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MEMORANDUM

DATE: September 26, 2013
TO: TechMIS Subscribers
FROM: Charles Blaschke, Blair Curry, and Suzanne Thouvenelle
SUBJ: State Waiver Renewal Guidance; State K-12 Funding; Schoolwide Program Funding Flexibility Initiative; Title I Formula; and State Profile Updates

Included in this TechMIS issue are two Special Reports.

Our analysis of the new state waiver renewal application guidance has identified a number of areas which have direct implications for many TechMIS subscribers. Early next year, 35 states have to submit applications to receive two-year renewals of waivers which call for: (a) more rigorous interventions, especially in Priority/SIG Schools funded over the last three years; (b) holding LEAs accountable for school turnaround, suggesting opportunities for schoolwide solutions; (c) Title II funds to be used only for “evidence-based” professional development; and (d) increased emphasis on parent/stakeholder involvement and input which could provide immediate opportunities for certain firms as states prepare the waiver renewal applications. Applications and tools which can assist SEAs establish/maintain “quality control” over LEA implementation should also be in high demand over the next two years.

The other Special Report analyzes the most recent Center on Budget and Policy Priorities report entitled “Most States Funding Schools Less than Before the Recession,” which paints a dampening picture of the K-12 market. However, it omits several possible opportunities which could be created in niche markets such as Title I, as it does not take into account the changed purchasing cycles created by USED Title I waivers to allow districts to carry over more than the 15 percent limitation over the last two years and does not include most state categorical funding. Title I is very likely to remain a major niche market opportunity for most firms over the next year, if the “sequester” provisions are lifted/reduced.

The Washington Update includes:

- **Page 1**
A USED letter which updates its Initiative to Maximize Flexibility in the use of IDEA, Title I, and Title II and non-Federal funds in schoolwide programs could create opportunities (e.g., school climate improvement interventions) for TechMIS subscribers, especially when official guidance becomes available shortly.
- **Page 3**
Findings from CEP report on state Common Core assessment preparation suggests technological and funding challenges, in addition to Secretary's June 18th waiver extensions on teacher evaluation Deadlines, could delay the creation of some opportunities for TechMIS subscribers (e.g., remediation for 11th-12th grade students).
- **Page 5**
A new guide from the Chief State School Officers could result in greater uniformity across states in defining English language learners (ELLs) and "former" ELLs so they can/should exit English programs such as Title III English Language Acquisition.
- **Page 7**
A new NCES report provides some details on K-12 education expenditures for 2011 by states and the top 100 districts.
- **Page 8**
Schools in five states in the TIME Collaborative began implementing extended learning time (ELT) by adding 300 hours to the school year.
- **Page 9**
A new report finds the current Title I formula and funding patterns disproportionately favor rural school districts in low cost-of-living states which overturns "conventional wisdom" that the Title I formula, particularly the Incentive Component, favors large cities which could be a hot issue in ESEA reauthorization debates.
- **Page 10**
USED and HHS released the application for Race to the Top-Early Learning Challenge (RTT-ELC) grant 2013 competition with a small but important change in priority preferences from last year's competition.
- **Page 11**
A number of miscellaneous items are also addressed including:
 - a) USED final proposed rules to do away with the so-called 2% modified achievement alternative assessments taken by more than one million students with disabilities to increase the chances of becoming proficient under NCLB.

- b) More than 400 districts and other entities have submitted letters of intent to compete for a second round Race to the Top-District grants, which total about \$120 million.
- c) The National Center for Special Education Research has been awarded a five-year \$10 million grant to create the Accelerated Achievement Research Center (headed by Dr. Doug Fuchs, Vanderbilt University) which could have implications for firms positioning their products as facilitating RTI approaches.
- d) A new NCES report on parent and family involvement in education provides useful updated information on how schools currently involve parents which has become a higher priority within the Administration.
- e) The latest Center on Education Policy report on Common Core State Standards finds SEA officials in 35 of 40 reporting states said that working with higher education institutions in their state to transition to CCSS is a “major” or “minor” challenge; CCSS assessment tests which are used will affect placement/remediation decisions by most universities/colleges.

As this TechMIS issue was being finalized, two late developments occurred. As a follow-up to the June 18th USED policy letter guidance on “double-testing” and “teacher evaluation requirements,” USED released a document, last week, with lengthy complex details on waivers which states can request to reduce “double-testing” due to SEA’s participation in CCSS field tests this school year. However, many unanswered questions and confusion exist in many quarters along with significant potential “loopholes” which need clarification. Moreover, policy guidance on the inclusion of student achievement in teacher and principal evaluations and the one-year extension have yet to be published. We will be providing our analysis on this guidance once clarifications occur, perhaps in the forthcoming teacher/principal evaluation requirements extension guidance.

The proposed Continuing Resolution (CR) is currently being hotly debated as the House version attempts to defund Obamacare which the Senate will fight and the President would veto. While the “betting money” is on a compromise Continuing Resolution (CR) through October or December, if there is a Government shutdown, USED is reportedly updating its “shutdown plans.” The October advanced funding allocations of FY 2013 Title I and IDEA funding could be postponed for later. Moreover, many USED staff will not be available to conduct business and answer questions on waiver and other guidance. At the least, there would be a major “slowdown” which is what happened during the last Government shutdown in 1995-1996.

The state profile updates address a wide range of issues, including: state assessments, the Common Core State Standards, state waivers, online education, and the Next Generation Science Standards.

Special Report:
New Waiver Renewal Applications Have Direct Implications
for Many TechMIS Subscribers

A Technology Monitoring and Information Service (TechMIS)
Special Report

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As promised, USED has released ESEA flexibility guidance for the two-year renewal process for 35 states which received waivers before August 2012 to provide them the necessary time to meet requirements before their existing two-year waivers run out at the end of the 2013-14 school year. Those states not receiving waiver renewals would revert to the NCLB provisions, including sanctions, under which they previously operated before receiving the waivers. Eligible SEAs can submit their renewal request in three phases beginning January 2 through February 21, 2014. As noted by the *Politics K-12* blog on Education Week (August 29th), unlike last year's waiver approval process, "The renewal applications will be judged internally, and not turned over to outside peer reviewers, department officials said on a press call today."

The official guidance is in two parts: (a) "Guidance for Renewal Process for Windows 1 and 2 States"; and (b) "Renewal Form For Windows 1 and 2 States." While the first Guidance document is general, the Renewal Form describes in greater detail the new requirements, priorities, and emphasizes the development of which USED took into account a variety of groups ranging from civil rights advocates, Congress, SEAs, and districts. In the following sections, we identify important conditions, requirements, "encouragements," etc. in the Renewal Form (with appropriate references) which appear to have most significant implications for most TechMIS subscribers.

While the ten ESEA waiver flexibility areas and three optional areas in which states requested flexibility during Windows 1 and 2 (i.e., before August 2012) will remain essentially the same, the detailed requirements and conditions for approval are in the 17 "assurances" (pages 4-5), and in the subsequent pages of the Renewal Form. One important consideration affects the overall renewal process and, explains to some extent, the much greater emphasis on implementation procedures throughout the guidance. As stated early on by USED, "After only a year and a half of implementation, it is too early to use student outcomes in making renewal decisions, however, the department anticipates that any the future extension of these waivers will be outcomes-driven, based primarily on whether or not [a state] has improved student achievement and made

progress towards closing achievement gaps.” This implies that approvals of other remaining waiver states might take into account student outcomes or possibly future “interim guidance,” which is very likely to be added to this set of guidance in much the same way that USED continued to provide interim guidance during implementation of School Improvement Grants and the current NCLB State Waiver guidance, as we have noted in our TechMIS reports and updates.

Clearly, the new guidance calls for more rigorous interventions and supports for Priority and Focus Schools, particularly those SIG schools in which full implementation has occurred but which do not appear to be meeting exit criteria after three years. However, what constitutes rigorous interventions and supports in the guidance is unclear. The integration of School Improvement Grant requirements with waiver requirements is one such area. Under Requirement 5, the guidance states, “The SEA requests this waiver so that an LEA may implement interventions consistent with the turnaround principles or interventions that are based on the needs of the students in the school and designed to enhance the entire educational program in a school in any of its priority or focus schools that meet the definitions of priority school’s or focus school’s, respectively, set forth in the document entitled *ESEA Flexibility*, as appropriate, even if those schools do not have a poverty percentage of 40 percent or more.” If an LEA designates a Priority or Focus School as a Title I schoolwide program, which this waiver would allow, then the Priority or Focus School has much greater flexibility in use of Title I funds which can include upgrading an entire curriculum or improving school climate based on a needs assessment which must be integrated into a schoolwide program plan. Pages 7-8 of the Renewal Form says SEAs must develop a high-quality plan for implementing interventions which align with turnaround principles for Priority Schools in 2014-16 and must explain how the SEA “will increase the rigor of interventions and supports in those previously identified priority schools that have not yet met the SEA’s exit criteria after three years of implementing interventions aligned with turnaround principles.” But the use of exit criteria has to be associated with student achievement outcomes. Given these uncertainties, the most likely scenario is that SEAs will be allowed to design, develop, or otherwise approve (most likely with LEAs) “rigorous interventions and supports” in Priority Schools. Perhaps greater flexibility will be allowed in Focus Schools. Moreover, in “other Title I schools” to ensure continuous improvement, the SEA has to describe a “clear and rigorous process for providing interventions and supports to low-achieving students when one or more subgroups miss AMOs or graduation rate targets over a number of years.” Here the “process” must be rigorous.

To place a higher priority on turning around lowest-performing schools, the Renewal guidance requires states to develop a plan for holding districts accountable for turning around their Priority and Focus Schools. Under SIG guidance, initially SIG funds were to be allocated to and used only in individual Tier I and Tier II schools and not by districts for district-wide reform components, with the exception of dropout “early warning systems.” Over time this has changed, and now one can assume that if districts are to be held accountable, then such Title I funds will likely be able to be used for certain types of districtwide reforms which are critical to turning around or otherwise enable low-performing Priority and Focus Schools to meet exit criteria. While making LEAs accountable and able to use Title I funds would certainly open up

the possibility for larger districtwide sales opportunities of appropriate solutions, it is also important to note that a greater emphasis in the guidance is placed on requiring states and districts to identify Priority Schools, much earlier than now and to make the names of such schools public, and to describe further the process used for identifying Priority and Focus Schools. The heavier emphasis on this requirement should assist many TechMIS subscribers in deciding what districts and schools to target.

The waiver Renewal guidance requires states to use Title IIA Teacher Quality funds based on findings of the local needs assessment of student data, observations, and other information sources; however, if Title IA funds are to be used for professional development, such professional development must be “evidence-based” and “intended to have a substantial, measurable, and positive impact on educators’ subject-matter knowledge and instructional practices and student academic achievement, including for students with disabilities, English learners, and low-achieving students.” While the definition of evidence-based is not clear, one can assume that the new EDGAR regulations, which model the different levels of “evidence based” in the i³ program, would likely be used (see August TechMIS Special Report). In addition, an LEA must ensure that teachers and principals have “collaborated in preparing the local professional development plan and that their ongoing input and feedback are used to monitor and improve that plan.”

In a related area, the guidance requires the SEA to demonstrate it is “on track for full implementation of its teacher and principal evaluation systems in 2014-15.” The process of collecting and incorporating data on growth measures for tested and non-tested grades and subjects must be included, as well as a detailed timeline of the SEA’s plan for implementation of teacher and principal evaluation and support systems. The SEA must also describe the process for how it and its districts will transition to using teacher effectiveness data to ensure that poor and minority students are not taught, at higher rates than other children, by ineffective teachers. As Stephen Sawchuk, *Teacher Beat* blogger for Education Week noted, states have to make sure “at-risk students have access to the best teachers” and that the deadline of October 2015 must be met here.

The Renewal Form guidance spells out, in detail and through the use of examples, the process an LEA must use to “meaningfully engage and solicit input from diverse stakeholders and communities on its request for renewal of ESEA flexibility.” The SEA in its renewal request must have documented input from LEAs, teachers, administrators, student parents, community-based organizations, civil rights organizations, and advocacy groups representing students with disabilities and English language learners, along with business organizations, and Indian tribes. Types of evidence could include:

- copies of parent-friendly information regarding renewal submission, including accessible formats and translation as necessary;
- documentation of feedback from stakeholders;
- a list of all stakeholders and how they were engaged in the renewal submission process; and

- changes noted as a result of stakeholder input and feedback.

The SEA is also required to provide a detailed description of the implementation of a “comprehensive delivery system” to ensure all LEAs are fully implementing the standards and other procedures being proposed. Such quality control measures over implementation could include school quality reviews, oversight procedures, audits of school capacity and growth, curriculum audits, evidence of increasing capacity for assessing educator need to drive delivery of professional development, and processes for gathering feedback for continuous improvement. Opportunities in these areas range from quick turnaround and focused surveys to the use of districtwide portals for monitoring/reporting, and tools and applications.

As the Center on Education Policy and other surveys have found, one of the most challenging areas for districts with and without state waivers to implement will be Common Core assessments. Upfront, the waiver Renewal Form requires SEAs to assure that it will adopt English language proficiency (ELP) standards corresponding to state college- and career-readiness standards no later than the 2013-14 school year, and that it will provide an updated narrative description of the SEA’s status in adopting English language proficiency standards by the end of 2013-14 school year. And, in perhaps the most challenging area of having the technology capacity to implement, particularly online, Common Core assessments, each SEA “must describe a process for ensuring that each of its LEAs is able to implement college- and career-ready assessments for all students in 2014-15 school year, including an assessment of infrastructure needs and a plan for addressing those needs.” As CEP’s most recent survey found, because of budget considerations, funds allocated for technology and related support for online assessments have already been reduced in a number of states (see August TechMIS Special Report). While the CEP study found more SEAs reported having the expertise in this area, a larger number reported not having the financial and other capacity to meet the assessment requirements.

As noted earlier, the guidance states that student achievement and other outcomes will not be considered at least initially for renewal is ironic in that all previous USED flexibility guidance (e.g., Ed Flex) and proposals by Republican leaders such as Senator Lamar Alexander have called for greater flexibility in how to do the job with less regulations, paperwork, and guidance while holding states accountable for results. Andy Smarick, former policy analyst at USED and Deputy Commissioner in New Jersey, reportedly questioned how USED will determine whether each state’s implementation is faithful and strong enough to warrant renewal. In the *Politics K-12* blog on Education Week (September 10th), he posed the following dilemma: “The department now finds itself in a very tricky situation: hold states feet to the fire on rigorous implementation and run the risk of being seen as heavy-handed [or] allow states to slide by and raise the ire of those who say meaningful accountability has been gutted.” Rigorous enforcement of implementation processes and assurances which SEAs must promise for renewals may also raise the ire of House Republican leadership who at least would like to reduce the Secretary’s waiver authority and remove most current state waiver provisions. Anne Hyslop of *Ed Money Watch*, New America Foundation, argues that the monitoring and enforcement plans described by USED thus far are “anemic.” Although they are at least symbolic, the two official monitoring cycles to

be completed by the end of the year don't cover all components of state flexibility plans. Moreover, "And while the Department is gathering data to analyze how states selected schools for improvement under flexibility (and will ask states to respond in their renewals), the data may not be made public, at least initially. The renewals will not face a peer review either." And, as Hyslop is quoted in *Politics K-12*, "I think at the end of the day we are going to see every state get a waiver renewal," arguing that it is easier for USED to effect change by working with states than by revoking their waivers.

Special Report:
**While the Most Recent Center on Budget and Policy Priorities (CBPP)
Report on State K-12 Funding Paints a Dampening Picture on the K-12
Market, It Omits Several Possible Opportunities Which Could be
Created in Niche Markets Such as Title I**

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

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September 26, 2013

Even though state revenue and education spending increases have been highlighted in the general media, the CBPP (September 12th) report, entitled “Most States Funding Schools Less Than Before the Recession,” portrays a sobering picture of K-12 state funding over the next year. However, the analysis does not provide a complete picture and most likely omits some opportunities which could be created for firms targeting niche markets such as Title I. While the analysis accurately reports annual Federal funding fiscal year allocations for programs such as Title I and IDEA special education, the analysis does not address the timing of district expenditures of Federal funds which have been affected by sequestration fears and USED’s waivers to extend Title I carryover limitation over the last two years. Moreover, the analysis does not include state funding for categorical programs (e.g., “comp ed”) in most states which, in about half the states, are separate from the general state aid formula, which is used in the CBPP analysis.

The numbers and trends on K-12 state formula aid funding are indeed sobering and a reality check on overly optimistic or politically-inspired claims that state revenues and K-12 funding have bounced back fast from the 2007-09 recession. The CBPP review of state budget documents found:

- “At least 34 states are providing less funding per student for the 2013-14 school year than they did before the recession hit.” Moreover, the budget review found that per-pupil funding in 13 states was cut by more than ten percent and, in two states (Alabama and Oklahoma), the per-pupil reduction since 2008 in general K-12 state education funds was 20 percent or more. It is important to note the CBPP caution: “These figures, like all the comparisons in this paper, are in inflation-adjusted dollars and focus on the primary form of state aid to local schools.” Described later, so-called categorical aid programs, including state compensatory education, were not taken into account, except in Maryland.

- “At least 15 states are providing less funding per-pupil to local school districts in the new school year than they provided a year ago. This is despite the fact that most states are experiencing moderate increases in tax revenues.” The report also notes that other states which have increased per-pupil spending this year over last year still remain far below pre-recession 2007-09 levels (e.g., New Mexico’s \$72 per-pupil increase did not offset the state’s \$946 cut for the previous four years).
- The CBPP report also identifies states based on budget reviews where the per-pupil expenditures in 2013-14, as adjusted, met or exceeded the levels in 2008. States with percentage per-pupil expenditure increases over 2008 for the 2013-14 school year include: Minnesota (.3%), Delaware (.8%), Nebraska (.9%), Tennessee (1.3%), Nevada (1.5%), New Hampshire (1.6%), Rhode Island (2.3%), Alaska (4.8%), Massachusetts (6.0%), Maryland (6.1%), Wyoming (7.2%), Connecticut (7.5%), and Iowa (11.2%), North Dakota (27.2%).

CBPP also addresses why the above situations in the 35 states have occurred.

- State revenues have remained below pre-recession levels, although state tax revenues grew 8.9 percent in the 12-month period ending March 2013. However, even at this growth rate, they remained on the average 2.8 percent below the 2008 level after adjusting for inflation.
- Between FY 2008 and FY 2012, states closed 45 percent of their budget gaps through spending cuts and only 16 percent of their budget gaps through taxes and fees. CBPP notes, “...they closed the remainder of their shortfalls with federal aid, reserves, and other measures.”
- State revenue raising ways and local revenue raising means, especially through property taxes, due to precipitous declines in property values since the recession, have been reduced. As the report notes, “property tax collections were 2.1 percent lower in the 12-month period ending in March 2013 than in the previous 12 months, after adjusting for inflation.”
- While re-emphasizing that Federal emergency fiscal ARRA relief to states has fallen, the report states, “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...For example, since 2010 [which included about \$5 billion in ARRA funds], federal spending for Title I -- the major federal assistance program for high-poverty schools -- is down 12 percent after adjusting for inflation, and federal spending on disabled education is down 11 percent. These cuts include automatic, across-the-board cuts known as ‘sequestration’...”

Some of the reasons for individual state funding increases over the 2008 levels include:

- a delay of payments in Minnesota which caused a spike in FY 2013 and then a decrease in FY 2014; after adjustments for the funding delay, the estimated increase over the two years was more than \$300 million.
- Maryland’s funding includes state comp ed funding, formula programs for specific populations, and LEP proficiency programs.

- A footnote acknowledged that California was not included because of a quirk in how the state education funding formula handles revenue increases which occurred rapidly between the 2011-12 and 2012-13 school years, but then fell modestly between 2013 and 2014; CBPP notes, “In practice, schools in California have experienced a significant improvement in their finances in the last year, largely because of the ballot measure’s [Proposition 98] enactment.”

The CBPP analysis of state aid formula funding levels and Federal program allocations are generally correct in what is reported. However, what is not included in their analyses suggests that the impact of Federal expenditures (and perhaps some state categorical expenditures) overstate the impact on niche markets, particularly Title I. As we have reported, at the last moment over the last two fiscal years USED has provided waivers to states allowing districts to carry over more than the 15 percent ESEA Title I carryover limitation every three years. Two years ago, the rationale for allowing districts to carry over up to 25 percent was unspent Title I ARRA and regular funds totaled \$2.5 to \$3 billion. Last summer, USED allowed states to allow districts to carry over, without any cap, unspent Title I funds withheld by districts in reserve mostly due to uncertainties about the impact of sequestration. Our attempts to obtain data on how much states had been allocated for last school year, but remained unspent/unobligated through May, ran up against a “brick wall” for political and other reasons, stated in previous TechMIS reports. We estimate that the amount of last year’s unspent Title I funds plus unspent funds previously allocated but carried over was in the neighborhood of \$4.5 billion through June. We also reported that some SEAs allowed districts to extend the decision as to whether to spend or carry over such funds from June 30th (the State fiscal year in more than 40 states) to September 30th.

Beginning in January, we reported the possibility of an extended purchasing cycle for end-of-year spending created by sequestration uncertainties. The cycle, which typically runs from April through June, would continue through September 30th. Our conversations with TechMIS subscribers whose products are, for the most part, purchased by Title I and other Federal niche market funds, suggests that in about two-thirds of the cases such firms’ sales in June, July, and August have been significantly higher than in the past. We attribute this to sequestration uncertainty being removed in the late Spring, and, as we reported on May 22nd, even after sequestration, more than 600 districts received significant increases in Title I allocations for this school year. In addition to increased Title I spending this summer, we anticipate many districts will have carried over more Title I funds to this school year than the levels needed to “soften the blow” of sequestration. As a result, Title I sales in October-November, and then beginning in March through June next year, should be higher than the same timeframe last year. This is based on the assumption that the Continuing Resolution now being debated and/or an FY 2014 budget will repeal the sequester for FY 2014 or at least the impact on Title I funding is minimized (e.g., if the Pell grants expected surplus would be subject to the USED sequester, this could more than make up for the entire USED \$4 billion sequester cut). If, on the other hand, the sequester effects are not removed from USED, then we could have a repeat performance of last year.

The other area of omission was CBPP’s use of only the general K-12 education aid state formula

and not inclusion generally of categorical programs, such as state compensatory education, which, in the past, have been significant. For example, a report prepared by Kevin Carey, now at the New America Foundation, found that in 2000-2001 school year, the amount of state K-12 funding in Massachusetts per poor student was slightly over \$5,100 annually; this compared to Federally-funded Title I allocations in the State of about \$750.

As a result of our discussions with several education funding experts, a letter was sent to CBPP inquiring whether the study included state categorical programs for K-12 funding, or only state general funds and whether CBPP took into account fiscal carryover expenditures by states, including the allowance by the Federal government for states to carry over 15 percent in Title I Part A funds. CBPP responded, “In terms of Title I funds, we think it unlikely they could come to the rescue in any major way, since funding for Title I is down 12 percent since 2010 after adjusting for inflation, and funding for other federal aid programs also is down substantially.” It is clear that the analysis took into account only Federal allocations and not expenditures and when they occurred as a result of the more than 15 percent carryover limitation allowed under waivers. Regarding categorical programs, the response was that CBPP found that Census data which they relied on indicated that “states cut categorical funding more deeply than they cut basic formula aid in the years after the recession hit.” As we have reported, in some states, categorical programs, such as State Comp Ed and set-asides for remediation for students failing state exit and other exams, have been cut. Unlike the Carey study conducted over a decade ago, we have found no similar compilation of recent state categorical program levels.

After communicating with a number of education finance and budget experts and in conversations with knowledgeable officials at the states, we have found the following:

- In California, while the number of State categorical programs have been cut from more than 70 to around 30, the new \$1.25 billion State funding effort to help districts implement Common Core Standards over two years includes some set-asides for limited English proficient and other at-risk students, but is part of the formula.
- In Texas, budget documents over the last two years indicate that categorical programs for at-risk populations have declined from slightly more than \$1.8 billion two years ago to slightly less than \$1.6 billion last year, although certain other categorical programs which can be used by districts to purchase instructional materials, including software and technology, often purchased for use with at-risk student populations, has increased.
- In Florida, categorical funding for supplemental academic instruction and reading has increased from \$766 million to \$769 million over the last year.

In conclusion, the CBPP report is a reality check to firms whose officials believe that state funding has “bounced back across the board.” And, while the numbers on Federal funding allocations for Title I are correct, the inference is somewhat misleading by not taking into account spending patterns created by USED waivers and sequestration anxieties. Title I and IDEA special education funding will likely still pay for most of the district purchases of products and services for at-risk populations during the FY 2013-14 school year.

Washington Update

Vol. 18, No. 9, September 26, 2013

USED Updates Initiative to Maximize Flexibility in the Use of IDEA, Title I, Title II, and Non-Federal Funds in Schoolwide Programs Which Could Create Opportunities for Many TechMIS Subscribers

In a letter dated September 13, Monique Chism, Director of USED Student Achievement and School Accountability Program (which directs the Title I program), sent a letter and guidance document to states on how to maximize flexibility in the use of IDEA, Title I, Title II, and non-Federal funds in schoolwide programs. As stated, “Its purpose is to identify, at a high level, examples of how IDEA, Title I and Title II funds may be used by SEAs and LEAs to support key areas of reform (College- and Career-Ready Standards and Assessments; State-Developed Differentiated Recognition, Accountability, and Support; Effective Instruction and Leadership; and Positive School Climate), with particular emphasis on schoolwide programs.” This updated version of a similar document presented to state superintendents during the March 15, 2013 Annual CCSSO Legislative Conference by Assistant Secretary Deb Delisle (see April 15 TechMIS Special Report) includes some significant changes reflecting increased priorities which were also discussed at the National State Title I Directors Conference in Washington at the end of July. The guidance document, according to observers attending the July conference, paves a way for more detailed regulations on schoolwide programs flexibilities expected shortly. Some of the

most important changes and increased priorities/emphases are highlighted below with implications.

In addition to the three areas of reform which schoolwide programs can facilitate previously discussed on March 15th (i.e., college- and career-ready standards assessments, differentiated recognition accountability and support, effective instruction and leadership), the fourth area of reform is “positive school climate” which apparently includes the previous fourth area of reform, “turning around low-performing schools.” This higher priority placed on improving school climate as a reform initiative states that SEAs may “use state-level activity funds for a statewide initiative to assist LEAs in providing positive behavioral supports for students with disabilities.” IDEA funds can be used for this purpose by SEAs. LEAs may “permit a schoolwide program to implement activities to improve school climate provided that climate-focused interventions are part of the schoolwide plan.” Here, Title I funds may be used as stated during the March 15th meeting. Moreover, a schoolwide plan must be based on a “comprehensive needs assessment.” In addition, LEAs may use IDEA/15 percent CEIS set-aside to “implement behavioral evaluations and interventions for non-identified students who need additional academic and behavioral support.” The guidance document also states that Federal funds must support activities that are “necessary and reasonable to accomplish the Federal program’s purpose.” In addition to singling

out “school climate improvement” as a higher priority, USED recently appointed Libia Gil, former Vice President for Practice for the Collaborative for Academic, Social, and Emotional Learning (CASEL), as Assistant Deputy Secretary and Director of the Office of English Language Acquisition. The Collaborative is a leading policy and R&D group advocating school climate improvement. (See May 30 TechMIS Washington Update)

During the March 15th meeting, USED officials said Title II funds could only be used in limited ways to support implementation of Common Core Standards and particularly assessments, which concerned virtually all attending state chiefs and SEA staff. The updated guidance states that SEAs may use State Assessment Funds and Title II to “provide professional development to implement CCR standards and assessments”; and, to “provide professional development to support all teachers and leaders in learning core content and new instructional strategies to implement CCR standards.” LEAs may use Title II funds to “provide professional development to support all teachers and leaders in learning core content and new instructional strategies to implement CCR standards using Title II funds. However, the document also states that Title II funds may not be used to:

- “develop curriculum associated with implementing CCR standards;
- provide subject-specific professional development in non-core areas;
- purchase evaluation system related data systems to manage linking student and teacher data;
- purchasing equipment such as iPads for school and district administrators

to use in evaluating teachers unless solely used for that purpose.”

Such uses will continue to raise “red flags” in Congress, such as a recent proposal by Senator Chuck Grassley (R-IA) to prevent Title II funds from being used to train teachers to implement Common Core assessments. It remains unclear as to whether such provisions apply to the use of Title II funds generally, or only to those uses of Title II in schoolwide programs.

The updated guidance re-emphasizes that schoolwide programs are to be a major vehicle in turning around low-performing schools by consolidating Federal and other funds. The document encourages “a schoolwide school, if funds are not consolidated, to use Title I funds on comprehensive reforms designed to improve the overall school, consistent with its needs as identified in the schoolwide plan, rather than just on specific services for individual low-achieving students (e.g., pullout programs).” This is a high priority often stated by Assistant Secretary Deb Delisle who is responsible for Title I, School Improvement Grants, and most of the other major education funding with the exception of IDEA. The updated guidance also called for a greater focus of funds where the needs are greatest by reserving Title I funds for low-performing schools, and, after allocating Title I funds to schools above 75 percent poverty deciding whether to allocate funds to elementary, middle, or high schools. Clearly, the intent is to force districts to allocate more funds to lowest-performing schools, including Priority and Focus Schools and to SIG-funded Tier I and/or Tier II schools. With more and more Title I funds being allocated or reallocated to such Priority, Focus, and Tier I-Tier II

schools, the opportunities for firms with interventions, formative assessments, professional development, and directly-related products/services offered the greatest opportunities. Evidently, the amount of remaining Title I funds in a district after allocating or reallocating funds to Priority, Focus, Tier I-Tier II schools would be significantly less in other Title I schools. (See TechMIS Special Report on Waiver Renewal Guidance)

In addition to more funding allocated to such Priority, Focus, Tier I-Tier II schools, which are designated as schoolwide programs, the guidance reminds states that “Federal funds must supplement and not supplant non-Federal funds. Supplement-not-supplant applies differently in different programs; within Title I it applies differently in a schoolwide versus a target assistance school.” Observers at the July State Title I Directors report that additional guidance in much greater detail along the lines of the “new supplemental test” (described in the last Washington Update report by Mass Insight) will be included in to-be-published detailed schoolwide guidance.

This updated guidance reiterates the major implication that firms should target lowest-performing schools which are designated as schoolwide programs as more and more Title I and other Federal funds will be allocated to them with much greater flexibility in how such funds may be used. While the document in the September 13th letter does not have the effect of the law yet, it is designed to further “encourage” recalcitrant SEA Title I offices to remove some of the more restrictive current state policies which limit greater flexibility provided under Federal regulations.

Findings From CEP Report on State Common Core Assessment Preparation Suggests Technological and Funding Challenges, in Addition to Secretary's Waiver Extensions on Teacher Evaluation Deadlines, Could Delay the Creation of Some Opportunities for TechMIS Subscribers

In its fourth report on CCSS assessment implementation (based on its survey of high-level state officials between February and May), the Center on Education Policy (CEP) findings suggest that some of the potential opportunities for TechMIS subscribers could be delayed because of the June so-called “waiver-on-waiver” extension, CCSS assessment funding, and technology challenges, such as the market for remediation programs at the secondary level noted in our June TechMIS Washington Update.

CEP found that a majority (27) of the states surveyed (40) have already taken steps to start assessing students’ mastery of the Common Core, or will do so before 2014-15 when consortia-developed assessments should be ready. About half of the surveyed states are providing support and professional development to teachers on interpreting results of diagnostic assessments developed by the consortia. CEP notes that in some of these early-implementing states such as Kentucky and New York, significant drops in students’ scores on CCSS mastery tests have contributed to CCSS assessment controversies/opposition. CEP reports that, as a result, 37 states are planning public relations efforts to explain how the CCSS-aligned assessments differ from current state tests and 33 states are implementing initiatives to explain why the scores or pass

rates are different from current state tests. As we reported in our June TechMIS Washington Update, during the last SIIA government forum, Michael Cohen, President of Achieve Incorporated, leading advocate group among the CCSS consortia movement, said that the implementation of the Common Core Assessments in 2014 or earlier at the eleventh-grade level would create, overnight, an increased demand for student support and remedial assistance to ensure that students failing the new more difficult assessments could pass graduation exams which meet the college- and career-readiness proficiency levels. Accordingly, as CEP's survey found, just under half of the survey states "have started working with districts and schools to plan both extra assistance for students who may need help passing CCSS-aligned exams *and* remediation for students who fail the tests. A few states are working with schools and districts to plan only extra assistance before the test (two states) or remediation after failing the test (one state), but not both. Nine states are not currently planning for either of these student supports...Six states did not know whether this is occurring."

However, in June, the Secretary announced the availability of the so-called waiver-on-waivers for states receiving approved waivers before August 2012. These 35 states could request flexibility under the waiver to extend by one year to 2016 the teacher evaluation requirement of including student test scores which could affect personnel consequences (e.g., firing, etc.). Under the waiver, the states could also decide to use their own state assessment or the field test assessment of the Smarter Balanced consortium in 2013 and 2014 to reduce "double testing." In any event, whatever test used would not count toward

accountability sanctions even though the results could be reported to the public. (New guidance on September 17th makes some changes as described in a related item.)

The CEP report addressed the "suspension of consequences" issue in their survey prior to the announcement of the flexibility waiver in June. In the CEP survey (February-May), 22 states reported that they were not suspending consequences based on student test performance for the purpose of determining high school diploma decisions and 19 said they were not doing so regarding school accountability decisions (including sanctions). About the same numbers said they would not be temporarily suspending consequences based on teacher and principal evaluation systems using student performance test scores. And as CEP notes, about a quarter of the survey states indicated it was "too soon to tell" whether the temporary suspension any of the consequences would occur. When Secretary Duncan announced the June waiver-on-waiver state flexibilities, he acknowledged that a number of states would not likely request waivers regarding inclusion of student test scores in teacher evaluations, including Delaware, Florida, Rhode Island, Louisiana, Indiana, Washington, Tennessee, Connecticut, District of Columbia, and Georgia. CEP found that only eight states reported, before the waiver-on-waiver announcement, that they were considering temporarily suspending at least one of the CEP-listed test-based consequences which included decisions relating to school accountability, diplomas, teacher and principal evaluations. If one adds these states to the 9-13 states that said it was "too soon to tell" in this school year, the total appears to be closely aligned with the

reported count of 19 states that have requested the waiver-on-waiver which had been approved. The final count could be more than 19 before the September 30th request deadline.

The bottom line is that, in those states which said they considered temporary suspension of consequences in the CEP survey, as well as in those additional ones receiving waiver flexibility, the pressures to implement remediation or extra student support activities in 2014-15 could be reduced and the creation of a high school remediation program may be delayed.

The CEP survey also asked whether states are considering the use of CCSS-aligned assessments not developed by Smarter Balanced or PARCC consortia. States, which are members of the consortia, and those that are not were asked to respond. CEP found that 17 of the surveyed states said they “were considering” the option of using a non-consortia, CCSS-aligned assessment option, while 20 states reported they did not intend to do so. Two state respondents did not know whether their state was considering other assessments. For those 17 states considering non-consortia assessments (three states were not members of either of the two consortia), six said they would consider optional assessments and select one that is cost-effective and works with their state policies, while five reported they would use other assessments in addition to the consortia assessments. One state said it would use other assessments instead of the assessment developed by the consortium to which it belonged, while two states reported “other” -- one of these would use non-consortia alternative aligned with CCSS for end-of-course exams, while the other state had not decided on which assessment to use.

Technology capacity shortcomings among districts to implement the online assessments remain substantial. About 30 of the states continue to report that no adequate Internet access and bandwidth, along with insufficient numbers of computers in schools with adequate processing speed and screening characteristics, and the availability of district and school level tech support during assessments remain major or minor challenges. Because of budget problems, six states reported having to reduce acquisition of computers, software, and other technology materials needed to administer assessments or create and maintain the technology infrastructure to administer assessments.

New Guide Could Result in Greater Uniformity Across States in Defining English Language Learners

A new guide recommends a four-stage framework and a process of using key criteria in defining and categorizing English learners. The four stages include:

- identifying a student as a potential English learner;
- classifying either to confirm or disconfirm a student as an English learner;
- establishing an English language proficient performance standard on the new Common Core State assessment against which to assess English language proficiency; and
- reclassifying a student to “former” English learner status through the use of multiple exit criteria which is designed to help states (and the two Common Core consortia) in their review of existing practices to align

instruments, policies, and practices and in order to ensure greater uniformity across states.

The document is published with recommendations by the Council of Chief State School Officers (CCSSO). According to the *Learning the Language* blog on Education Week (August 30th), it “would open current practice, which for decades has had states and local school districts using very different approaches to identifying ELLs and reclassifying them as fluent. It would also lead, experts say, to much more comparability among states and districts for how well they are serving this growing population of students.” If the recommendations result in more uniformity across states, some of the issues related to instructional procedures and regulations regarding the use of multiple Federal funding, such as Title III English Language Acquisition and Title I funds, to provide services to individual students might be resolved.

The report also summarizes several the key issues. For example, once a home language survey identifies a pool of potential English language learners, the next step is to identify if a student should be classified as English language learner and, if so, determine the student’s current level. Citing a National Research Council report (2011), the CCSSO identifies 27 states that use a screener/placement test for English language classification; 17 states allow school districts to select language proficiency assessment used for initial classification; four states use their current ELP test for initial proficiency screening; while two states allow districts to choose between the state ELP test and a screener. As the report notes, “This variability makes cross-state

comparisons difficult when the classification tool differs on the methods of applying the same classification tool vary.” Recommendations are offered for establishing comparability and classification across states in the two ELP assessment consortia (i.e., West Ed and WIDA), as well as those states not participating in either of the two ELP assessment consortia.

The third issue addressed is establishing what “English proficient” means. Federal law requires states to annually assess English language learners in four areas -- reading, writing, listening, and speaking -- and requires states to monitor student progress in obtaining English language proficiency in these domains and in comprehension.” The report suggests several steps which could lead to the creation of a common performance level definition of English proficiency.

Perhaps the area in which uniformity is most sorely needed is that of reclassifying English language learners in order for them to exit from EL to “former EL” status. This redesignation is significant because it signals that an EL student no longer needs specialized services and support services they are entitled to receive under civil rights laws. Under Federal law, once a student has exited from EL status, local educators are expected to describe the former EL student’s annual academic progress for a two-year monitoring period. In addition, performance of former EL students can now be counted under Title I AYP progress calculations as a subgroup during the two-year monitoring period, after which they are no longer classified as part of the subgroup. As the report notes, 12 states use an ELP assessment only, while two states use only district established criteria; 34 states use

multiple criteria; 11 states consider the ELP test before and use one other criteria, while 23 states use the ELP test and two of the five additional criteria.

The *Learning the Language* blog quotes Robert Linquanti, co-author of the report and head of one of the two ELP consortia, “The key recommendation is that states and districts develop criteria that rely on students’ linguistic abilities and not require a minimum level of performance on an academic content test which is what several states do now.”

The discussion of issues and specific recommendations to ensure greater uniformity in the four phases reflects a researcher’s perspective on the issues and does not address some of the more practical issues of addressing the problem created by different “supplement-not-supplant” provisions affecting ELLs who participate in both Title I and Title III funded activities. This is an area of omission which could be critical to the successful implementation of Common Core assessments through the use of instruments from the two large consortia and additional instruments/activities provided by the two English language consortia, also separately funded by USED.

New National Center for Education Statistics Report Includes K-12 Education FY2011 Expenditures for Public School Districts

The National Center for Education Statistics (NCES) has released its latest report on “Revenues and Expenditures for Public Elementary and Secondary School Districts: School Year 2010-11 (Fiscal Year 2011).”

Below, we highlight some of the important items presented in the NCES report:

- In 2010-11, total revenues for public school districts in the U.S. were \$607 billion. These revenues come from local governments (\$265 billion/44 percent), state governments (\$268 billion/44 percent), and the Federal government (\$75 billion/12 percent).
- Total per-pupil current revenues were \$12,054 in 2010-11, a .1 percent decrease from the year before.
- In 2010-11, school districts reported current expenditures * for all educational functions of \$521 billion. These include instruction and instruction-related expenditures (\$341 billion/66 percent), support services (\$158 billion/30 percent) and all other functions (\$21 billion/4 percent).
- Current per-pupil expenditures for regular public school districts were \$10,326 which included salaries (\$6,237), employee benefits (\$2,256), and other expenditures (\$1,833). Specifically, within “Instruction and instructional related” expenditures, the same categories include salaries (4,533), employee benefits (\$1,608), and other expenditures (\$665). The other category includes a range of expenditures including instructional materials, purchased services, etc.
- Median per-pupil current expenditures for independent charter school districts were at least ten percent lower than for regular districts in ten of the 22 reporting states, but higher in only two states.

- During the 2010-11 school year, local public school districts received a total of \$75 billion in Federal funding, a decrease of 2.4 percent from the year before.

The NCES report also shows current average per-pupil expenditures for each of the states and for the 100 largest school districts.

The states with the highest per-pupil spending in 2010-11 were: Alaska (\$25,132), District of Columbia (\$18,475), New York (\$18,133), Wyoming (\$16,744), and Connecticut (\$15,056). Most states saw a decrease in median, inflation-adjusted, current expenditures per-pupil from 2009-10 to 2010-11, with largest declines occurring in New Jersey (7.4 percent decrease), New Mexico (5.7 percent), South Dakota (5.5 percent), Virginia (4.9 percent), Colorado (4.5 percent), and Indiana (4.5 percent). States with sizeable increases were New Hampshire (15.5 percent increase), Utah (3.5 percent), and Wisconsin (2.5 percent).

The states with the largest non-staff instruction and instruction-related, per-pupil current expenditures in 2010-11 were: District of Columbia (\$2,185), Alaska (\$1,540), Nebraska (\$1,240), New York (\$1,235), Florida (\$1,170), Wyoming (\$1,120), Kentucky (\$1,086), Hawaii (\$1,016), and Montana (\$1,009).

The largest 100 public school districts with the highest current per-pupil expenditures in 2010-11 were: New York City (\$19,770); Boston (\$19,181); Baltimore City (\$15,483); Montgomery County, Maryland (\$15,421); and Howard County, Maryland (\$15,139). The lowest per-pupil expenditures were Alpine, Utah (\$5,361); Davis County, Utah

(\$5,901); Cypress-Fairbanks, Texas (\$7,272); Greenville, South Carolina (\$7,515); and Mesa, Arizona (\$7,530).

As noted above, Federal funds to local education agencies totaled \$75 billion (which included some ARRA stimulus funds) in 2010-11. The largest Federal programs contributing to this total were: Title I (\$17 billion); special education (\$14 billion); and child nutrition (\$12 billion).

The full NCES report with extensive data tables is available at: <http://nces.ed.gov/pubs2013/2013344.pdf>

* Current expenditures include instruction and instruction-support services; they exclude capital outlays, interest in long-term debt, and payments to private and charter schools.

Schools in Five States Under the TIME Collaborative Begin Implementing ELT Adding 300 Hours to the School Year

As reported in *Education Week's Beyond School* blog on expanded learning time (ELT) efforts at selected schools will begin implementing alternative ways to best use and add time to the school year, while other districts will begin implementation next year. The Collaborative, led by the National Center on Time and Learning which has a track record of ELT expansion in Massachusetts, has added Connecticut, Tennessee, New York, and Colorado to the Collaborative with some financial support from the Ford Foundation.

ELT has been one of Secretary Duncan's

highest priorities in the past, and has been a critical component of intervention models prescribed by USED guidance for the flagship School Improvement Grant program. As the Center on Education Policy, which follows SIG implementation noted in a report last year, the perceived impact of ELT by SEA survey respondents reflected ambiguity and uncertainty about whether ELT has had an impact in turning around failing schools and increasing student achievement. Earlier this year, the USED belatedly published guidance to states with approved NCLB flexibility waivers on how to use 21st Century Community Learning Centers program's funds to integrate and implement ELT programs and initiatives in Priority and Focus Schools. One major difference between after-school programs traditionally funded under 21st CCLC and ELT initiatives is that all students in a school using 21st CCLC funds must participate in ELT. As argued by the National After-School Alliance, after-school programs which typically target and serve specific groups of students in before- and after-school settings, questioned whether the use of 21st CCLC funds to expand ELT could be justified based on effective evidence compiled thus far. The Alliance pointed to mounting evidence in New York City and elsewhere on the positive impact of after-school programs on student performance and achievement.

New waiver guidance for renewals (see TechMIS Special Report) for state waiver approved states includes the option for states to initiate or continue ELT programs, especially in Priority and Focus Schools. On the other hand, as the *Beyond School* blog on Education Week notes, Secretary Duncan recently noted on National Public

Radio, schools should start their school days later, especially for teenagers, which could be interpreted as conflicting with the previous level of priority placed on ELT.

New Report Finds Title I Formula and Funding Patterns Disproportionately Favor Rural School Districts in Low Cost-of-Living States, Overturning Conventional Wisdom that the Formula (Particularly the Incentive Component) Favors Large City Title Programs

A new analysis for the Association for Education Finance and Policy of Title I funding patterns using the current Title I formula found that student poverty rates, which have the biggest influence on Title I funding allocations, "are biased because they fail to reflect geographic differences." Moreover, the analysis also "constructed alternative poverty income thresholds based on regional differences in the wage level for low-skill workers. We then examine the distribution of Title I revenues after adjusting poverty rates for geographical differences in the cost of living and adjusting Title I revenues for geographical differences in purchasing power of school districts."

The report notes that the Title I formula components (e.g., the incentive component) that had been criticized, particularly the role of state average per-pupil expenditure adjustments made in the summer before final district allocations are determined, "are not leading to demonstrably inequitable outcomes." Further it notes "although it seems illogical on its face to provide states with poverty-based funding according to

their own level of spending, there is no doubt that Title I aid should account for regional differences in the cost of education and little doubt that the current poverty measures failed to actively reflect the geographical distribution of student need.” Moreover, the analysis suggests that “state comp ed” programs similar to Title I “are based on components of geographically unadjusted measures for student need, may be over-targeting resources to rural districts and under-targeting resources to urban districts.” In conclusion it states, “A strong and positive correlation between fiscal capacity and Title I aid is not sufficient evidence that the Title I formulas are flawed.”

Over the last decade, groups such as the American Association of School Administrators and the Rural Community and Trust have argued that the Title I formula unfairly treats small rural districts while favoring large urban districts. If the Title I formula becomes a focus of the ESEA reauthorization debate, which is very likely, then the above analysis conducted by Bruce Baker, Lori Taylor, Jay Chambers, et al., will undoubtedly be used widely by groups such as the Council of the Great City Schools to argue the merits of the existing Title I formula. In any event, any debate regarding the Title I formula will result in significant “blood-letting.”

USED and HHS Release the Application for the Race to the Top—Early Learning Challenge (RTT-ELC) Grant 2013 Competition

As in prior years the RTT-ELC program focuses on improving early learning and development programs for young children

by supporting states' efforts to: Increase the number and percentage of low-income and disadvantaged children who are enrolled in high-quality early learning programs and design and implement an integrated system of high-quality early learning programs and services.

The 2013 RTT-ELC competition letters of intent are due by September 30th and the grant applications are due October 16, 2013. It includes one Absolute Priority, four competitive preference priorities, and one invitational priority as identified below. TURNKEY clients may have particular interest in *Invitational Priority 6: Encouraging Private-Sector Support* and new *Competitive Preference Priority 4: Sustaining Outcomes the Early Elementary Grades*.

Absolute Priority 1: Promoting School Readiness for Children with High Needs. To meet this priority, the application must comprehensively and coherently address how the state will build a system that increases the quality of Early Learning and Development Programs for Children with High Needs so that they enter kindergarten ready to succeed.

Competitive Preference Priority 2: Including All Early Learning and Development Programs in the Tiered Quality Rating and Improvement System. This priority is designed to increase the number of children from birth to kindergarten entry who are participating in programs that are governed by the state's licensing system and quality standards. Applicants can receive up to an additional 10 points for meeting this priority.

Competitive Preference Priority 3: Understanding the Status of Children's Learning and Development at Kindergarten Entry. Applicants can receive up to an additional 10 points for meeting this priority.

Competitive Preference Priority 4: Creating Preschool through Third Grade Approaches to Sustain Improved Early Learning Outcomes through the Early Elementary Grades. Applicants will meet this priority based on the extent to which they describe a High-Quality Plan to improve the overall quality, alignment, and continuity of teaching and learning to serve children from preschool through third grade. Up to an additional 10 points will be awarded for meeting this priority. NOTE: in the previous grant awards this was an invitational priority, but has moved to become a competitive preference.

Competitive Preference Priority 5: Addressing the Needs of Children in Rural Areas. Applicants will meet this priority, and receive up to an additional five points, based on the extent to which they describe how it will address the unique needs of children in rural areas.

Invitational Priority 6: Encouraging Private-Sector Support. Applicants will meet this priority based on the extent to which it describes how the private sector will provide financial and other resources to support the state.

Additionally the amount of funding available to states has been reduced.

Miscellaneous (a)

USED has proposed rules to do away with the so-called 2% Modified Achievement Alternative Assessments which are taken by more than one million students with disabilities to increase their chances of becoming proficient under NCLB. In 2005, the 2% alternatives were first implemented in some but not all states and were criticized by many special education groups. The publication of final rules reflects statements by Secretary Duncan that he opposed the so-called 2% modified assessment alternative test and, indeed, the 40 plus states which received NCLB flexibility waivers have agreed to phase out such assessments by 2014-2015.

In a prepared statement regarding termination of the 2% assessment, Congressman George Miller (D-CA) stated, "I applaud Secretary Duncan's decision to terminate the '2% assessment.' Under the existing harmful regulation, thousands of students with disabilities have been denied the opportunity to reach their full academic potential thanks to reliance on less rigorous standards and instruction. Misuse of this regulation has also led to over identification of students as having a disability to allow administration of less rigorous assessments, disproportionately impacting minority students."

As the *Curriculum Matters* blog on [Education Week](#) notes, only three states (California, North Dakota, and Texas) which have not received waivers currently have such alternative tests in place. However, the CCSS assessment test being developed by the two state consortia would replace the need for the 2% alternative assessment

because appropriate accommodations are to be built into those consortia assessments. Funding has been provided for other groups to develop new 1% alternative assessments for “severely-cognitively-impaired” students, for which current regulations would remain in place. Knowledgeable observers with whom we have talked over the last two years suggest that the number of students with disabilities not meeting proficiency levels will likely increase. Other alternatives will likely to be proposed and possibly implemented after 2015.

Miscellaneous (b)

Letters of intent to compete for second-round Race to the Top-District grants approximately totaling \$120 million have been submitted by more than 400 districts and other entities. During the first round, in which 16 districts were selected, about 900 districts submitted letters of intent. Grants this year will range from \$4 million to \$30 million depending on enrollments of the districts, consortia, or other entities. Large districts and other entities submitting letters of intent include New York City, Houston, Boston, Philadelphia, Los Angeles, Oakland, Hartford, Florida Virtual School, Broward County, Education Achievement District (Michigan), and about 60 other large districts. More than 200 districts and other entities representing average student enrollments of about 2,000 to 5,000 (including consortia of more than ten LEAs) sent letters of intent for the \$4 million to \$10 million category. Districts and other entities in states which have not received state waivers included Texas (32) and California (14). Some observers have noted that the eight California CORE districts, which

recently received district waivers have essentially been given the “go ahead” as a Race to the Top district, but without any new Race to the Top money. Among the CORE districts, approximately \$150 million of the 20 percent set-aside for SES and parent choice is evidently being freed-up to be used in other ways.

Miscellaneous (c)

The National Center for Special Education Research has been awarded a five-year \$10 million grant to create the “Accelerated Academic Achievement Research Center” to be headed by Dr. Doug Fuchs of Vanderbilt University, who said in an interview reported by the *On Special Education* blog on Education Week (September 6th) that, “The academic performance of students with disabilities continues to be poor even with a move toward inclusion and instructional strategies such as response-to-intervention.” Fuchs also reportedly said that there exists a “lack of evidence-based education research for the ten to 20 percent of students who are already getting intensive instruction, but still struggling. There’s not enough information available on what teachers should do next for those students.”

The Center will focus on what competencies for students in grades three, four, and five are needed and will conduct randomized control trials involving between 2,000 and 3,000 students in Nashville schools who will participate. As the blog notes, in literacy, the interventions will focus on reading fluency and comprehension, while in math interventions will focus on decimals, fractions, and beginning algebra. According to Fuchs, who has been recognized as one of

the key national experts and advocates of response-to-intervention (RTI) approaches, the interventions used in pilot experiments are intended to go beyond academics in order to help students learn how to apply what they have learned to new tasks.

It is interesting to note that while USED no longer requires the use of the so-called 2% “alternative modified assessment” requirement which began in 2005, the requirement for alternative assessments for the 1% of severely cognitively impaired students will be addressed by groups which have received contracts under the Race to the Top assessment initiative to ensure such alternative assessments are aligned with Common Core Standards. This new initiative at Vanderbilt to go beyond RTI approaches in exploring alternative interventions for this population -- which is more than 500,000 students -- could be a significant development with implications for some TechMIS subscribers.

Miscellaneous (d)

A new NCES report on “Parent and Family Involvement in Education” provides some useful, updated information on how schools currently involve parents which might assist firms with solutions to foster parent engagement -- the Administration’s increased priority. A survey of a total of 17,563 parents representing a population of 53.4 million students enrolled in K-12 in 2011-12 found 87 percent of students in K-12 had parents who received newsletters, memos, emails, or notices that were disseminated to all the parents in their child’s school. Only 57 percent of students had parents who reported receiving notes or emails from the schools specifically about

their child. Forty-one percent of students had parents who reported that the school had contacted them by telephone. Slightly over 70 percent of students had parents who attended parent-teacher conferences or school class events.

More than 95 percent of K-12 students did homework outside of school, with 86 percent having a place set aside for homework at home. Sixty-seven percent of students had an adult who checked their homework; however, in schools with enrollments of 1,000 or more, the percentage dropped substantially to 43 percent of parents with students in K-2 and for ninth-twelfth grade the percent of parents checking homework dropped to 34 percent. Nationwide, 57 percent of K-12 students’ parents in rural communities attended ethnic/community events compared to a national average of 54 percent, while 65 percent of Black non-Hispanic parents attended ethnic/community events in schools.

The report also included limited updated information about parent involvement with students who were home-schooled in 2011-12. Of those children home-schooled, 68 percent were white, eight percent were black, and 15 percent were Hispanic, and four percent Asian or Pacific Islanders. The report also displays a percentage distribution of students ages 5-17 who were home-schooled by selected characteristics. Compared to the national home-school rate of 3.4 percent of all students, the percentage was higher in rural locales (4.5 percent); however, in terms of poverty status, there was virtually no difference between poor and non-poor status of families at 3.5 and 3.4 percent home-schooling rates, respectively. The primary reason for home-

schooling provided by parents as “important” or “most important” were concerns about the environment of schools (25 percent), followed by a dissatisfaction with academic instruction at “other schools” (19 percent), or a desire to provide religious instruction (16 percent). An all-inclusive category entitled “other reasons” was mentioned by 21 percent of parents included family time, finances, travel, and distance, which could explain why home-schooling rates were higher in rural locales. Additional information about specific activities undertaken by parents in home-school environments, along with the types of curriculum that were used are available in prior reports by NCES including:

- meetings with school personnel, including guidance counselors;
- attendance at school extracurricular events;
- accessing learning materials and textbooks; and
- homework help, family activities.

For a copy of the Parent and Family Involvement NCES report go to:

<http://nces.ed.gov/pubs2013/2013028.pdf>

Miscellaneous (e)

According to the September, 2013 Center on Education Policy report on Common Core State Postsecondary Involvement, SEA officials in 35 of 40 reporting states said that working with higher education institutions in their state to transition to the CCSS is a major (16 states) or minor (19 states) challenge. The report notes, “In addition, more than half of the responding SEAs said that postsecondary institutions in their state are considering making decisions about

placing students in courses (21 states) or exempting them from remediation(21) based on their performance on CCSS-aligned assessments. Nevertheless, 12 survey respondents did not know whether their state’s postsecondary institutions are considering changing policies for entering students as a result of CCSS adoption.” However, the report also states, “It is important to note that the state deputy superintendents or other officials who completed the survey oversee K-12 education, so the findings in this report are from their perspective. More research is needed to determine the perceptions of state higher education officials and postsecondary faculty on the same questions.”

In its first report on Common Core Standards planning two years ago, CEP found that communications between K-12 SEA’s and postsecondary institutions was one of the last planning initiatives being implemented by SEAs. The most recent report on postsecondary institutions involvement found 28 states report postsecondary institutions’ participation in statewide or regional partnerships, 25 states’ postsecondary institutions are working directly with districts to assist in the transition, and in 17 states, postsecondary institutions are assisting in developing CCSS-aligned K-12 curriculum.

The report also highlights interviews with officials from the two CCSS assessment consortia. It notes that the Smarter Balanced consortium, according to its website, has “agreed on a college content readiness policy that guarantees exemption from developmental coursework to students who perform at an agreed upon level on the grade 11 summative assessment and meet the state requirements set jointly by K-12 and higher

education for grade 12 course-taking and performance.” The PARCC website notes that 640 colleges and universities have committed to participate in their consortium. These institutions have “pledged to participate in the development of the new college-ready assessments” and “have signed on to ultimately use these tests as college placement tools.”

The CEP report does not include statements from states which are planning to use alternative CCSS-aligned assessments -- nor from publishers of tests -- being developed/aligned, some of which current versions are being used by some postsecondary institutions and which might be considered when available as alternatives

to the two consortia assessment instruments.

Alabama Update

September 2013

A lawsuit has been filed by a Democratic State Senator, superintendent of a local district, and the Alabama Education Association which argues that the new State Accountability Act is unconstitutional because it diverts money to religious schools. The Act provides tax credits of about \$3,500 for parents who want to transfer their students from public schools that are considered lowest-performing to non-public schools. The Southern Poverty Law Center has filed a similar lawsuit to enjoin implementation of the Act.

California Update

September 2013

The San Jose Mercury News reports that California education officials have proposed to eliminate standardized tests in reading, math, and social science this Spring in expectation of the new assessments aligned with the Common Core State Standards. California has administered the STAR tests to all students in grades 2-11 since 1999. Previously, the State had planned to pilot the new exams with about 20 percent of its 3.3 million public school students. To help California transition to the CCSS, the State has allocated \$1.25 billion in additional K-12 funding this year for training teachers, purchasing materials, and upgrading technology.

The California Department of Education has released a plan which would allow the State to participate in the Smarter Balanced field test in 2014 and remove the “double testing” problem of having to administer the State accountability assessment to some of the same students. Essentially the California plan, if approved by the legislature, would provide the waiver-on-waiver flexibility offered to states which already received Federal waivers, even though California has not received waiver approval. Although a science portion of the test will remain in place, multiple choice tests in reading, math, and social science would not be given, with the exception of alternative assessments for most cognitively disabled students and the early assessment given to eleventh-grade students to gauge college readiness. In the place of STAR, students could participate in the Smarter Balanced consortium field test and, as with the so-called waiver-on-waiver, the results of student performance on either State assessments or the field tests would not count toward accountability sanctions.

As *Curriculum Matters* noted, the proposed changes in State testing would need approval from USED. On September 8th, Secretary Duncan said that California’s proposal to disband portions of a State assessment is something that “we could not approve in good conscience...No one wants to over-test, but if you are going to support all students’ achievement, you need to know how all students are doing.” The request was denied.

Governor Brown is ready to sign it. Moreover, the blog notes, “And from what I gathered in interviews today, the state board might just be willing to consider accepting federal penalties to move ahead with its plan, if that’s what it comes down to.” One possible penalty would be to withhold the State’s Title I set-aside for administration.

California has become the sixth state to adopt the Next Generation Science Standards, joining Kansas, Kentucky, Maryland, Rhode Island, and Vermont. As noted in [Education Week's Curriculum Matters](#) blog, the new K-12 standards -- issued in final form in April -- provide a greater emphasis on depth over breadth in science education and require students to apply their learning through scientific inquiry and engineering design. Some have criticized the Standards because of their treatment of evolution and climate change while others have argued the Standards' heavy focus on science and engineering practices overshadows the learning of core content. The State will now appoint a strategic leadership team to develop a plan for implementation, including a timeline, a science framework, and student assessments.

Connecticut Update

September 2013

Although Connecticut has passed legislation requiring that almost 50 percent of a teacher's evaluation be based on student performance -- and half of that is to be based on standardized tests which are now being pilot-tested -- the State has requested and received a waiver from the U.S. Department of Education which allows this year's test (either a computerized test being pilot-tested or a standardized test) not to count regarding accountability sanctions. The State is one of many states receiving approval through Secretary Duncan's recent waiver-on-waiver initiative.

Delaware Update

September 2013

By vote of six to zero, the Delaware State Board of Education has adopted the Next Generation Science Standards which are expected because Delaware was one of the 26 state lead partners which drafted the standards. The Next Generation Science Standards, according to the *Curriculum Matters* blog on [Education Week](#), emphasize greater depth over breadth in science education and require students to apply their learning through practices of scientific inquiry and engineering design. Other states adopting the new standards include: California, Kansas, Kentucky, Maryland, Rhode Island, and Vermont.

Florida Update

September 2013

While Florida's participation in the PARCC assessment consortium was uncertain before former Commissioner Bennett resigned, Governor Scott recently stated, as reported by [Politico](#), "PARCC is too expensive and it takes too long. So I'm looking at a variety of things, whether it's an executive order, some administrative and some legislative, to try to fix that." Governor Scott once supported Common Core generally, but now is in a political bind because of opposition from Tea Party groups, according to the [Tampa Bay Times](#). As the *State EdWatch* blog on [Education Week](#) (September 19th) noted, in order for Florida to drop out of PARCC, the Governor, along with the State board and the newly-appointed State superintendent, must sign a withdrawal letter. Or Governor Scott may disregard the consortium's "process" and just drop out as the consortium has no legal power over the State. On the other hand, there is a question as to whether Florida could find a different test equivalent to that of PARCC, which has not been fully developed as of yet. The State's Senate and House leadership would not be upset if Governor Scott withdrew from PARCC, according to the blog. Update: Governor Scott has notified Secretary Duncan that Florida will curtail its role as fiscal agent for PARCC, but has not technically withdrawn from the consortium as reported by the *State EdWatch* blog (September 23rd).

The Florida State Board of Education has voted to make Interim Commissioner Pam Stewart the permanent Commissioner following the resignation of Tony Bennett in August. According to [Education Week](#), some members of the Florida State Board decided to appoint Stewart as Commissioner "because she knows Florida's system and is a supporter of Common Core State Standards." She is the fourth Commissioner to serve under Governor Rick Scott who was elected in 2011.

As we reported last month, the Florida Virtual School anticipates a 20 percent drop in its State revenue this school year and has announced that they will be cutting their workforce by almost

one-third. Echoing a recent report from the Southern Regional Education Board (SREB) (see April 2013 TechMIS Washington Update), Susan Patrick, President of the International Association for K-12 Online Learning (INACOL), said “States are moving away from singularly funding a state virtual school. They want to have multiple providers for students to choose from.” As SREB also reported, some districts prefer, for a variety of reasons, offering their own virtual classes through third-party providers rather than having students attend the State virtual school. As Education Week (August 28th) notes, Florida enacted legislation this summer which reduces the amount of money that the Florida Virtual School will receive for students it does serve. In the past, the home district continued to receive the full per-pupil allocation for each student and the Florida Virtual received an additional per-course amount. Hence, when a student enrolled in an online course with another provider, it and the home district were required to split the single per-pupil allocation. This provided an incentive for the home district to encourage students to enroll in Florida Virtual. Under the new formula, Florida Virtual has to operate under the same funding conditions as other online providers. As a result, Florida Virtual will have its State funding reduced by \$40 million and more than 800, mostly part-time, staff will be released. Opportunities in the State for other online providers have obviously been increased significantly.

Georgia Update

September 2013

The Atlanta Journal-Constitution reports that Georgia Governor Nathan Deal has called for a review of the State's adoption of the Common Core State Standards and has specifically asked the State Board to "formally unadopt" a part of the standards that includes English test selections that have angered some parents. The move distances the Governor from State Superintendent John Barge -- a potential rival in next year's gubernatorial election -- who has supported the standards. Governor Deal has also asked the Board to develop a model reading list for school districts across the State and to create a new social studies curriculum that emphasizes civic and fiscal responsibility.

Idaho Update

September 2013

The Idaho Statesman reports that Idaho's education task force has sent a number of recommendations to Governor C.L. Otter:

- *Support for the Common Core State Standards;*
- *Mastery not Grades* whereby students must master subjects or concepts before moving on to new ones;
- *Literacy Skills* under which schools will be encouraged to ensure that more children are reading and writing at grade level by the time they reach third grade;
- *Wireless Broadband* access for all schools;
- *Classroom Computing* by which students and teachers should have “adequate access to technology devices” in the classroom.

Indiana Update

September 2013

Indiana Governor Mike Pence has announced the creation, through an executive order, of the Center for Innovation and Career Education to provide quality education to prepare children and adults for new careers. The CICE will have its own budget and will be funded by the State Board of Education, as well as other State agencies, and appears to be separate from the State Department of Education. Superintendent of Public Instruction Glenda Ritz, a Democrat, opposes the CICE. Superintendent Ritz's official statement, as reported by the *State Ed Watch* blog on [Education Week](#) said, "Hoosier students would be better off if the Governor would work with her rather than around her on this vital issue."

Iowa Update

September 2013

In November 2012, the Iowa Department of Education directed schools to adopt response-to-intervention as roughly one of four students scored below proficient on the State's reading test in 2012. In the Fall, about 600 teachers will receive training in RTI. About \$3.2 million in State and Federal funds have been used to buy tests and to develop a Statewide database for the program. According to The Des Moines Register (September 10th), literacy screenings will be provided three times yearly, with students below the baseline provided instruction and other supports.

Kansas Update

September 2013

Kansas has been notified that its waiver status is at “high risk,” largely because the State has not piloted its new teacher evaluation system which incorporates student performance into teacher evaluations. According to *Politics K-12* on [EducationWeek.org](#), instead the State has only convened a task force. It has 30 days to reply in writing how it will rectify the situation in order to get into compliance or face consequences.

As reported in the [Topeka Capital-Journal](#) (August 27th), the number of Kansas high school students who are taking career and technical classes at the State’s 26 technical colleges has jumped from 3,870 to 5,800 students as a result of legislation passed in 2012 which allows students to take technical courses without having to pay tuition. Last year, the State picked up the tuition cost which was approximately \$12 million. The courses address areas with shortages in high-demand industries, such as electricians, diesel engine experts, carpenters, and heating mechanics, in which high-schoolers can earn certificates. For each student in the program who earns a certificate, a high school earns an additional \$1,000 in State funds.

[Education Week’s Digital Education](#) blog notes that in the 11,000-student Lawrence school district, the K-8 Lawrence Virtual School, for which K-12 Inc. provides curriculum and student recruitment, showed disappointing math results. Half of the tested students failed to meet Kansas State standards in math and 19 percent failed in reading. According to the blog, the district’s superintendent has indicated that Lawrence could build on an existing blended learning pilot and increase its own online offerings in order to reduce the need for external virtual schools.

Kentucky Update

September 2013

Governor Steve Beshear has the power to implement regulations for Kentucky to implement the Next Generation Science Standards which the legislature's administrative regulation review subcommittee has rejected. [The Courier-Journal](#) notes that the State Board of Education unanimously supported the State's adoption of the standards. However, the State legislature could potentially pass legislation later that could block this action. As reported in the *Curriculum Matters* blog on [Education Week](#), other states adopting the standards include: California, Kansas, Maryland, Rhode Island, and Vermont.

Louisiana Update

September 2013

New data from the Louisiana Department of Education indicates that almost all of the State's public school teachers were rated as either "highly effective" or "effective" last year. According to Education Week, the grading system -- known as Compass -- was approved by the legislature in 2010 with the strong support of Governor Bobby Jindal. Compass rated 32 percent of the State's 43,000 public school teachers as "highly effective" and only four percent as "ineffective." Teachers in the latter category will receive intensive assistance. If they receive another "ineffective" rating within two years, they will be subject to termination.

Maine Update

September 2013

An organization called the Maine Equal Rights Center has begun a petition campaign to repeal Maine's adoption of the Common Core State Standards. The Bangor Daily News notes that Maine adopted the standards in 2010 and is on track to adopt a new testing system from the SMARTER Balanced consortium aligned to the Common Core. If petitioners gather enough signatures, the ballot question would go to a November 2014 referendum. Supporters of the campaign say the CCSS erode local control of schools and argue that they are less stringent than some State standards.

Michigan Update

September 2013

According to the Detroit Free Press, under a new option this year, Michigan students will not need permission from their home district to enroll in online courses and the home district will have to pay for such courses. In the past, students could take two classes in their district which would decide whether to allow them to take classes elsewhere. Partially as a result of this ruling, five new cyber schools will be open for class enrollments this year. Also this year, students in grades 5-12 will be able to take up to two online courses per semester offered by any district or the State's virtual school.

Montana Update

September 2013

According to State education officials, the number of Montana high school students who took the ACT Plus Writing test this Spring increased to 9,000 from only 6,000 the year before. [Education Week](#) notes that nearly 1,000 more students qualified for the State's "Best and Brightest" scholarship and 500 more are eligible for full admission into one of Montana's four-year colleges. The test is being offered at no cost to students thanks to a Federal grant to the State's higher education system.

New Mexico Update

September 2013

New Mexico has approved the computer adaptive assessment solution from the Northwest Evaluation Association -- called Measures of Academic Progress Common Core State Standards Interim Assessment (MAP CCSSIA) -- for use in all public schools in grades 4-10. According to State officials, MAP CCSSIA will be delivered 3-4 times each year, providing test results that allow educators to make instructional, curricular, and programmatic changes to keep students on track. This is particularly important as New Mexico transitions from State standards to the Common Core standards.

New York Update

September 2013

As reported in Education Week, because the percentage of students who achieved proficiency on the new state assessment was cut nearly in half this year, the State's Board of Regents is proposing to relax the regulation that requires districts to provide extra help for low-scoring students. Rather than requiring remedial education services to all non-passing students, which carries a large cost according to the Syracuse Post-Standard, only the students at the very bottom of the scoring curve would be provided remedial education.

The Pathways in Technology Early College High School model implemented in Brooklyn will be expanded to 16 sites across New York State, serving 6,000 students. It is a partnership among V-Tech, IBM, and a number of public universities in New York City, according to the *Marketplace K-12* blog on Education Week. The grade 9-14 academic model now has employers, in addition to IBM, not just in technology but in healthcare, manufacturing, engineering, environmentally friendly building, and other industries, and involves companies such as Cisco and Lockheed Martin, among others.

A new study by MRDC has shown that the Small Schools Approach adopted in New York City has demonstrated success with minority students, English language learners, and students with disabilities. As noted by Education Week's College Bound blog, more than a decade ago, New York City closed 31 large failing high schools and established 200 new small high schools. Previous MRDC studies have shown higher graduation rates for the new schools. The latest report indicates that the smaller schools are having sustained success, especially for students with special needs.

In 20 New York City middle schools, a three-year pilot program would increase by two and half hours per day. The \$20 million expanded learning time (ELT) pilot, led by the After-School Corporation, the New York Department of Education, the City Council, and Harvard EdLabs,

will provide two extra class periods a day -- one focusing on enrichment and the other in reading and literacy for at-risk students, as reported by the *Beyond School* blog on [Education Week](#) (September 9th). The small group literacy tutoring is modeled after the Houston Independent School District experiment being conducted by Harvard EdLabs, which has found that intensive tutoring and the use of data-based decision-making, successfully developed and applied in charter schools, can be transferred into Houston schools. Harvard EdLabs will be conducting the evaluation as they are doing in Houston and in a similar project in Denver.

Ohio Update

September 2013

The Akron Beacon Journal (August 27th) reports that 342 Ohio public school districts and charter schools have told the State's Department of Education that they are not prepared for implementing the new third-grade reading guarantee -- a new law taking effect this year. Under the law, students have to be proficient in reading before they can be promoted to the fourth grade and schools have to employ teachers who have special reading certificates to work with students who fall behind. Of the 342 districts, 264 are traditional districts and 78 are charter schools. The uniform concern among the districts is the lack of time in the one year since the legislation was passed to train teachers. The Beacon Journal analysis, conducted in January, estimated that slightly more than 17,000 children would likely fall below proficiency.

As reported by Education Week, Ohio has announced a new State program that will offer financial education programs to high school students. The program will establish public-private partnerships to meet new State financial literacy requirements created by a 2007 law and becoming effective for the Class of 2014. Initially introduced in urban school districts, the program gives high schools flexibility as to how to integrate financial education into their curricula.

Oregon Update

September 2013

The Oregonian reports that, this year, all public students in Oregon are supposed to be graded solely by whether they have mastered academic skills covered in class, while not taking into account such student behavior as turning everything in neat and on time. The new rules will have little effect on elementary schools which report academic achievement and behavior separately. Mastery testing is not new to Oregon as certificates of mastery were used in the 1980s in areas of career and technical education. Such districts as Hillsborough adopted a rule a year and a half ago that said academic proficiency would be the sole basis for middle and high school grades, while other districts are beginning to implement the new rules this year.

A new statewide assessment for kindergarten students is being implemented during the first six weeks of school this year. The assessment, which takes about 15 minutes, has three components -- early literacy, early math, and approaches to learning. According to Oregon State Department officials, the assessment provides a “snapshot of development” in students who do not do well but who will still be allowed to enter kindergarten. Pilot tested in 16 districts last year, the first year will be considered a field test. According to State Department officials, more than 40,000 Oregon students were in kindergarten last year.

Pennsylvania Update

September 2013

By vote of 13 to four, the Pennsylvania State Board of Education approved the State's plan to implement Common Core Standards. However, the proficiency test would be limited to public schools and the State Education Department has agreed not to impose a Statewide curriculum reading list or to expand the collection of individual students' personal data. According to the [Philadelphia Inquirer](#), the plan still has to be approved by the State's Independent Regulatory Review Commission. If approved, the standards would take effect with high school graduates in 2017 -- currently ninth-graders.

Rhode Island Update

September 2013

According to The Providence Journal, Rhode Island has suspended use of the New England Common Assessment Program (NECAP) as a measure of student progress to be included in the State's teacher evaluations. State education officials say the use of NECAP is only being postponed in order to give the State more time to explain the "growth model" of student progress. The State is consulting with the U.S. Department of Education to get a waiver for a one year delay of the teacher evaluation requirement so that its \$75 million Race to the Top grant is not in jeopardy. The NECAP will still be used this year, for the first time, as a high school graduation requirement for Rhode Island students.

Tennessee Update

September 2013

The Clarksville Montgomery County, Tennessee school district recently announced that it will share a \$4.5 million grant from the Department of Defense Education Agency (DoDEA) with the Christian County School District in Kentucky. The program will focus on involving parents with the respective schools. About 25 percent of the population in the Clarksville Montgomery County schools and about 16 percent of students from Christian County schools are from military families located near Fort Campbell. School districts that have military installations within their district attendance areas have been among the hardest hit due to sequestration of Impact Aid funds beginning in March 2013.

Texas Update

September 2013

The Texas Tribune reports that a new State law will encourage virtual learning models in Texas. The law is expected to double the number of full-time cyber schools serving public school students. It also limits the number of tuition-free online classes students can take to three per year. Texas law prohibits for-profit companies from “operating” public schools, but many districts and charter schools have turned over almost all administrative functions to for-profit firms. Last year, three existing full-time cyber schools served 8,300 Texas public school students in grades 3-12; more than 5,000 of these students were enrolled in the Texas Virtual Academy, “managed” by K12, Inc. Opening this Fall are three new virtual schools that obtained State waivers which will allow students to get online instruction for all of their classes.

Also according to The Texas Tribune (September 9th), USED has denied the Texas Education Agency’s request to allow third and fifth grade students who excel on their State reading and math exams to skip exams in those subjects in the fourth, sixth, and seventh grades, which was allowed under new State law HB-866. The law was passed because of widespread concern over the effects of excessive assessment on instruction because students in lower grades take a total of 17 state tests before entering high school. According to the article, even though the testing waiver request from Texas -- which is an Ed Flex state -- was denied by USED, TEA commissioner Michael Williams is still optimistic that the State’s request for an NCLB flexibility waiver will be approved. However, as noted elsewhere, California, which is also not a waiver state, was also recently denied its request to eliminate NCLB-required state assessments for a large number of students.

The Texas Board of Education will hold hearings this month addressing science textbook adoption. While issues of intelligent design, evolution, and climate change will undoubtedly arise, a law passed in 2011 will provide more flexibility to school districts to select instructional materials, including software, textbooks, or other formats, without State approval. More than

\$400 million has been appropriated over the biennium to purchase software, instructional materials, technology, and training. Approval by the Board is expected in November for “adoptive materials” which have to cover a minimum of 50 percent of the State-mandated curriculum requirements.

Utah Update

September 2013

This Fall, a partnership of two investment companies, Goldman Sachs and the Pritzker Group, along with several community charities, is supporting an expansion of the early education program in the 67,000-student Granite school district. The partnership's investment of \$7 million over eight years will help increase the size of the district's preschool program and reduce the likelihood that students in the program will need expensive special education services in later grades. According to [Education Week](#), the partnership will pay for the program through a "social-impact" bond.

Virginia Update

September 2013

The Virginia School Boards Association and the Norfolk City School Board has filed a lawsuit against the State of Virginia which calls for the overturn of legislation last year that created the Opportunity Education Institution that would take over unaccredited schools following the model of the Recovery School District in Louisiana. When the legislation was proposed by Governor Robert McDonnell and passed by the legislature, there were four schools in the State (two in Norfolk) that were unaccredited and could have been subject to State takeover by the OEI.

Washington Update

September 2013

This Summer, the Washington State legislature increased funding for free, full-day kindergarten by nearly \$50 million, more than doubling the number of classes offered Statewide. The money is distributed to schools according to poverty rates. In total, Washington State has allocated \$96.2 million for full-day kindergarten programs in 44 percent of the State's elementary schools. The increased funding is, in part, a response to a State Supreme Court ruling that calls for all Washington kindergartens to be full-day by 2017.

Wyoming Update

September 2013

Wyoming's new Director of Education, Richard Crandall, under a new law, replaced the Statewide Superintendent of Public Instruction on August 5th. For a number of reasons, Wyoming has one of the highest per-pupil expenditures for education. The State has implemented some accountability measures Statewide, but means of evaluating teachers, according to the Associated Press, are still being worked out by lawmakers. The new Director of Education, who reportedly favors additional reforms, believes that such reforms should preserve Wyoming's culture of local control in education.

Jim Rose, Director of the Wyoming Community College Commission, has called for required remedial courses to be provided to students while still in high school rather than waiting until they enter college. In a recent speech, he said one-third of the merit scholars need remedial work when they enter college and that only two of five remedial students end up completing a credit course in their remedial subject within one year. He favors dual and concurrent enrollment or high school students taking college courses as ways to address students' need for remedial courses.