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## **MEMORANDUM**

**DATE:** August 9, 2016  
**TO:** TechMIS Subscribers  
**FROM:** Charles Blaschke and Dr. Suzanne Thouvenelle  
**SUBJ:** Updates on ESSA Regulations Developments; Opportunities in Niche Market Areas (Corrections, Homeless, Alternative Schools); NCLB-ESSA Transition Challenges and Implications for TechMIS Subscribers

With Congress having gone into recess in late June through early September, activities and developments which have occurred have been limited to USED. House and Senate Committee staff are busily working behind the scenes on appropriations negotiations, specific regulation compromises, and directly-related matters.

The Washington Updates continue to focus upon opportunities which exist now as a result of all districts now having “to go back under” NCLB regulations for Title I and formula funding programs, as state flexibility waivers in 42 states have been removed as of August 1<sup>st</sup>. Some opportunities will be created related to competitive grants after September 30<sup>th</sup> this year. Existing NCLB-created programs that have been amended under ESSA (e.g., homeless education new guidance) will go into effect later in October. Opportunities created by existing civil rights laws enforcement are now in effect. Other opportunities will be created whenever ESSA full implementation occurs in 2017-18 (e.g., Title IV block grants). If anyone has any questions, please address them directly to Charles (703-362-4689).

The next TechMIS Special Report will likely focus on E-Rate refunds; USAC/SLD latest data should be available shortly on new Funding Commitment Letters between April-June 2015.

Washington Updates:

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Key Congressional Author/Advocate of New ESSA Is Likely to Stand Ground Against USED’s Interpretation of Supplement-Not-Supplant Provision (SNS) in Draft Regulations While “Giving Up Ground” to USED’s Interpretation of Most Accountability Provisions to Ensure the Initial Bipartisan Support is Maintained and the

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Survey of Online Professional Learning Finds Classroom Behavior/Management and Digital Device Training Are Most Prevalent Courses/Subject Areas Taken By Educators; Companies/Vendors Provide Only About a Quarter of Such Training

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A Recent USED Report Identifies Existing State Policy “Laws” for Intervening in Chronically Low-Performing Schools, Suggesting Which States Could Likely Adopt Some Interventions “Encouraged” by USED Under ESSA Draft Regulations (Described in July TechMIS Report) Without Passing New “Laws”

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USED Guidance on “Homeless” Could Provide Opportunities for Some TechMIS Clients
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A number of miscellaneous items are also addressed including:
  - a) Several recent reports have found that teachers need more professional development and other support, along with direction to teach Common Core state standards.
  - b) USED announces availability of applications for Promise Neighborhoods new grant competition in which \$30 million will be awarded for “up to” five organizations to provide a range of education and support wraparound services to improve outcomes for students and families.
  - c) Vermont legislature has passed the first law in the nation to provide publicly-funded pre-K programs to all three- and four-year-olds beginning in July.
  - d) A new report by the Midwestern Higher Education Compact and Education Commission of the States suggests lack of qualified dual enrollment instructors meeting post-secondary accreditation association guidelines could reduce dual enrollment programs, suggesting growth opportunities may exist for online courses using limited number of qualified instructors could be in high demand in certain states.
  - e) Shortly before the Congress recess, 30 civil rights proposed ESSA regulations should reduce the minimum sample size (“N”) for accountability purposes from 30 to 10 students in a subgroup to ensure more students in subgroups have their achievement gaps reduced.
  - f) Under a 2013 law, which goes into effect this year, thousands of Maryland high school students will be taking remedial courses to “become college-ready.”
  - g) The proposed “Comprehensive Center for Improving Literacy for Students With Disabilities” created under ESSA could offer opportunities for for-profit organizations to develop evidence-based assessment and literacy instructional strategies.

# **Washington Update**

**Vol. 21, No. 7, August 9, 2016**

## **Key Congressional Author/Advocate of New ESSA Is Likely to Stand Ground Against USED's Interpretation of Supplement-Not-Supplant Provision (SNS) in Draft Regulations While "Giving Up Ground" to USED's Interpretation of Most Accountability Provisions to Ensure the Initial Bipartisan Support is Maintained and the Long-Term Impact of His Legacy Bill is Not Diminished Over Time**

During an interview with the advocacy group 74 Million Organization at the end of June before the fourth Senate hearings with Secretary King on implementation of the new ESSA, Senate Committee Chairman Lamar Alexander stated, “I don’t want this law to become like Obamacare where the President leaves office and half the people are defending it, and half the people are trying to repeal it.” As reported by Carolyn Phenicie of the 74 Million Organization in the June 28<sup>th</sup> article, Senator Alexander stated, “His goal: making sure the new federal K-12 law isn’t implemented in a way that negates neither Congress’s intent nor the goodwill that emerged after its passage.”

During the hearing with Secretary King, the former Secretary of Education during the first Bush Administration, reiterated his opposition to the USED proposed supplement-not-supplant regulations because they not only violated congressional intent, but they also violated at least five specific prohibitions including one which “prohibited USED from requiring and

equalizing funding in individual schools.” During the hearing, Alexander said the Secretary’s “reasoning for the legality of the Title I proposal was “ridiculous” as the Congressional Research Service in the report had also agreed with Senator Alexander. As the article notes, “Alexander isn’t backing down on that.” On the other hand, the 74 Million Organization article argues, “But the Senator lately has struck a more conciliatory tone on the next regulatory proposal governing school accountability, one that would guide states as they draft policies for identifying and intervening in schools that aren’t hitting the mark.”

During the interview, Senator Alexander reportedly acknowledged that he agreed to “hold his tongue at the White House request on his comments regarding the most recent proposed accountability regulations.” He referred to a meeting with the White House and Secretary King to “iron out or get rid of areas in the accountability regulation that are inconsistent with the law I agreed to do that.” He referred to two specific issues:

- The “summative rating system,” which he stated was “nowhere in the law.” As he noted if a state wants to do that they can, but they don’t have to do it, stating, “Washington’s not going to tell you to do it; it looks to me by coming up with a summative rating system that we’re back in the old bad practice of Washington telling states how to identify schools that are succeeding and schools that are not.”
- The other “bone of contention” in the recently proposed accountability

regulations was when states would have to begin identifying schools in trouble and when interventions had to begin in 2017-18 as proposed; the intent in the Law was to begin intervention in 2018-19. During the June 29<sup>th</sup> hearing, Secretary King reportedly stated that the Department was “open to adjusting that timeline.”

Unlike Senator Alexander’s concerns about various facets of the accountability regulations, which have also been stated extensively by state and district officials, Senator Alexander appears to be holding his ground on the above proposed rules, which he stated were “so far over the top that I can’t imagine anything remotely resembling it will eventually become a regulation.”

As we have noted in previous TechMIS reports, the major benefit for virtually all TechMIS subscribers is the flexibilities, which are allowed under a strict interpretation of the ESSA statutory language regarding supplement-not-supplant, some of which are in current regulations that are now codified in the new law (see two April TechMIS Special Reports on flexibilities). If the USED proposed SNS regulation which attempts to ensure the amount of state and local funding being allocated to Title I schools are equal to the average amount in non-Title I schools are changed, the flexibilities on how the Title I funds can be used would still remain.

## Civil Rights Law Enforcement of New ESSA “Stakeholder Engagement” Provisions is Likely to Create a Growth Niche Market, Offering Opportunities for Firms with Tools Facilitating Collaborative Decision-Making Processes

The new ESSA calls for creation of “stakeholder engagement” consultative processes to ensure the demands and expertise of parents, community leaders and others are used to inform state and local policies and implementation practices to ensure students’ improvements are met. The need for such stakeholder engagement exists now, and particularly during the implementation of the new ESSA accountability provisions, which are being delegated to states that are developing such systems. And, because many of the enforcement powers of USED no longer exist in ESSA, a major enforcement capability of USED will be under existing education civil rights laws going back to 1965 which ensure “equal education opportunity especially for disadvantaged students.” Stakeholders can play a key role in the process.

As we have noted in several TechMIS reports over the last year, the creation and expansion of data collection effort by USED Office of Civil Rights has increasingly pinpointed specific areas where equal education opportunities have yet to occur (e.g., disadvantaged students not having equal access to certain subjects, qualified teachers, or adequate amounts of state and local funding in Title I schools). While compilation of such data is necessary, it is not likely to be a sufficient condition leading to enforcement. Therefore, as we have argued, to increase the probability of

enforcement of new accountability provisions in ESSA, the creation of expanded “stakeholder engagement” processes, particularly at the local level, will become a “first line watchdog” for reporting civil rights violations and subsequent complaints to the USED Office of Civil Rights -- a first tier for preventing violations and/or a bottom-up political enforcement mechanism at the local and then state level. In its statement on priorities in the OCR Annual Report to “ensure education equity for all students,” three of its top five priorities are to ensure the quality and quantity of civil rights coordinators in school districts; providing equitable access to distance education courses, graduation recovery; and providing equal education access for students in juvenile justice facilities (see May TechMIS Washington Update). Almost 11,000 civil rights complaints were received last year. The President’s proposed FY 2017 education budget called for a 30 percent funding increase in the Office of Civil Rights for lawyers from 500 to almost 700.

The bottom line is that the USED will rely on civil rights laws not only to ensure equal education opportunity for disadvantaged students, but also enforcing ESSA provisions requiring extensive and expansive stakeholder engagement processes, which in turn should facilitate the creation of an expanded niche market, which could provide opportunities now and over the next several years for firms with tools that can facilitate an effective collaborative decision-making process over policies and practices intended in the new ESSA law.

Some states are “already knee-deep in the stakeholder engagement process, while others are just getting started,” according to

Education Week (June 20<sup>th</sup>). An earlier article described the process being initiated in Colorado and noted that other states such as Kentucky, Oregon, and Pennsylvania are holding town hall meetings to help states develop plans. And, the Council of Chief State School Officers has “released a white paper to help departments frame discussion points and strategize ways to engage hard-to-reach groups such as low-income and minority parents.” However, the Learning First Alliance, consisting of more than 15 education associations representing school districts’ administrators, teachers, among others (see below), outlined stakeholder engagement principles the Alliance feels must be followed to meet ESSA requirements and notes “In reviewing what states have published on their interpretation of stakeholder engagement, we find that there is a critical missing element: the understanding that the consultative process is not simply about sharing information. Rather it’s about acknowledging that the education decision-making done at each level of government now needs to be performed as a collaborative process...States must acknowledge that decision-making is a shared activity and develop a process that respects that fact.” The Alliance statement then offers seven principles “for those states that have not yet begun the initiative for interactive part of the consultative process...”

The seven Learning First Alliance principles which states and districts need to adopt and follow to implement the provisions and intent of ESSA suggest the capabilities and features a stakeholder engagement consultative and collaborative should have which firms should take into account in any proposed system or design effort, as noted below:

- The consultative process should facilitate affirmative interaction between individual groups who have overlapping and/or different responsibilities to ensure every student has equitable access to an effective education.
- The consultative process should facilitate “a collaborative discussion process that includes goal setting and the development of guiding principles aimed at defining and executing policy...it is also not just an advisory process for interested parties who are asked their views with one party deciding what information will be used from the discussion.”
- The process should be sustained “with stakeholders participating in discussions at the decision-making implementation and evaluation stages...stakeholders are also discussants for the implementation process and how and what data are used to evaluate implementation.”

One critical feature in initial stakeholder decision-making is how the consultative process will occur, what the desired outcomes are, and take into account the mechanics of how the process will work. This includes meeting times at stakeholder conveniences, transportation stipends, and other allowances to facilitate the process. This feature suggests the need for effective online interactive communications, and documentation of these.

The process should ensure that the participants be representatives of those constituencies or groups required to participate and are accountable to their respective constituencies to ensure that the stakeholders include all members of the community.

The overall process “should be both transparent and open to the public” and allow for any representative of a stakeholder group who is not included and/or needs to be replaced, allow for such a stakeholder group to correct the situation in consultation with state or district policymakers.

The degree to which the above principles are adhered to in designing and implementing a system for stakeholder engagement at the state or district level will vary, and to some extent will also vary depending upon the entity providing funding for such purchases. The systems in high-demand will be those which facilitate collaborative consultative stakeholder engagement beyond some commercial products which lack depth (e.g., limited to sharing information) and/or are designed solely to get “token approval” to meet minimal requirements in order to obtain Federal funds.

The demands for such stakeholder engagement systems will likely increase as a result of new provisions in ESSA and the increased priority placed upon enforcement using such systems at the district level to enforce existing civil rights laws by USED.

### **New Policy Analysis Identifies 43 States Which Provide Additional Funding for At-Risk Students Which Usually Compliments Title I Funding**

The new ECS report entitled “The Importance of At-Risk Funding” identifies 43 states which provide additional state funding either through weightings in state school aid formula and/or categorical programs, which complements major Federal programs such as Title I for at-risk students. The level and type of funding for

so-called “state compensatory ed” programs has changed since earlier work, conducted by Kevin Carey in 2002, which should be taken into account by firms in deciding what states and districts to target. In some states, the amount of state at-risk funding exceeds the amount of Title I funds or groups of at-risk students on which a state places a priority (e.g., ELLs in California).

The most recent analysis by ECS found that 24 states provide funding for at-risk students through the state’s primary funding formula by either providing additional dollars per student or by increasing funding to districts based upon weighted formula that provides for at-risk students. Examples of states using weighted formula funding allocations include:

- Connecticut provides an additional 33% of state aid formula funding for the amount allocated to each district based upon the number of eligible Title I students served.
- Maine includes in their state aid formula an additional weight of .15 for economically disadvantaged students, or 15% more for each student participating in the National School Lunch Program.
- Massachusetts provides an additional amount which was \$2,809 per low-income status student, which is added to the districts’ regular state aid formula allocation.

Over time, the percentage student “weight” or additional per-pupil allocation for at-risk students built into many states’ formula has changed. For example, in FY 2001, the amount of state formula allocation in Massachusetts was \$5,200 per students identified as at-risk at that time, which was the highest among all states.

One of the features of the use of state aid formula weightings for at-risk students is their general level of stability as state K-12 overall formula funding is generally up or down by only several percentage points annually. However, the impact on specific districts could be greater, especially when state formula programs, as in Connecticut, are tied to district Title I allocations (which have been addressed in our March 10<sup>th</sup> report on preliminary districts receiving relatively large increases in Title I funding for school year 2016-17).

The other type of state funding for at-risk students is referred to as “categorical” funding which ECS found exists in 21 states. These funds are provided often in addition to the states’ primary formula aid and is targeted for a specific purpose, such as after-school programs, early learning or summer school, or for specific student groups (e.g., ELL, migrant students, those in corrections facilities, among others). The variation in categorical programs is illustrated in a number of states, including:

- \$18 per-student is allocated in West Virginia to districts for students who are located in “alternative education” programs;
- In Nevada, \$50 million has been set aside for a two-year pilot program to allocate funds to schools with lowest achievement rates in the 20 lowest zip codes in the states, which is referred to as the Victory Schools Program.
- In California, categorical funding comes from supplemental grants or concentration grants. Under the supplemental grant, an additional 20% above the adjusted base grant to

the district must be allocated for English language learners.

State categorical programs can be more volatile than at-risk weightings in general aid formula and can experience significant changes based upon shifts in state priorities, which in turn can be affected by turnovers in governorships and/or legislative bodies. For example, during the 1970s-80s, the so-called Michigan State Comp Ed Program, which was approximately \$250 million and equal to the state's Federal Title I allocation, was based upon the number of low-performing students; however, in a following year, the amount of state comp ed allocation was based upon the number of students that achieved certain proficiency levels based upon new state tests. In California, the nature of state categorical programs changed dramatically as several major ones were consolidated in new legislation three years ago resulting in percentage set-asides for priority groups of students, such as English language learners.

The amount of state "comp ed" funding for a state is usually in the state's K-12 education budget or available from the SEA's Title I office. The nature of the funding by state can be viewed in the ECS report at: <http://www.ecs.org/ec-content/uploads/The-Importance-of-At-risk-Funding.pdf>

### **USED New Report and Civil Rights Data Suggest Corrections and Alternative Education Programs Will Be a Growing Niche Market**

On July 7<sup>th</sup>, USED released its report entitled "Trends in States and Local Expenditures on Corrections in Education,"

which suggests that reducing the number of youth/young adults being incarcerated could be a growing niche market, including an opportunity for the new ESSA "pay-for-performance" initiative. Under the "pay-for-performance" approach, private investors would fund such preventative/remedial/reading credit recovery efforts and if the provider is successful in reducing the number of individuals placed in jails and prisons and hence "long-term" cost, the investor would receive a percentage of Federal funds as a return on the investment (ROI). Federal and other dollars would also be paid to the provider. Such an effort is underway in Utah and others are planned as explained in our October 2015 TechMIS Washington Update.

The magnitude of such potential long-term cost savings to local government and districts is reflected in some of the current expenditure information provided in the report:

- 23 states increased per-capita spending for educating incarcerated youth; which is more than double the rate of increases in per-pupil K-12 spending; seven states (Idaho, Michigan, Montana, North Dakota, South Carolina, South Dakota, and West Virginia) increased their budgets more than five times the increase in their P-12 education spending;
- two-thirds of state prison inmates have not completed high school, with one study showing black men between 20-24 who do not have a high school diploma or equivalent having a greater chance of being incarcerated than employed in outside jobs;

- other studies have estimated a ten percent increase in high school graduation rates results in a nine percent decline in criminal arrest rates; and
- between 1980 and 2013, state and local expenditures for PK-12 doubled from \$258 to \$534 billion, while total state and local expenditures for corrections quadrupled from \$17 to \$71 billion.

The July TechMIS Washington Update included a recent study conducted by INACOL which reported that one of the most prevalent uses of online instructional delivery is focused on credit recovery and recommended ways for assessing the cost effectiveness of online blended approaches, which could be used to address the problems related to school-to-prison pipeline.

USED Office of Civil Rights new data on the so-called “school-to-prison pipeline” indicate that juvenile offenders in justice/corrections facilities receive, on the average, 26 hours of education programming weekly; twenty-one percent are provided fewer than 180 days of instruction each year. About a quarter are provided instruction for more than 230 days, while five percent receive instruction for less than 170 days a year. A report last year by the Council of State Governments entitled “Locked Out: Improving Educational and Vocational Outcomes for Incarcerated Youth” reported that few states were able to document whether a student received a high school diploma or a GED once they left the justice facilities; and in a third of the states, students when released from juvenile facilities were enrolled in an alternative school, not a traditional high school. The report also found that students in alternative schools had lower graduation rates and used curriculum which did not meet state

standards.

As the GradNation report (see May TechMIS Washington Update) found, about half of all of the high schools with enrollments of 100 or more with graduation rates of less than 67% should be included as “dropout factories” in calculating the national graduation rates; and that these alternative schools with 100 or more enrollments should be included in state accountability systems under the new ESSA. The report argued that these schools (estimated to be 1,200 schools which would double the current number of “dropout factories”) should be considered high-priority for receiving school improvement funding under the 7% SEA set-aside and be considered as having “the greatest needs” for being allocated Title I funding, which appears to be very likely.

As we reported in the May TechMIS Washington Update, one of the top five priorities, which the USED Office of Civil Rights will monitor and enforce civil rights protections will be students in the so-called “school-to-prison pipeline” and the use of distance learning to provide equitable access to quality credit recovery programs once such juvenile offenders return to secondary public schools.

The bottom line is that such pressures to increase civil rights enforcement in this overall niche market should create a higher demand for higher-quality curriculum and instructional programs, especially online or distance learning, which can be used in both juvenile justice facilities as well as alternative schools and regular high schools with such juvenile offenders return to such entities.

## **House Committee Markup of FY 2014 Appropriations Would Quadruple Funding for New ESSA Title IV Block Grant to \$1 Billion and Increase Title I and IDEA by \$500 Million Each; However, It Would Cut Title II by \$400 Million and Delete Funding for Some Obama Flagship Programs Such as i3 During the First Year Implementation of the New ESSA**

Even though the House Appropriations Committee markup on July 7<sup>th</sup> proposes to cut overall USED funding by two percent, the House, unlike the Senate (see July TechMIS Washington Update) would increase funding for the new Title IV consolidated grant, which would include funding for technology and directly-related professional development, to \$1 billion; increase IDEA and Title I by \$500 million, but cut Title II by \$400 million. It would not fund some of the Obama flagship programs such as i3. The major differences between the House and Senate Committee versions leave significant room for compromising the differences in a resulting appropriations act, but more likely in an “omnibus bill” following continuing resolutions after the November election, or later in 2017.

The rather surprising increase in the new ESSA Title IV Student Support and Academic Enrichment block grant was well-received by technology advocacy groups as the Senate would only increase the current estimated \$277 million [for existing programs that were consolidated] to \$300 million. If the appropriations level would reach the \$1.6 billion authorized under ESSA for Title IV, then about 60 percent of such funds would be earmarked as formula

grants to SEAs to allocate to districts for certain types of technology and mostly technology-related professional development and support. The yet to be published regulations have to clarify what constitutes the 15 percent for “infrastructure and software” and would determine how the 60% would be divided between professional development and software and “other.” During a recent meeting, USED officials were hesitant to answer the question regarding what level of appropriations for FY 2017 would “trigger” the provisions for the 60 percent split for technology and related professional development and the remaining 20 percent each for “well-rounded education” and “health and related services” general categories. The statute suggests when each district receives at least \$30,000 of Title IV formula funds then the trigger goes into effect. The President’s proposed FY 2017 budget would have increased the Title IV levels to \$500 million, and converted the formula funds to competitive grants. USED officials have said that his proposal has been evidently rejected since neither the Senate nor House versions include any language reflecting the Administration’s proposed intent to convert formula funds to grants.

The \$500 million increase in IDEA reflects the priority placed upon special education which Chairman of the House Education and Workforce authorizing Committee, John Kline (R-MN) has pressured Congress to pass for more than five years. Kline’s strong support reflects lobbying efforts and his close relationship with education administrative groups such as AASA and NSBA. The proposed mark for IDEA would likely be welcomed by the Administration if the proposed USED regulations increase more than 10 fold the number of districts

having to set aside 15 percent of IDEA funding for CEIS/RTI. For the most part, the new set-asides would be allocated to Title I and other programs to provide interventions for at-risk students (including those being suspended) not yet placed in special education programs. Under the proposed regulations, the number of districts would likely increase from 490 to 8,100 if the full regulations were implemented, which is probably not likely (see March-May TechMIS issues).

The \$500 million proposed increase for Title I proposed by both the House and Senate does not quite make up for the amount of Title I School Improvement Grants (\$450 million in FY 2016) that would no longer be funded in 2017-18 under ESSA. Moreover, the language in the new ESSA would also increase the SEA set-aside for school improvement from 4% to 7% (approximately \$400 million increase) and in certain states could also result in an additional 3% SEA set-aside for Direct Student Services which could be provided to some, but not all, districts under competitive grants. As a result, the total amount of Title I funds would be reduced in a large number of districts between \$200-250 million. AASA and NSBA are lobbying Congress now to increase funding by \$250 million to make up for the impact on these districts during the first year of implementation of ESSA. However, as we note in a related Washington Update, during the 2017 preliminary district allocations of Title I funds to those districts which are receiving increases at the time are not likely to receive “downward” SEA adjustments.

By a vote of 31 to 19, the House appropriators also cut the Title IIA Teacher Quality program by \$400 million as

Education Week's Teacher Beat blogger Stephen Sawchuk noted, “Title II funding has declined from nearly \$3 billion in 2008 to \$2.4 billion in 2016, or about a third overall since 2008. The set-aside of \$43 million for the Teacher Quality Partnership Program reported by the Administration would be zero-funded, but as Sawchuk notes, the bill has yet to clear the House floor and be reconciled with the Senate version so “there’s room for changes yet.” Over the last several years, Sawchuk has compared and analyzed spending patterns within Title II; in his last report, he found that the total amount for professional development was about \$825 million, with the remainder being used for class size reduction; both the Administration and the House have, on several occasions, proposed to limit the amount for class size reduction to 10%. Title I annual expenditures on professional development have ranged between \$1 billion and \$1.5 billion over the last five years, according to our analyses.

The other winner in the House appropriations markup would be Head Start which would receive a \$142 million increase to a total of \$9.3 billion; Head Start continues to be administered by the Department of Health and Human Services which jointly with USED also administers the new Preschool Development Grant program, which would receive level funding.

While the Senate Committee favored continued funding for more of the Administration’s priorities such as the i<sup>3</sup> program referred to as the Education Innovation Research Fund under ESSA, the House panel would “zero” fund that program, the Full Service Community Schools Program and some other current

USED programs.

The Obama Administration and a House Democrats' caucus have requested several hundred millions of new funding for computer science education; however, no funds were included in the "markup." It is not clear whether this up-swell of support for computer science, coding, and directly-related initiatives will be reflected in the Continuing Resolutions and most likely omnibus bill in six to eight months.

### **USED Issues Guidance Identifying Potential Ways to Use Federal Formula Funds to Ensure All Students Have Access to a "Well-Rounded Education" Under Existing NCLB as Well as New ESSA Provisions**

Complementing an April "Dear Colleague" letter guidance on use of existing Federal funds to support STEM education, the July 13<sup>th</sup> "Dear Colleague" letter on "well-rounded education" focuses on history, civics, government, economics, geography, literature, art, music, and philosophy. The letter provides examples how existing formula programs (e.g., Title I and Title II) can enhance the impact of "humanities education." Below are additional examples how grantees can use Federal funds in the 2016-17 school year along with certain conditions.

Title I funds can be used to:

- "Provide students with mobile learning devices to support learning, including instruction in humanity courses...in Title I schoolwide programs, they can use Title I funds to acquire devices such as

tablets and laptops as part of a comprehensive plan to upgrade the education program of a school consistent with the school's comprehensive needs assessment."

- "To increase the rigor of humanities coursework for students attending a school operating as a Title I schoolwide program consistent with the school's comprehensive needs assessment."
- "To help prepare low-achieving students to take advanced humanities courses in high school – for example, providing an intensive summer school course designed to accelerate their knowledge and skills, offering an elective course to prepare them to take advanced courses, or providing after-school tutoring while they're taking advanced courses."

Title III English language acquisition funds can be used to "improve instruction for English learners by acquiring supplementary digital learning resources and software that support English learners' acquisition of English proficiencies and humanities content proficiency, including materials in languages other than English."

The guidance cites numerous examples of how Title II funds can be used to support teachers through professional development such as preparation for new "civic and arts history courses," to support elementary teachers and preschool educators to incorporate humanities into their classrooms, to recruit qualified individuals with humanities content knowledge or those planning to become humanity teachers.

The "Dear Colleague" letter cites several examples of how Perkins funds can be used to support career-based experiential learning by offering internships, apprenticeships, and

mentoring programs to improve student knowledge in careers and the humanities, including courses such as arts, audio visual video technology, and communication careers.

It also points to the new ESSA Title IV “Student Support and Academic Enrichment grants” (which assuming funding levels increase enough to trigger set-aside requirements) allows 20% of the funds be used for “promoting a well-rounded education.” However, as we have noted, specific guidelines have not been published by USED thus far and perhaps are awaiting determination of final amounts of funding being passed for FY 2017.

In June, the Education Commission of the States (ECS) published a special report on “ESSA’s Well-Rounded Education,” which is targeted to education state policymakers and legislatures and describes the “many opportunities for states and districts to invest in activities that support a well-rounded education, including the new student support and academic achievement grants.” The report cautions that the requirement that 20 percent of such funds be used to support a well-rounded education is contingent upon a district receiving a total formula grant under Title IV of at least \$30,000. This is likely to limit district participation even if the \$500 million level proposed by the President’s FY 2017 budget is passed; the authorized amount is \$1.6 billion. However, as noted in a related Washington Update, the House Appropriations committee recently proposed to increase that amount to \$1 billion, as the appropriations process for FY 2017 began in June.

### **Based Upon its “Interpretations,” USED Identifies Upcoming Challenges Created by New ESSA School Improvement Provisions, Which Could Have Significant Implications for Most TechMIS Clients**

On July 21<sup>st</sup>, USED’s blog *School Turnaround Learning Community* identified several major “challenges” created by the new ESSA provisions based upon its interpretations which could have significant implications for TechMIS firms targeting Title I with interventions which can be used to increase student performance in lowest performing schools. Entitled “Maximizing ESSA’s 7% Set-Aside for School Improvement,” the blog post focused primarily upon lowest-performing (5%) schools and high schools failing to graduate at least two-thirds of their students; these schools have to implement “Comprehensive Support and Improvement (CSI)” strategies. Similar to Priority schools under the defunct School Improvement Grant (SIG) program, these schools would receive the bulk of the SEA 7% set-aside (previously 4%) for school improvement under ESSA. Each CSI school must implement a school-specific comprehensive intervention plan that is developed by its district which is acceptable to the school and is approved, monitored, and regularly reviewed by the SEA. Among the lists of the 5% lowest-performing schools, the ones with the demonstrated “greatest needs” and “strongest commitment” to improve student achievement are scheduled (in draft USED regulations) to be identified using 2016-17 data and would begin implementation in 2017-18. Objections to the early identification of and implementation in CSI schools have come from states, Congress,

and other quarters, which could be changed in final USED regulations, which are likely to be published late fall.

The blog identifies several challenges and suggestions as to what LEAs and SEAs can do now; several challenges have particular major implications for many TechMIS subscribers.

One challenge identified during the March Council of Great City Schools conference (see April TechMIS Washington Update) is that the increased SEA set-aside to 7% (up from 4%) could increase the number of districts which will receive significant reductions in Title I regular funding in FY 2017-18, largely because the “hold harmless” provision, which existed this year under NCLB, would not take effect again until the 2018-19 school year. As the blog notes, this means “that the LEA’s Title I allocation could be reduced when states take the full 7% set-aside in 2017-18; this could result in a loss of funding for some districts.” One implication for TechMIS clients is that districts which received increases for 2016-17 school year (see the March 10<sup>th</sup> TechMIS Special Report identifying districts receiving increases) which feel their allocation for 2017-18 will be cut (because it will no longer be protected by “hold harmless” provisions) are likely to withhold more of the 2016-17 Title I funds in the Title I reserve; As long as such uncertainties exist these districts will likely carry over funds to next year to “soften the blow.” On the other hand, districts that have large percentages or numbers of Title I schools eligible for CSI allocations from the SEA 7% set-aside are likely to actually receive a relatively larger portion of the 7% SEA set-aside than they would if “hold harmless” provisions were applied to some

districts. The districts which will be receiving preliminary increases in Title I allocations next spring are likely to receive more of those Title I funding increases when final allocations are determined due to “hold harmless” provisions not being applied to allocations for 2017-18. When the “hold harmless” provisions “kick in” during the 2018-19 school year, many states may not be able to set aside the full 7%, but will have to settle for a smaller percentage being reallocated to districts with CSI-eligible schools.

Unless technical amendments are passed, or states come up with creative solutions, one important implication is that some of the districts receiving Title I increases for this year may increase the amount “carried over” to next year. For these districts, end-of-year spending before June 2017 may be minimal.

A second challenge which was only “tangentially” addressed in the blog which could mushroom and have direct implications for many TechMIS subscribers relates to the degree to which “interventions” for CSI schools must be “evidence-based.” After reiterating the four “levels” or “tiers” of evidence for interventions (which the blog notes in ESSA are “new”), it states, “while some ESSA programs allow the use of all four levels of evidence, Section 3a requires that CSI and TSI schools use these funds only for interventions reflecting one of the highest three levels of evidence (strong, moderate, and/or promising). Given the possible dearth of interventions that meet one of these evidence levels how states and districts will be able to meet the evidence-based requirement is a concern.” Not only is this a concern for states and districts, it should be a major concern for TechMIS clients

providing interventions for district Title I and school improvement initiatives. Differing from the blog's above-stated "general" interpretation, the proposed regulations in an attempt to clarify evidence requirements for Comprehensive Support and Improvement plans (CSI) state that, "One or more of a school's activities and interventions as opposed to all activities and interventions must be evidence-based and require an LEA to take into consideration in selecting an evidence-based intervention the strongest level of evidence that is available and appropriate and is relevant to the context in which the intervention will be implemented if practical." (Proposed section 200.21)

Groups such as SIIA have argued that the intent of Congress was to have the intervention strategies be evidence-based, differentiating strategy from specific interventions, commenting that the term "intervention is primarily used in reference to providing a specific instructional tactic or tool to an individual or small group of students. SIIA's concern is that these innovative individualized instructional methods and tools which will inadvertently be caught up in the requirements for schoolwide improvement strategies will consist of many student-level interventions...If applied, schools would be severely limited from utilizing new innovative instructional methods and tools where certain research models may not be appropriate or possible." Elsewhere, in several areas, the draft regulations called for the use of "evidence-based interventions" which are "based on a school-level needs assessment." (Section 200.21) Selection of specific evidence-based interventions based upon needs assessments are particularly required for use in Targeted Support

Improvement (TSI) schools (similar to Focus schools under NCLB) where performance of a specific subgroup of students is the reason for such schools are identified as needing TSI.

It is interesting to note that the July 21<sup>st</sup> blog also identifies that past SEA policies and practices on the use of Title I funds can become a major barrier and need to be examined with "some changes likely needed." It says, "In order to unlock regular Title I funds and other ESSA funds – which are important resources in many low-performing schools...making these changes may be challenging, but doing so is critical to effectively supporting school efforts. A guide that can help in this effort is West Ed's *Using Federal Education Formula Funds for Turnaround*." In our April 27<sup>th</sup> TechMIS report, we summarized the major flexibilities cited in the West Ed report which currently exist under NCLB for schoolwide programs, which many SEAs do not allow districts to take advantage of. Since all of the Title I schools identified as CSI or TSI are likely to have been designated as schoolwide programs, this particular guide, which was used in an April 4<sup>th</sup> briefing before all Chief State School Officers earlier this year, essentially says that a district can decide to use any of several types of interventions in schoolwide programs in order to turn them around, as long as such interventions are identified "based upon the schoolwide program needs assessment."

As a closing comment, in light of the current Administration position supporting open education resources (OER) and "open license" interventions and the proclivity to balance the playing field on the side of non-profit versus for-profit organizations, it is

likely that a major sticking point in the final regulations will be evidence-based interventions, pitting once again key congressional leaders and many for-profit organizations against USED.

### **Survey of Online Professional Learning Finds Classroom Behavior/Management and Digital Device Training Are Most Prevalent Courses/Subject Areas Taken By Educators; Companies/Vendors Provide Only About a Quarter of Such Training**

The most recent SIIA annual *Vision K-20* project survey, which focused this year entirely on online professional learning for teachers and other educators, found “nearly 75 percent of pre-K-12 educators enroll in online PL courses “when they are personally interested in the subject and want to increase their knowledge in that area.” The second most common reason educators select is to receive continuing education units (46%).” In addition to the need for obtaining continuing education credits (CEUs) other job-related reasons were: meeting other job requirements; and obtaining salary increases. Slightly more than four-fifths of the reasons checked off for taking such online professional learning courses relate to job security, promotion, and salary increases.

When asked to identify the topics of online professional learning course, a third of respondents indicated that the topic related to classroom behavior/management with another third identifying training for software digital applications and digital products. Another third indicated the primary topic was training for electronic

digital devices. A separate analysis of respondents who had been in education for more than 20 years, found that slightly over 40 percent identified the topic as training for education software, digital applications, digital programs, and other digital products with only about 33 percent reporting classroom behavior/management; another third also reported the topics related to training for electronic or digital devices. These findings suggest that more experienced teachers have taken online professional learning in areas related to training for software/digital applications and devices more often than other teachers. Older experienced teachers had less need for behavioral/management training than do younger and other teachers.

The most commonly used providers of online PD based on the SIIA survey are educational institutions (60.3%) or online communities (60%) with about 28 percent of providers being companies or vendors. It should be noted that over the last two decades a number of surveys that focused on professional development, particularly related to Title I- and Title II-funded professional development, has found about 25 percent of professional development providers used by teachers and other K-12 staff have been companies or vendors, which provide professional development included in the sales price for the company’s products or for firms specializing in professional development and support.

While the total estimated amount of annual expenditures on professional development from a variety of sources in K-12 has been as high as \$16-18 billion last year, the amount of such services purchased from for-profit firms has been about a quarter of that amount. By far the most prevalent providers

as found in this recent SIIA survey are educational institutions, including the districts themselves and online communities, mostly made up of not-for-profit organizations such as large associations like ASCD.

The survey findings were released by SIIA ETIN Division during the ISTE June conference in Denver at which time SIIA and COSN convened a “feedback” focus group ostensibly to provide information to the two respective associations’ members, which provide professional development, particularly delivered online. The district focus group representatives included technology or professional development officials from small to medium-sized districts, the with varying experiences and degrees of involvement with online professional development. While this non-representative group of districts echoed some of the SIIA survey findings, most shared their general experiences without a focus on implications and “do’s and don’ts” for firms in attendance. However, several comments were worth noting, including:

- A professional development official from one small district was adamant in separating training from professional learning and said that his firm would never purchase training related to specific products from a firm, implying that such services would have to be included in the price of the product or provided “free.”
- In a similar feedback session a year ago, the superintendent of a medium sized district made similar comments;
- When asked about the impact of the new ESSA online professional development in their district, the majority of district representatives did not respond, most

likely because they were not familiar with some of the provisions related to professional development which have been discussed in previous TechMIS reports (e.g., the need for evidence-based approaches and one-day workshop approaches would not be “allowable” for using Federal funds).

In a side discussion with technology director in a medium-sized district which spends between \$20-25 million on professional development annually, he indicated that the provision excluding the use of Federal education funds, such as Title I or Title II, on workshops or short, one-time training sessions would not affect his district as non-Federal funds which the district had access to could be used to purchase these types of training.

The SIIA survey finding that only about a quarter of professional learning and training in districts is purchased from companies or vendors appear to be strongly confirmed by comments or the lack thereof, by representatives of districts in the feedback focus group session, which was disappointing.

### A Recent USED Report Identifies Existing State Policy “Laws” for Intervening in Chronically Low-Performing Schools, Suggesting Which States Could Likely Adopt Some Interventions “Encouraged” by USED Under ESSA Draft Regulations (Described in July TechMIS Report) Without Passing New “Laws”

The report by the Regional Education Lab (REL) at Marzano Research dated June 2016, found 32 states have existing policies

related to interventions and day-to-day operations of chronically low-performing schools, noting “the most common intervention-related to the day-to-day operations of the school is requiring changes to curriculum or instruction or changes to the school calendar or school day.” The REL report found that two-thirds of the states require “data-driven decision making.”

Connecticut can require the school to implement a “modern curriculum,” which could include textbooks, materials, and supplies approved by the state. The Connecticut code could also require schools to establish learning academies, offer summer school, weekend classes, and full-day kindergarten. In Virginia, schools accredited with “warning” in English or math, must adopt a research-based instructional intervention with demonstrated results and certifies that the intervention has been adopted and implemented. Georgia can require lowest-performing schools use recommended scientifically-based instructional strategies, while Kansas has a range of interventions related to curriculum and instruction and requires use of data to inform instruction and, among other things, improve family and community engagement.

The REL report cautions that the state policies that are in current law and education code could have been updated since 2015 and although the state code-law requires or recommends certain types of interventions, not all have necessarily been implemented or have been applicable specifically to low-performing schools. The report does identify specific states with certain categories of allowable interventions, which could suggest how a client’s interventions

and/or services could fit into states’ current policy “legal framework” when the new ESSA is implemented without the state having to make legislative changes in its statutes.

### **USED Guidance on “Homeless” Could Provide Opportunities for Some TechMIS Clients**

USED has published guidance on implementing the new provisions in ESSA regarding homeless children who are eligible to receive district services under the McKinney-Vento Homeless Assistance Grants as amended. Of interest to some TechMIS subscribers, the guidance states that such funds may be used to support the following activities:

- Tutoring, supplemental instruction, and other education services that help homeless children and youth reach challenging state academic standards.
- Academic enrichment programs for disadvantaged students which are aligned with state standards and curriculum.
- Such district services that “focus on providing services for children and youth that reflect scientifically-based research as the foundation for programs and strategies to ensure academic success.”
- “Expedited evaluations” of eligible students to measure their strengths and needs and evaluations to determine whether a homeless child or youth needs early intervention services and/or programs for gifted and talented students.
- Professional development and other activities for education and specialized

instructional support personnel that are designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youth.

- Developmentally appropriate early childhood education programs for preschool-aged homeless children.
- Before and after-school mentoring summer programs which can provide tutoring, homework assistance, and supervision of educational activities.
- Education and training for parents and guardians of homeless children.
- Specialized instructional support services, including violence prevention counseling and referral for such services.

Unlike other provisions related to accountability in ESSA, the July 27<sup>th</sup> guidance on homeless will take effect on October 1, 2016 based upon existing NCLB laws which have been amended as part of ESSA.

The guidance states that there are approximately 1.3 million homeless children and youth. Other information about the growing population are available at USED “Homeless Student Guidance Fact Sheet” (July 27<sup>th</sup>) at [www.ed.gov](http://www.ed.gov).

### Miscellaneous (a)

Several recent reports have found that teachers need more professional development and other support, along with direction to teach Common Core state standards. A series of Education Week articles has argued that “the standards include detailed writing expectations that go well beyond previous state requirements, specifically they called for proficiency and

argumentative, explanatory, and narrative writing that draw connections from and between texts.” Several writing groups and experts were quoted in the articles saying:

- “Teachers want to teach more writing. They know it’s important. They believe in it, but they don’t always have support or direction available to properly teach the sort of in-depth writing now expected of students,” according to Carol Jago, past President of the National Council of Teachers of English.
- “At the beginning of the Common Core implementation, the National Writing Project Director, Tanya Baker, said it became clear that there were veteran teachers who had no practice in teaching the kind of writing, particularly argumentative writing that standards called for.” As reported in Education Week (June 20<sup>th</sup>), Baker noted, “The project has tried to respond to that need with online professional development courses, resources for teachers, and an online community of practice where teachers can connect and discuss the new expectations of writing instruction.”

As the Education Week series concluded, “Professional development efforts haven’t kept up in helping teachers meet these new demands.” In its June 24<sup>th</sup> article summarizing another recent survey involving almost 500 teachers in grades 3-8 published in the May Reading and Writing Journal, the article reportedly found only about one quarter “of all teachers said they had sufficient professional development to successfully implement the writing standards [Common Core] in their classrooms.” The lack of PD was emphasized in another finding as well: about one in five teachers said they were not very familiar with Common Core writing

standards.” The national survey, headed by Gary Trolia, Michigan State University, which according to the press release was the “first study of teacher perceptions of the writing and language standards portions of Common Core,” found that the majority of teachers feel the new standards are more rigorous, provide clear expectations for students, and “push them to teach writing more often;” but on the other hand, teachers felt standards and related tests take too much time, don’t accommodate all student needs, and omit the aspects of writing development.

### **Miscellaneous (b)**

USED announces availability of applications for Promise Neighborhoods new grant competition in which \$30 million will be awarded for “up to” five organizations to provide a range of education and support wraparound services to improve outcomes for students and families. Since 2010, 58 Promise Neighborhood grants have been made to 48 communities, representing an investment of nearly \$300 million and serving over 700 schools. Other funding for these projects have come from Promise Zones, Choice Neighborhoods, and other administrative initiatives. While for-profit organizations are not eligible to participate directly, many of their products and services can be used in implementing local initiatives. Some of the earlier grantees may be in the market for “wraparound” service and product updates and replacements while others may be interested in investing wisely in products and professional development before their multi-year grants are exhausted. The application for the new grant competition are available in the July 8<sup>th</sup>

Federal Register with proposals due September 6<sup>th</sup>. Lists of past grantees and other information is available on the USED Promise Neighborhoods website at: <http://innovation.ed.gov>

### **Miscellaneous (c)**

Vermont legislature has passed the first law in the nation to provide publicly-funded pre-K programs to all three- and four-year-olds beginning in July. Each Vermont community which has a school must offer at least ten hours a week of free high-quality preschool for 35 weeks per year to children in the above age groups.

### **Miscellaneous (d)**

A new report by the Midwestern Higher Education Compact and Education Commission of the States suggests lack of qualified dual enrollment instructors meeting post-secondary accreditation association guidelines could reduce dual enrollment programs, suggesting growth opportunities may exist for online courses using limited number of qualified instructors could be in high demand in certain states. The state-by-state analysis identifies and describes state dual enrollment policies for instructor qualifications in all of the states, including meeting master’s degree requirements and meeting graduate credit requirements (at least 18 hours) in 19 states. The Education Week High School & Beyond blog (July 12<sup>th</sup>) quotes Jennifer Zinth, Director of high school and STEM activities at Education Commission of the States (ECS), as saying, “There is huge diversity from very local-control where they leave it

up to the discretion of the institution to other states that are extremely prescriptive in the qualifications,” calling the national scene a “patchwork of policies when it comes to requirements to teach dual enrollment courses in high school.” Individual state briefs describe the qualification policies of states accrediting agencies and how each state helps high school teachers get the necessary training. As ECS STEM Director Zinth stated, “There is a certain level of panic in some of the states where there aren’t many instructors who have a master’s degree. There is concern that some dual enrollment programs may have to fall by the wayside because they can’t find enough credential instructors.”

Even though there exists a number of barriers to cross-state online delivery of dual enrollment courses in high schools (e.g., states accepting qualification credentials of instructors approved in other states), the new ESSA places a high priority on the use of dual enrollment programs in high schools and requires that if such online courses are available for certain students now, they must be available for all students in the future under existing civil rights laws. Indeed, availability/accessibility of online courses for disadvantaged, minority students to access high-quality dual enrollment programs as well as credit recovery programs is one of the five priorities to be monitored in the immediate future as described in the USED Office of Civil Rights Annual Report to Congress (see related Washington Update).

### Miscellaneous (e)

Shortly before the Congress recess, 30 civil rights proposed ESSA regulations should

reduce the minimum sample size (“N”) for accountability purposes from 30 to 10 students in a subgroup to ensure more students in subgroups have their achievement gaps reduced. The letter argued that even though the Department does not prescribe a particular N-size in the draft regulation, and states that have N-sizes larger than 30 would have to submit a justification, many states will settle on 30. The argument for ensuring more equity for minority, disadvantaged subgroup students with achievement gaps follows a report from the Alliance for Excellence in Education (AEE), which argues that if every student is to succeed, these goals will never be fulfilled unless states structure their accountability and improvement systems to be as inclusive as possible; it stated, “By setting an N-size of ten or fewer students, state accountability systems effectively can identify and support the nation’s underserved students and realize the civil rights imperative inherent within the law.” The Alliance then identified evidence-based reform and intervention strategies which have closed achievement gaps, particularly at the high school level. These interventions, which have been referred to, in various ESSA initiatives for school improvement include the following.

- Early warning identification and intervention systems are cited as an evidence-based intervention strategy in the Diplomas Now effort, which fosters continuous improvement, identifying struggling students through regular reviews of data and provides additional academic support in areas of identified need, informs support groups, and connects identified students with community resources; studies show a 62% reduction in student suspensions, 58% reduction in students failing

- English, and a 54% reduction in students failing math.
- Advanced placement (AP) and International Baccalaureate programs: for example, AEE cites research demonstrating that AP students “are more likely to enroll in a four-year college, perform better in college, return for a second year in college, and graduate from college than their peers.” It cites other studies that found students who take math or science exams are more likely to major in STEM fields.
  - Early college/dual enrollment programs: 90% of students participating in early college high schools earn both a high school diploma and associates degree with two years of credit, and 30% earn an associate’s degree or other postsecondary credential while in high school, according to the AEE report.
  - Linked Learning: AEE cites the California Linked Learning high school redesign program that integrates rigorous academics and career-based learning, work-based learning in professional setting, and integrated student supports; cites an SRI international study that “finds that students enrolled in high-quality Linked Learning pathways are more likely to graduate from high school than other students.”

Even though some of the evidence cited by the AEE report could be considered preliminary (e.g., Linked Learning), the number of states seriously considering these interventions as allowable interventions in lowest-performing schools requiring comprehensive intervention and support under ESSA is likely to increase, perhaps more so than states reducing the N-size from 30 to 10. While some states may exercise an

allowable option to reduce the N-size to 10, as recommended, it is likely that some of the intervention strategies cited above will be used. Their use should offer opportunities for TechMIS clients who have products and services, which can be used in implementing career-oriented Linked Learning, early warning, advanced placement, and other personalized or individualized types of learning strategies.

The AEE report is available at the Alliance for Excellence Education website: <http://all4ed.org/>

## Miscellaneous (f)

Under a 2013 law, which goes into effect this year, thousands of Maryland high school students will be taking remedial courses to “become college-ready.” The Baltimore Sun reported that typically over the last few years, about half of the high school graduates had to take remedial classes before taking more rigorous college courses. SEA officials feel this number of students will decline next year because of the use of high school interventions this school year. About 70 percent of high school graduates entering community college had to take remedial developmental courses, while about 20 percent entering four-year colleges had to do so. Baltimore County schools will enter a joint remedial effort with the college, while Baltimore City students who do not meet English standards will be in transition classes; students with low math scores will have other options. Anne Arundel, Howard, and Carroll Counties will provide remedial work in their regular English and math classes. Anne Arundel County will provide extra class instruction using online courses created by

the local community college for students to take during the day or at other times.

## Miscellaneous (g)

The proposed “Comprehensive Center for Improving Literacy for Students With Disabilities” created under ESSA could offer opportunities for for-profit organizations to develop evidence-based assessment and literacy instructional strategies. The proposed Center announced in the Federal Register on June 13<sup>th</sup> could provide opportunities for “for-profit” organizations to assist in developing evidence-based, low-cost assessment tools for identifying students at-risk and for evidence-based literacy instruction strategies. The current Administration is placing a high priority on funding the center. Applications are due July 25<sup>th</sup> so that the approximate \$7.5 billion five-year grant, under a cooperative agreement could be made before September 30<sup>th</sup>. The invitations for applications has occurred without an opportunity for public comment, indicating a sense of urgency. It will be administered jointly by USED Office of Elementary and Secondary Education and Office of Special Education and Rehabilitation Services.

It would appear that an underlying goal of the Center is to promote evidence-based RTI or multi-tier systems of support (MTSS). Earlier this year, USED released an evaluation report of the use of RTI approaches, which questioned the effectiveness of RTI use. This publication was followed by sharp criticism from groups such as the National Center for RTI, among others that the RTI approaches evaluated were not implemented well and the study

had other limitations (see May TechMIS Washington Update).

A number of “absolute” priorities are listed in the funding announcement including the following:

- Identify or develop free or low-cost evidence-based assessment tools for identifying students at risk of not attaining full literacy skills due to a disability, including dyslexia impacting reading or writing or developmental delay impacting reading, writing, language processing, comprehension, or executive functioning;
- Identify evidence-based literacy instruction, strategies, and accommodations, including assistive technology, designed to meet the specific needs of such students;
- Provide families of such students with information to assist their students;
- Identify or develop evidence-based professional development for teachers, para- professionals, principals, other school leaders, and specialized instruction support personnel.”

The professional development should focus on understanding indicators of students at-risk, use of evidence-based reading assessments for early identification, and fidelity of implementation of evidence-based instruction.

The guidance explains that eligible applicants includes research organizations, institutions, partnerships with such entities or individuals, with demonstrated abilities and capacities. Eligible sub-grantees to “directly carry out project activities” can include SEAs, LEAs, private non-profit organizations, and for-profit organizations

“suitable to carry out the activities proposed in the application.” Moreover, the grantee may award subgrants to entities it has identified in the approved application which would suggest that the use of Request for Proposals (RFPs) after grant award by the center will not be required. The application package is available at: [www.ed.gov/fund/grant/apply/grantapps/index.html](http://www.ed.gov/fund/grant/apply/grantapps/index.html) (877-433-7827).