considered a competitor.

The new bank of resources is located at:
Basal Alignment Project at
www.edmodo.com

Miscellaneous (f)

USED has released the application form for the five eligible states to receive \$133 million for Phase 2 of the Race to the Top Early Learning Challenge. The eligible states and the amounts (50 percent of their Phase 1 funding applications) for which they may apply include: Colorado (\$30 million), Illinois (\$35 million), New Mexico (\$25 million), Oregon (\$20 million), and Wisconsin (\$23 million). The states can submit individually or as part of a consortium for certain components they submitted in earlier RTTT competitions, such as development/validation of Tier Quality Rating and Improvement Systems (TQRIS) and other required activities. Because of the budget reduction of 50 percent from their Phase 1 applications, each state may modify “activities” as long as the “activities” remain intact as reviewed by the panel of reviewers in the Phase 1 competition. As a result, each state, in its Phase 2 competition, could not propose a “new activity,” which will likely be subject to USED’s interpretation. Technical assistance will be provided along with a webinar which will possibly address what constitutes a “new activity.” As Lesli Maxwell, in the *Education Week’s Early Years* blog noted, “But because the potential winnings aren’t as robust, the states can only apply for up to 50 percent of what they proposed in their original applications, so they will all have big decisions to make about where to scale back.” The *Early Years* blog also has a link to a summary of

the Phase 2 application prepared by Education Council for First Five Years fund.

Miscellaneous (g)

An *Education Week* (September 12th) article claims that the Common Core initiative will thrust librarians into a key leadership role at the district level, which could have implications for firms’ sales and for instructional program designers/developers. In an interview, Barbara Stripling, president-elect of the American Library Association stated, “The common standards are the best opportunity we’ve had to take an instructional-leadership role in the schools and really to support every classroom teacher substantively.” Stripling, who is a professor of practice in library science at Syracuse University, is involved in the implementation of Common Core in New York City schools; she and her staff have analyzed the standards’ expectations for inquiry and information-literacy, developed sample lessons and formative-assessment tools around key common-core skills, and shared those and other resources during four-day development sessions with the district’s librarians. According to the article, Susan Ballard, President of the American Association of School Librarians, a division under ALA, said school librarians are affected by new expectations in K-12 schools, city libraries during after-school and weekend hours, and on college campuses and noted, “Students have a false sense of security that they can find anything online...They don’t know how to ask good, researchable questions, assess information critically. So much of the core is based in inquiry, and that is what librarians do on a daily basis.” Jennifer LaGarde, winner of ALA’s 2011 “I Love My Librarian” award,

indicated that librarians can really help teachers “think about new ways to provide instruction and helping them see that there is someone in the building who already knows how to do that.”

In spite of an average reduction per state in library positions of 16 percent over the last five years, teachers’ demands for new kinds of reading materials are growing, according to the article. School librarians are taking a hard look at their collections to weed out dated materials and “bolster challenging fiction and nonfiction resources, “as well as take a close look at the rigor of readings that they offer.” In the article, Paige Jaeger who oversees more than 80 school libraries in the Saratoga Springs, New York area, notes that rigor and inquiry-based learning will be forced on students through the Common Core and that the collection of library resources should include materials of higher rigor and repackaging research.

While some teachers worry that the Common Core Standards will reduce the role of literature in the curriculum and that every text assigned must be a complex text, ALA president-elect Stripling called their concerns a “misinterpretation.” Common Core authors recommend a balance of non-fiction and fiction -- about half and half -- at the elementary level, rising to a 70-30 split in high school, taking all subjects into account, not just language arts classrooms. She also stated that teachers can allay the “complex text” expectations by “sprinkling” such readings into their assignments surrounded by a variety of other materials.

Miscellaneous (h)

Theodora Chang of the Center for American

Progress, in her article *Using No Child Left Behind Waivers to Improve English Language Learner Education*, examines how the waiver application review process encourages states to address the needs of students learning English in addition to their home language. She identifies the principles behind the reforms that New York addressed in its waivers as a model which reviewers have been encouraged to consider.

As the number of ELLs continues to increase, all teachers will need to have skills to be successful with ELLs and will find it necessary to adapt their teaching practices to meet the diverse needs of these students.

Recent research indicates that teachers who receive specialized instructional training for teaching English learners made significant impact on their students’ learning. Teacher certification and teacher preparation programs vary widely in their requirements for specialization in teaching ELLs. Also, teacher observations systems designed to measure teacher effectiveness vary in how they assess teachers in meeting the needs of their ELL students.

New York was identified for its detailed and thoughtful waiver application with respect to its comprehensive approach to meeting the needs of English language learners. New York test data show that only about 13 percent of ELLs met the proficiency bar in English and about 32 percent met the math cut score. These data have prompted the state to take serious steps to improve achievement outcomes for ELLs. New York is ensuring that the Common Core State Standards include modifications that allow teachers to provide language support to English language learners and to make the curricular content accessible to them. These

modifications are designed to support different subgroups including students with interrupted formal education, English language learners with disabilities, and long-term English language learners who have received English as a second language instruction for seven or more years but who have never achieved fluency in English. Further, the State plans to align its English language proficiency exam with the Common Core by Spring 2013. Additionally New York is developing English as a second language and language arts standards in students' native languages for release in 2013.

To support districts and schools through these transitions, New York created Network Teams to provide technical assistance: "Network Teams generally consist of three persons with expertise in curriculum, data analysis, and instruction that serve approximately 25 schools. The purpose of the Network teams is to work directly with educators in schools to deliver sustained, intensive professional development, which will include strategies for English language learners and students with disabilities." The Network Teams also run professional development institutes led by experts in various topics.

As an integral part of its comprehensive plan, the New York State board of regents directed the State education agency to use new teacher certification exams. One of these is the *Educating All Students Test* which is designed to assess whether new teachers understand how to address the needs of diverse student populations and how to support them in the classroom.

New York chose a value-added model that takes into consideration the English

language learner status of students. This permits each student to compare his or her growth to the growth of similar students based on the previous test histories. Currently most ELLs in third through eighth grade take the same state assessments administered to all other students, and results are used to measure growth. New York still has work to do around incorporating results from its separate English language proficiency exam into its measures of student growth.

Miscellaneous (i)

On September 5th, USED issued addendum 1 to the Frequently Asked Questions (FAQ) guidance regarding the Race to the Top-District application. Most of the addenda related to consortium applicants, including Charter Management Organizations (CMOs), and eligibility requirements. Some of the most important points are noted below.

The B-3a addendum clarifies that grant amounts listed in the budget range represent the total four-year award which implies that no new appropriations level will be required in the future. In response to a question as to whether a business partner or CMO could be the applicant for a consortium, the guidance states, "If a charter management organization is recognized under applicable State law as an LEA and meets the definition of LEA in Section 9101 (26), it may be designated as an LEA lead in a consortia application (C-1c)."

Regarding charter school requirements, if the charter school LEA does not have a superintendent for whom an evaluation is required, a system should be in place for

evaluating the performance of its “lead” administrator. Evaluation systems for charter school LEAs appear to be more flexible than regular LEAs. Partnerships with public or private organizations may be existing partnerships, therefore not requiring that new partnerships be specifically developed in response to the Race to the Top-District competition.

The H-1a addendum states that an the evaluator to assess the effectiveness of a grantee’s projects does not have to be an external evaluator, but that any grantee must cooperate in any national evaluation conducted by USED or its contractor.

Question C-19 addresses whether an LEA must have “persistently lowest-achieving” or “low-performing schools” in order to be eligible to apply, to which the addendum states “No.” However, it notes that while having such a participating school is not an eligibility requirement, it is a selection criterion. The application must demonstrate a clear track record of success in achieving ambitious and significant reforms in its persistently lowest-achieving schools or its low-performing schools. If the applicant does not address this selection criterion, “it will not receive points for the criterion, but it will still be eligible to compete.” The statement appears to be in conflict with other policies which target as many funds as possible under Federal initiatives to lowest-performing schools. For example, the August 3rd State Waiver Guidance specifies that the 4% SEA set-aside for school improvement funds can only be allocated to Priority or Focus Schools.

The C-1f addendum clarifies that, if the applicant is a consortium, it must ensure that, across all participating schools, the

percentage of students from low-income families must average 40 percent or higher. Hence, each participating school in a district or consortium application does not have to meet the 40 percent level, which would allow that school to be designated as a Schoolwide Program and thus be provided greater flexibility in the use of funds. Under School Improvement Grant guidance and waiver guidance, participating SIG schools and/or Focus or Priority Schools which receive Title I funds could be designated as Schoolwide Programs regardless of the level of poverty enrollment. David DeSchryver, in his *TitleI-derland* blog (September 17th), argued that unless a school is designated as a Schoolwide Program, it will be confronted with many barriers to implementing a “personalized learning environment” which is required under the Race to the Top-District competition.

Miscellaneous (j)

The National Alliance for Public Charter Schools, now headed by Nina Rees who headed served USED’s Office of Innovation and Improvement in the Bush Administration, has announced the addition of two new officers, which appears to reflect a new bipartisan position. Rees, who is the organization’s President and CEO, has named Gina Mahony, a Capitol Hill veteran and former Senior Policy Advisor to Representative Steny Hoyer when he served as House Democrat Majority Leader, as its Senior Vice President for Federal Affairs. The Alliance has also hired David Hoff, who until recently was USED’s Deputy Assistant Secretary for Communication Development, to become its new Vice President for Communications and Marketing, according to Education Week’s *Charters and Choice*

blog (September 19th). During the NCLB era, Hoff was a key Education Week reporter on many policies and issues which were addressed in numerous TechMIS articles, ranging from supplemental education services/parent choice to other numerous controversial policies including Reading First.

During her tenure at USED, Rees was a primary advocate for SES/parent choice and school improvement initiatives involving private for-profit entities. She often appeared at summits and conferences sponsored by groups such as the Education Industry Association. After leaving USED, she joined Knowledge Adventures and, according to the *Charters and Choice* blog, worked as an advisor to Mitt Romney's campaign before joining the Alliance.

Perhaps reflecting increased support for charter schools on both sides of the congressional political aisle and the Obama team, this move toward bipartisanship on the part of the Alliance is a significant departure from the past which could further support the charter school movement across the country.

Miscellaneous (k)

As reported in our August 2012 Washington Update, there has been considerable question about the nature and scope of transparency related to Department of Health and Human Services efforts to replace under-performing Head Start grantees through a system that ensures program accountability and is "fair, consistent and transparent." Lamar Alexander, Senator from Tennessee, and John Kline, Chair of the Committee on

Education and the Workforce, have now formally asked Secretary Sebelius to respond to concerns around the process for replacing Head Start grantees.

The Committee requested that, by September 28, 2012, the following information about the Designation Renewal System (DRS) applications and process be provided:

- the number of applicants currently competing for Head Start and/or Early Head Start through the DRS process, including the names and whether the applicant is currently receiving funds to operate Head Start or Early Head Start, and whether the applicant has or has not been required to compete for continued Federal funding;
- an overview of each grant application and evidence of quality of services as related to applicant's
 - past performance,
 - workforce,
 - organizational capacity, and budget
- the overall score and rank of applicants currently participating in or planning to coordinate with their states' Quality Rating Improvement System or equivalent;
- the professional background of the grant reviewers, including level of experience in early childhood or related fields and expertise in fiscal and organizational operations; and
- a description of how and why the DRS grantee selection process differs significantly from the process used by the Department of Education and DHHS in the Race to the Top competition.

Alabama Update

September 2012

Alabama is one of seven states that applied for waivers from provisions of the No Child Left Behind Act in early September. Earlier, the U.S. Department of Education had granted the State a one-year freeze on its standards which allowed 75 percent of Alabama's schools to receive favorable ratings. In its waiver plan, Alabama has proposed a new way -- known as Plan 2020 -- to measure school performance by looking at individual student's academic growth. The under-development plan calls for students in grades 3-7 to take a new test while high school students would take various versions of the ACT college entrance exam. The ACT would be replaced in 2013, by a series of end-of-course exams.

As we noted last month, a Federal Appeals Court has struck down a portion of Alabama's new immigration law that would have required public school officials to check the immigration status of new students. In mid-September, the State asked the Court to reconsider its decision on the grounds that the Court was placing an illegal restraint on state government. The U.S. Department of Justice supported the Court's decision, arguing that "immigration is a federal duty."

Alaska Update

September 2012

In early September, Alaska joined the list of states applying for waivers from provisions of the Federal No Child Left Behind Act. In July, the State was granted a partial waiver that allowed it to freeze student proficiency targets at the 2010-11 levels, according to the Peninsula Clarion. Under the State's waiver application, Alaska will adopt its own State-developed assessments and standards that will be tested in 2013. It will also establish a 100-point, five-star Alaska Schools' Performance Index for school accountability. The State will also develop a new teacher evaluation system based on input from local, State, and Federal resources.

Arizona Update

September 2012

According to The Republic, after a two-year investigation by the U.S. Department of Justice, of incorrect “identification” of students in Arizona’s offerings of intense language instruction for students with limited English proficiency, an intervention plan has been announced. The settlement schools will offer special reading and writing classes to an estimated 42,000 students who were enrolled in English learning programs over the past five years. Schools do not have to develop new reading and writing programs, but must notify parents if their children are eligible and determine whether parents want the services. No additional money will be provided to schools as the Arizona Department of Education believes that many of the students are currently receiving interventions. Additionally, the State will be required to develop new criteria that correctly identify students who need English language services and when those services should end. State Superintendent John Huppenthal argued that no evidence was found that students were incorrectly identified as English proficient. He also said he is confident that the State-mandated test to determine whether students are English proficient is reliable. The number of Arizona students classified as English language learners plummeted from 169,758 in 2008 to 67,453 in 2012. There are several possible reasons for the drop including: fewer immigrants coming into the State; more students are reaching proficiency through immersion classes; or the State-required proficiency test is too easy to pass.

California Update

September 2012

In late September, California Governor Jerry Brown signed into law a bill -- AB 2193 -- intended to draw attention to long-term English language learners, those who are in public schools for years without becoming fluent. Conceived by the nonprofit, Californians Together, the program creates a common, Statewide definition of long-term ELLs and requires that students at risk of becoming long-term ELLs be flagged. The State will break out data on such students and report numbers for each school district.

A new report by California's Task Force on Educator Excellence has called for a major overhaul of the teaching profession. As reported in the Mercury News, the report found that:

- there will be a serious teacher shortage as the State's K-12 enrollment is projected to increase;
- the State has focused too heavily on holding teachers accountable for students' standardized test scores without properly equipping them;
- a career ladder should be established to include higher-level positions such as "master teachers;"
- laid-off teachers should be encouraged to earn additional credentials in such high-need areas as math or special education; and
- stipends should be paid to teachers who work in such hard-to-staff places as inner-city or rural schools.

L.A. Now reports that a recently approved legislative bill holds good news for the 112-school community college system -- which serves 2.4 million students -- through reforms that include:

- providing students with orientation, assessment, placement, and counseling services;
- requiring students to identify an educational goal, such as a degree or a certificate for transfer to a four-year university;

- requiring students who qualify for a fee waiver to make satisfactory academic progress; and
- mandating campuses that receive student support service funds post scorecards with completion rates for all students and progress in closing achievement gaps among ethnic groups.

Most of these reforms were recommended by the Student Success Task Force. Although the bill provided no additional funding for these measures, it did call for redirecting some of the existing funds to support services.

According to the *Charters & Choice* blog on EducationWeek.org, the Los Angeles school district is considering a moratorium on new charter schools pending a complete analysis of existing charters' operations, including their need for classroom space, their performance in serving special-needs students, and disciplinary policies. Currently, charter schools serve 110,000 Los Angeles students -- 14.5 percent of the district's total enrollment. The School Board resolution calling for the moratorium expressed concern that charters are releasing little data about their performance or the populations they serve. Parents with children in charter schools have protested the planned moratorium.

Colorado Update

September 2012

According to Education Week's Marketplace K-12 blog, in November 2012, Denver taxpayers will vote to expand a math tutoring program that has shown large academic gains among low-achieving students. The measure would cost more than \$500 million, \$466 million of which is included in a bond proposal that will pay for facility renovation and construction. The measure would also set aside \$49 million in property taxes for education services of which \$15.5 million is for expansion of the math tutoring program. The approach is based on research that identifies the best practices from high-performing charter schools, including:

- extended school day and year;
- strong school leadership;
- data-driven instruction;
- a culture of “high expectations”; and
- increased math tutoring.

This approach also jump starts innovation from research to practice, applies what works at a scalable level, and reduces the time it takes to implement proven practices.

The Denver school district is also initiating a pilot principal training program funded by the Michael & Susan Dell Foundation. The program is intended to increase cooperation between district-operated schools and charter schools by having district assistant principals serve one-year residencies at local charter schools, according to Urban Educator.

Connecticut Update

September 2012

According to the Connecticut Mirror, on September 6, 2012, Governor Dannel Malloy, who repeatedly confirms that he supports offering high-quality preschool to children whose parents cannot afford it, learned it would cost the State \$43.8 million yearly to provide universal access in the poorest districts, plus \$220.6 million to build the classroom space. This year, \$6.8 million was provided to offer an additional 1,000 subsidized preschool seats. State Education Commissioner, Stefan Pryor, did not confirm that the administration would request new preschool funding in its mid-October budget request. Connecticut is second only to New Jersey with the highest number of three- and four-year-olds attending preschool. New Jersey is under court mandated universal preschool access in its low-income districts.

Delaware Update

September 2012

Speaking at a recent event sponsored by the Center for American Progress, Delaware Governor Jack Markell highlighted improvement efforts underway in his State. According to Education Daily, these include:

- increasing early childhood education opportunities; using Federal Race to the Top funding, Delaware will increase from 20 to 80 the percentage of low-income students enrolled in quality preschools;
- improving the education profession with more meaningful evaluations and professional development;
- making the State assessment more rigorous;
- adopting the Common Core State Standards in English/language arts and mathematics; and
- creating 20 immersion schools in Spanish and Mandarin at which students will learn science, math, and social studies in the target language.

Florida Update

September 2012

Florida Governor Rick Scott, during his first year in office, reduced public school funding by more than \$1 billion. He also created a merit pay system for teachers and eliminated tenure for newly-hired teachers. Last year, he raised education spending by \$1 billion and this year he has proposed major changes to student testing. In September, he conducted a “listening tour” through which he will meet with teachers and students to hear their views on the proposed changes.

According to Urban Educator, a new program in the Miami-Dade County school district, called *Learn Ideas, Navigate Knowledge*, will allow economically disadvantaged ninth-graders to buy netbook computers for \$25 each. Parents of students who receive free or reduced-price lunch are eligible to apply for the program and must attend a mandatory training course.

The Hillsborough County school district (Tampa) is incorporating the Microsoft IT Academy in each of its 27 high schools and in 18 middle schools. As noted in Urban Educator, the college- and career-ready program will offer electives in science, technology, engineering, and mathematics (STEM) in an effort to enhance students’ 21st century technology skills.

Georgia Update

September 2012

Education Daily reports that Georgia's NBLB waiver plans for family engagement, named *360 Degrees of Family Engagement*, include active cross-departmental collaborations in elementary, middle and high schools. Additional plan features to embed family engagement include a personalized, tiered approach and data collection that helps the State identify what types of family engagement activities have the most positive influence on student achievement. Michelle Sandrock, parent engagement program manager for the Georgia Department of Education, explained that there are 38 Priority Schools which are not receiving Race to the Top or School Improvement Grants funds to implement family engagement. As part of the waiver plan implementation, school improvement specialists are assigned to each Priority School to help schools draft family and community engagement strategies tied to school improvement goals. Sandrock observed, that "although a school may establish five or six goals, it seems to be more effective and schools accomplish more by first embedding family and community engagement into three school improvement goals or less."

According to the Associated Press, Georgia Governor Nathan Deal announced \$19 million in State education grants to improve student performance. These grants were awarded to nine partnerships that included various combinations of local education districts, charter schools, business, and nonprofits that created programs for students. Grant winners include the Georgia Charter Schools Association and the Lake Oconee Academy, which requested funding to develop programs to recruit and train teachers and leaders for charter schools.

Georgia has funded a third round of "Innovation Fund" grants with a STEM (science, technology, engineering, mathematics) focus. As noted in Education Week's Curriculum Matters blog, nine grants totaling \$4.5 million were awarded. The Innovation Fund is supported by the State's \$400 million Federal Race to the Top award. All of the grants involve partnerships between school districts/charter schools and other entities like colleges, businesses,

or nonprofit organizations. Among the new awards are:

- a project by which Georgia Tech University will work with Atlanta teachers to develop and implement a “systemic” approach to STEM computational thinking (\$431,000); and
- a coalition of Georgia Southern University, seven area research groups, and six school districts to develop STEM learning units related to local environmental concerns (\$703,000).

The fourth -- and final -- round of Innovation Fund grants will be announced in January.

Georgia has a strong reputation in the area of early education, including universal pre-K that serves 84,000 four-year-olds Statewide. A recent report from the Georgia Budget & Policy Institute has said that funding cuts to the State’s prekindergarten program have resulted in fewer class days, increases in class size, and fewer available slots. The State’s preschool program and the HOPE college scholarship program are both funded by the Georgia lottery. HOPE’s increasing financial demands have cut sharply into prekindergarten funding. The preschool program’s cuts will have the greatest impact on low- and moderate-income families.

Idaho Update

September 2012

As reported in the Idaho Statesman, the State budget request for Idaho public schools in FY 2014 is \$1.34 billion -- up five percent from the current year. However, much of the increase is dependent on three “Students Come First” new laws that are on the November 6 ballot, including \$61.1 million for merit bonuses to teachers and other staff and \$8.4 million for laptop computers.

Among other items in the FY 2014 budget request are:

- a program to help students finish high school early (\$1.4 million);
- increased funds to help school districts strengthen technical support staffs (\$1 million);
and
- more funding for remediation, math and reading initiatives, and implementation of the State’s new accountability system (\$1.1 million).

Illinois Update

September 2012

Despite the teacher's strike in Chicago, the City's charter schools continued operating approximately as normal, according to Education Week's *Charters & Choice* blog. There are 119 charter schools in Chicago -- serving 52,000 students -- and all remained open during the strike, even the ten charters that are unionized. The union-affiliated charter schools have unions that operate independently of AFT-affiliated Chicago Teachers Union.

Kentucky Update

September 2012

Kentucky Governor Steve Beshear has issued an executive order to move Career and Technical Education (CTE) into the Kentucky Department of Education, hopefully creating the best possible opportunities for students' career preparation. The goal is to provide students with an education system that provides job-training and learning opportunities that will put them on a career pathway. At 323 middle and high schools and technology and career centers, Kentucky's CTE program offered hands-on training in agriscience, machine tool technology, health sciences, electrical technology and business administration for more than 150,000 high school students last year. Studies show that graduation rates are higher for students who participate in CTE programs as opposed to those who do not. These high school graduates are more likely to transition to postsecondary education or employment.

Louisiana Update

September 2012

Next year, Louisiana will open a “marketplace” for publicly funded courses beyond school. The program, called *Course Choice*, will include both online and face-to-face classes, according to Education Week. Funding for the program -- course fees -- will come out of State and local aid. Up to 75 percent of a district’s per-pupil funding -- between \$5,000 and \$8,000 per student -- could pay for the courses. Students attending schools rated C, D, or F under the State’s accountability system would pay no fee. Students in A or B schools could have their fee paid if their school does not offer a course equivalent. In the first year, *Course Choice* will include core academic courses, career/technical education, and courses for college credit. To date, 30 providers have requested State approval to offer classes through *Course Choice*, including school districts, private schools, postsecondary institutions, virtual education providers, industry associations, and educational entrepreneurs (e.g., teachers).

According to The New Orleans Times-Picayune, the State-operated Recovery School District, which took over more than 100 Louisiana schools after Hurricane Katrina, has found itself with a \$1.7 million windfall. The money is leftover funds from bank accounts of schools that have closed down since the hurricane. Most of the money originally came from “student activity funds” -- money raised at bake sales, sporting event concession stands, etc. A 2007 State law says that every district with such funds must form a five-person committee and hold public hearings on how the money should be distributed.

Maryland Update

September 2012

According to the Baltimore Sun more writing and research will be emphasized as the Common Core standards for reading and writing are being implemented in Maryland's schools. During this transition year, the differences will be subtle, but substantive. The Common Core marks the first time there's been near-national consensus on what students should learn in math and language arts in kindergarten through 12th grade. Teachers have been integrating the new expectations into their current lessons. Eastern Shore counties have decided to pool their resources and staff to collaborate on new curriculum.

The Baltimore Sun also reports that the National Science Foundation has awarded a \$7.4 million grant to the Johns Hopkins University to implement a new science, technology, engineering, and mathematics (STEM) program in Baltimore City elementary schools. Known as STEM Achievement in Baltimore Elementary Schools, the program represents a partnership between the school district and the University that will target students in grades 3-5 at nine elementary schools in high-minority, low-income neighborhoods. It will involve 40 teachers, as well as caregivers, community-based organizations, and after-school program providers.

According to Urban Educator, the Baltimore City school district is also implementing a new multilingual communications campaign intended to distribute school system information in both English and Spanish.

The proposed budget for Montgomery County schools in suburban Washington, D.C. includes \$14.5 million for a technology initiative. Under the five-year plan, the district would spend \$8.95 million for 2,000 Promethean whiteboards so that every elementary classroom would have one. Another \$5.6 million would go for new or upgraded wireless networking equipment, software, and services for all schools.

Minnesota Update

September 2012

The Star Tribune has reviewed SIG improvement plans for the State's approved waiver Priority and Focus Schools. The newspaper's analysis found that many schools conducted extensive reviews of their weaknesses and developed detailed corrective strategies, while others merely tweaked existing local plans. School officials do not like having the State assign labels to struggling schools, but say the State's new accountability system allows them to develop local, rather than Federally imposed, fixes. Plans for Minneapolis' 36 Priority and Focus Schools generally address teacher evaluations, adapting instruction to meet individual student needs, and increasing parental involvement. Plans for St. Paul's 17 schools receiving some SIG funding modified are versions of districtwide approaches.

Nevada Update

September 2012

The Las Vegas Sun reports that, last school year, 49 percent of Nevada's 688 public schools achieved adequate yearly progress (AYP) under the Federal No Child Left Behind Act (NCLB) - up from 45 percent in 2010-11. Nevada has received a waiver from the U.S. Department of Education to implement its own school accountability system that includes a 100-point scale that incorporates measures of students' academic proficiency and growth. By the end of the current school year, Nevada will pilot a new teacher evaluation system and complete implementation of the Common Core State Standards.

Higher Ed News has reported that a Nevada legislative committee has recommended a plan by which Nevada public universities would be funded based on how many credits their students complete, rather than enrollment. The concept, called "performance funding" must still be approved by the full legislature and the Governor. Nevada would become the first state to allocate 100 percent of its higher education budget based on completed credits. One-fifth of the total allocation would be earmarked to encourage research and teaching in specific areas of focus (e.g., engineering, natural resources/conservation, architecture, nursing). The revised formula would not increase funding for higher education in the State, which has seen severe cuts in recent years.

New Hampshire Update

September 2012

Education Week notes that New Hampshire has applied for a waiver from the Federal No Child Left Behind Act. State education officials say New Hampshire has received an encouraging response on its earlier concept paper from the U.S. Department of Education.

Education Week's Charters & Choice blog observes that the New Hampshire State School Board has placed a moratorium on the establishment of new charter schools in the State. The Board's decision is based on the fact the legislature has not adequately funded them and costs are expected to increase in future years. The moratorium only applies to charter schools applying to the State; new charters applying to individual school districts can still be approved. The moratorium is expected to last at least until the State legislature convenes early next year and devises a strategy for covering the costs of new charters.

New Mexico Update

September 2012

As reported in The Albuquerque Journal, this year's high school seniors are the first class that will be required to pass New Mexico's high school exit exam, adopted in 2010, in order to graduate. On their first try as juniors, 43 percent of this year's seniors -- about 10,000 students -- failed the test. They will be given a second chance in October. Those who fail a second time will be able to use an "alternate demonstration of competency," such as SAT or ACT scores, or final exams in core classes," to earn a diploma. Students who do not pass the exit exam and who meet alternate standards will receive a certificate of completion rather than a diploma.

The New Mexico Education Commission is supporting legislation that would permit it to approve charter schools, eliminating the opportunity for the New Mexico Secretary of Education to overturn charter school application rejections. If this legislation passes, then every avenue to overturning rejections would be closed with the exception of filing with the District Court. There are 52 state-approved charter schools operating in New Mexico, with 14 more scheduled to open this Fall. In 2011, the Education Commission reviewed 21 charter school applications and approved 11. The remaining ten applicants appealed the decisions. In 2007, only two of eight submissions for charter schools were approved.

New York Update

September 2012

According to The New York Times, the New York Education Department plans to establish an administrative unit to oversee contractors who provide services to preschool-aged children with disabilities. The State's \$2 billion program serves 60,000 children each year and is reportedly far more expensive per child than equivalent programs in other states.

Education Weeks' *Learning the Language* blog notes that New York, like California before it, has approved a "seal of biliteracy" for high school graduates who demonstrate proficiency in English and at least one other language. Conceived by the nonprofit California Together, the biliteracy seal is intended for all students including English language learners. Many think the concept will spread to other states.

The New York City school district has identified 40 high schools to participate in a program to improve college readiness and career outcomes for black and Latino males. According to Urban Educator, the Expanded Success Initiative will provide professional learning and resources, as well as the strategies they use, for replication in schools throughout the City.

North Carolina Update

September 2012

Until last year, there was a Statewide cap of 100 on the number of charter schools allowed in North Carolina. In early September, the State school board authorized 25 new charter schools for opening in the Fall of 2013, in addition to the eight charters which opened this year. This brings the Statewide charter total to 107. Five of the new charters will be in Mecklenburg County, adding to the 12 already operating there. The increasing number of charter schools in urban areas has caused districts like Mecklenburg, Durham, and Guilford Counties to make formal complaints about the amount of funds taken from traditional public schools.

The Charlotte-Mecklenburg school district is providing 420 teachers with new iPads this school year. As noted in [Urban Educator](#), funding for the project is provided by a district grant designed to help teachers improve instruction through the use of technology.

North Dakota Update

September 2012

The Associated Press reports that a committee of North Dakota education officials has voted in favor of applying for a waiver from the Federal No Child Left Behind (NCLB) law. The State Boards Association opposes the waiver because, as Kirsten Baesler, a candidate to replace the current State School Superintendent, Wayne Sanstead, maintains, “Although I’d like to see relief, I don’t believe (the waiver) provides the relief we want. It replaces one set of rules and negative implications with another set of rules and negative implications.” If the waiver is approved by the U.S. Department of Education, the State’s alternative standards will become effective with the 2013-14 school year.

Pennsylvania Update

September 2012

Front page headlines of the Philadelphia Inquirer proclaim, *Penna. voters give state schools a 'C.'* Although voters rate their State's local public schools slightly higher and 70 percent of those polled said they were optimistic urban schools can be improved, the overall consensus of school effectiveness is a C average rating. Regarding the alternative of supporting more charter schools, 54 percent of those polled have reservations that opening more charter schools will improve urban education and 56 percent are opposed to giving students in low-performing schools vouchers to attend private and parochial schools. Respondents from a similar survey of school satisfaction in New Jersey rated schools C or lower, blaming school administrators. Teachers and teachers' unions came next, followed by insufficient funding as courses for low satisfaction with schools.

South Carolina Update

September 2012

South Carolina's initial waiver request from provisions of the No Child Left Behind Act left pretty much intact the 20% set-aside for supplemental educational services (SES). After waiver negotiations with USED (which evidently were held concurrently on a separate issue relating to a \$30 million negotiated settlement for inadequate State maintenance of effort in state special education funding), the State plans the following:

- All of the Priority Schools will be required to set aside the 20% for SES; for the Focus Schools identified under the State waiver, the SES set-aside is optional at the district level.
- applications to the SEA were submitted during the summer by approximately 50 SES vendors; only ten providers were finally adopted and included on the state list from which districts in consultation with parents or parent groups can select SES providers for their district;
- LEAs are allowed to submit applications for approval by the State to conduct their own SES in Focus Schools or other Title I schools.

Despite the fact that South Carolina has declined to participate in early rounds of the Federal Race to the Top competition, many South Carolina school districts have submitted intent-to-apply forms for the RTTT-District competition for which applications are due by October 30. At least a few of the South Carolina districts planning to apply for RTTT-D funding represent consortia of rural districts who hope to improve their technology infrastructure. Although the State is not participating in the RTTT-D program directly, high State officials have the authority to review and comment on district applications, with a particular eye toward teacher evaluations and program sustainability.

Tennessee Update

September 2012

Education Week's *Charters & Choice* blog reports that the Tennessee Department of Education has fined the Nashville school district \$3.4 million for denying a charter school's application in violation of State law. The district repeatedly rejected the application by Arizona-based Great Hearts Academies to open a school in Nashville's west side on the grounds that the school did not ensure that it would serve a diverse student enrollment. The Great Hearts Academies school would have been an "open-enrollment" charter -- newly-allowed by State law -- whereas previous standards allowed only charters that served economically disadvantaged students or those in low-performing district-run schools. The State says the penalty will be withheld from "nonclassroom, administrative" funding and would not affect students. The district argued otherwise.

Texas Update

September 2012

Education Week's State EdWatch blog notes that Texas' new State Commissioner is Michael Williams, former U.S. Assistant Education Secretary for Civil Rights and unsuccessful Republican candidate for Congress this year. The new Superintendent's Deputy will be Lizzette Gonzalez Reynolds, currently Deputy Commissioner for Policy and Programs.

In a surprise to most Texas superintendents, the new Texas Education Commissioner has submitted a waiver request which he said "will increase the academic achievement of students by improving and aligning the quality of instruction with the state's college and career readiness standards." In a San Antonio Express-News article, "No Child Left Behind now dictates certain percentages of money that would be used for remediation or transportation and we think a lot of those decisions are best made locally," according to a State official. However, Michele McNeil in *Politics K-12* (September 6th) noted, "Texas is not applying for the formal waiver that the department has spelled out, but as is the Texas way, wants to create its own waiver proposal...(This is the route California wants to take, too)." A *TitleI-derland* blog (September 10th) comparing the Texas request to the one from California states, "But Texas is seeking a radically new type of waiver, one that is arguably well outside the department's authority. Specifically, it wants ED to waive the formula for allocating Title I funds to school districts within the state, as follows: Specifically, this waiver would allow [the Texas Education Agency] to allocate Title I, Part A funds to eligible [local education agencies] based upon the identified needs of economically disadvantaged, educationally disadvantaged, and English Language Learner students based on state-defined eligibility, distribution formula, and carryover limitations rather than the current federal regulations." Not only would this delegation of authority to the TEA overturn the intent of Title I passed in 1965, but, as the blog notes, ESEA Section 9401 Secretary's Waiver Authority does not allow a waiver to be provided regarding the "allocation or distribution of funds to States, local education agencies, or other recipients of funds under this Act." Calling the Texas waiver request "naked defiance of the law," veteran

reporter for *TitleI-derland* Chuck Edwards states, “I just don’t see it happening.” Even though official TEA statements imply it is the intent of the TEA to provide a full waiver, it may have to settle for a waiver to freeze AMOs, which would allow only districts identified for improvement under NCLB to be offered some continued flexibility in the use of the SES and professional development 20 and 10 percent set-asides.

Wisconsin Update

September 2012

The *School Law* blog on EducationWeek.org reports that a State judge has struck down a 2011 Wisconsin law that restricted the collective bargaining rights of public employees, including teachers. Filed by public employee unions in Madison and Milwaukee, the suit challenged the law backed by Governor Scott Walker. The Court found that the law's provisions burden the free speech and other rights of union members. The Governor decried the judge's action and said the State would appeal the ruling.

[Urban Educator](#) reports that the Milwaukee school district has implemented a new curriculum-based, grade-specific, hands-on learning initiative for students in grades 4-8. Known as *Learning Journeys*, the program connects real-world learning experiences to students' classroom activities. The district has also launched a series of new Summer Academies this Summer to provide students with a head start on their Fall coursework. The Summer Academies are aligned to the Common Core State Standards.