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NATIONAL NEWS

Outlines of ESEA's Future Emerging on Capitol Hill

Education Week

By: Alyson Klein

May 13, 2011

[HTTP://WWW.EDWEEK.ORG/EW/ARTICLES/2011/05/13/31ESEA_EP.H30.HTML?TKN=UMLF5XKNQORL6ETFRTF50MYNMWZ9DIKM3GR0&CMP=CLP-EDWEEK](http://www.edweek.org/ew/articles/2011/05/13/31ESEA_EP.H30.HTML?TKN=UMLF5XKNQORL6ETFRTF50MYNMWZ9DIKM3GR0&CMP=CLP-EDWEEK)

Four months after President Barack Obama made education a centerpiece of his State of the Union address, lawmakers charged with reauthorizing the Elementary and Secondary Education Act are beginning to sketch out their own visions for aspects of the law's renewal.

Still, the prospects that Congress will meet the president's goal—a comprehensive, bipartisan reauthorization by the start of the next school year—remain cloudy.

Bipartisan talks continue in the Senate, but lawmakers are still puzzling over issues at the heart of the ESEA, including just what the federal role in school improvement and accountability should be. The current version of the law, the 9-year-old No Child Left Behind Act, greatly expanded Washington's role in holding schools accountable for their students' academic results. Meanwhile, Republican members of the GOP-led House are preparing a series of bills on such issues as funding flexibility and the elimination of certain education programs. It's an open question whether those measures will ultimately garner the broad bipartisan support necessary to craft final legislation at a time when each party controls just one chamber and the White House is in Democratic hands.

The administration is beginning to express frustration with the progress of negotiations.

"We are concerned that it is not moving at a more rapid pace," Carmel Martin, the assistant secretary for planning, evaluation, and policy development at the U.S. Department of Education, said at a May 12 event hosted by the Center for American Progress, a Washington think tank. Still, she complimented lawmakers on their commitment to moving a bill forward.

Even though neither the House's nor the Senate's education committee has released a comprehensive reauthorization bill, lawmakers are working on more targeted legislation dealing with important pieces of the ESEA, which has been the flagship federal law in K-12 education since 1965.

Rep. John Kline, R-Minn., the chairman of the House Education and the Workforce Committee, has long said he would like to break the ESEA-renewal bill into smaller, bite-size pieces. This week, his panel was putting the finishing touches on legislation to permanently scrap a number of smaller education programs that lawmakers say aren't effective.

That list could include many of the programs that were defunded in the final fiscal year 2011 budget legislation, which cut funding for Striving Readers, Smaller Learning Communities, and the Even Start Family Literacy program, among other programs.

President Obama targeted many of those same programs for consolidation in [his recent budget request](#) for fiscal 2012. Under the administration's plan, for instance, a number of smaller teacher-training programs would be scrapped, though the money would go into one competitive pot aimed at improving teacher quality.

But a House proposal being discussed would instead entirely eliminate programs deemed ineffective in order to save money, not simply shift them to other funding streams, advocates say.

Rep. Kline expects the new legislation could spark a partisan fight.

“Everyone is willing to eliminate or consolidate a program or two,” he said at a May 4 event at another Washington think tank, the Heritage Foundation. “We’re going to take a little bit bigger step than that. We just have programs that we don’t need out there.”

The House committee also is preparing a bill that would give school districts more leeway to transfer federal funds from one program to another.

“Schools are enormously frustrated that they can’t move money,” Rep. Kline said at the Heritage Foundation event. “They need flexibility in funding.”

Lawmakers are considering allowing districts to move all of the money out of a particular funding stream and transfer it to another, according to advocates familiar with the discussions.

House members also are considering including language that would free districts from federal reporting requirements for funding streams they don’t use. There could be just two key exceptions: the law’s Title I, which supports programs for disadvantaged children, and Title III, which authorizes aid for programs serving English-language learners.

Mixed Reaction

The flexibility proposal is not something that many Democrats are likely to support, said Charles Barone, the director of federal policy for Democrats for Education Reform, a political action committee in New York City.

But officials with the American Association of School Administrators, in Arlington, Va., were pleased with what they were hearing about the flexibility proposal.

“We see this as a strong parallel” with the increased rhetoric around local control, said Noelle Ellerson, the assistant director of policy and advocacy for the AASA.

As schools struggle to cope with the end of funding from the federal economic-stimulus program, they’ll welcome the chance to move dollars around, she said. “Flexibility can be as good as new money,” Ms. Ellerson said.

She expressed concern, however, that the greater leeway being proposed could take pressure off Congress to boost funding for education.

National Education Association officials were less than thrilled with what they were hearing from Capitol Hill sources about the legislation.

Mary Kusler, the manager of federal advocacy for the NEA, said a number of schools are already struggling to find funding for students in poverty, English-language learners, and other students needing extra help. She worries that those groups could be shortchanged under the bill.

“If the federal government isn’t providing money for high-poverty students and ELLs, among other special populations, ... who else will?” Ms. Kusler said.

Debate Over Federal Role

The scope of the federal role in education has also become a point of discussion in the Senate, where bipartisan talks on the ESEA continue. Some senators are interested in training the federal focus primarily on the lowest-performing schools, perhaps the bottom 5 percent or 10 percent, advocates say.

Since discussions are ongoing, it’s still unclear just what an accountability system that focused primarily—or only—on the lowest-performing schools would look like.

Some in the civil rights community say limiting the federal emphasis only to the lowest-performing schools is not good policy.

“There’s no indication that there’s going to be a [draft bill] that includes something other than the lowest five to ten percent of schools, and that won’t cut it,” said Dianne Piche, the director of education programs for the Leadership Conference on Civil Rights.

The U.S. Chamber of Commerce, the influential coalition of business organizations, has also made clear that it wants to see all schools included in the accountability system under a reauthorized ESEA, not just the lowest performers.

The group recently released [a set of proposals](#) for reauthorizing the ESEA that kept key aspects of the current accountability system intact, such as setting a clear deadline for bringing all students to proficiency in reading and math and requiring states to set annual, measurable goals for the achievement of all students, and for specific subgroups, such as racial minorities.

“There is an important federal role in education,” said Margaret Spellings, the president of the Chamber’s Forum for Policy Innovation, who served as U.S. secretary of education under President George W. Bush.

But GOP education leaders in the Senate are thinking along very different lines, a senior Republican staff aide said.

“The challenge with what the Chamber and the Washington groups are suggesting is that there is still too much of a command-and-control philosophy,” the aide said. “Washington needs to get out of the way. Trying to micromanage the system didn’t work with NCLB; it’s not going to work if we build a better mousetrap.”

The aide said Republican education leaders in the Senate do want to keep some aspects of the current system intact, such as requiring states to continue to test students annually in reading and math in grades 3-8 and once in high school. States would still report student-achievement data, and data would still need to be disaggregated by student subgroups, including racial minorities.

But GOP senators overseeing education policy would like most of the federal attention to shift to fixing schools that fall in the bottom 5 percent in student performance. The federal government would not specify interventions or labels for other schools, the aide said.

It’s not clear whether Democrats will go along with that plan, education advocates say.

But Mr. Barone said he is worried that the interest in focusing on the lowest performers could be bipartisan.

“I’ve been surprised that I’ve talked to Democrats who’ve been persuaded that that’s an adequate federal role,” he said.

“Focusing on just five or ten percent of schools is going to miss the majority of students who aren’t getting a college-and-career-ready education.”

For his part, Rep. Kline, the House education committee chairman, hasn’t yet laid out his vision for a new accountability system in detail, but he did hint at his views when speaking to the Heritage Foundation earlier this month.

"I think many of us would say, maybe you don't need to be accountable to the secretary of education," he said. "Maybe you ought to be accountable to the local community, to parents," school boards, and states.

Rep. George Miller of California, the top Democrat on the House education committee, met with Mr. Kline last week to discuss pending legislation. "The meeting went well. I'm hopeful that we're on track to keep moving forward with the reauthorization," he said.

Other Measures

Although senators have yet to introduce a comprehensive reauthorization bill, some key senators have recently put forth legislation dealing with key topics. The bills could be incorporated into a broader ESEA law.

One measure, sponsored by Sen. Kay Hagan, D-N.C., would codify the administration's four models for turning around the lowest performing school, which include closing schools and replacing staff. The bill would make some tweaks to the program, in part to help rural schools share best practices.

Another is a literacy bill, introduced by Sen. Patty Murray, D-Wash., which would help states and districts bolster instruction in reading and writing for students from birth through grade 12.

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Speaking Up in Class, Silently, Using Social Media

New York Times

By: Trip Gabriel

May 12, 2011

http://www.nytimes.com/2011/05/13/education/13social.html?_r=2&ref=education

Wasn't it just the other day that teachers confiscated cellphones and principals warned about oversharing on MySpace?

Now, Erin Olson, an English teacher in Sioux Rapids, Iowa, is among a small but growing cadre of educators trying to exploit Twitter-like technology to enhance classroom discussion. Last Friday, as some of her 11th graders read aloud from a poem called "To the Lady," which ponders why bystanders do not intervene to stop injustice, others kept up a running commentary on their laptops.

The poet "says that people cried out and tried but nothing was done," one student typed, her words posted in cyberspace.

"She is giving raw proof," another student offered, "that we are slaves to our society."

Instead of being a distraction — an electronic version of note-passing — the chatter echoed and fed into the main discourse, said Mrs. Olson, who monitored the stream and tried to absorb it into the lesson. She and others say social media, once kept outside the school door, can entice students who rarely raise a hand to express themselves via a medium they find as natural as breathing.

"When we have class discussions, I don't really feel the need to speak up or anything," said one of her students, Justin Lansink, 17. "When you type something down, it's a lot easier to say what I feel."

With Twitter and other microblogging platforms, teachers from elementary schools to universities are setting up what is known as a "backchannel" in their classes. The real-time digital streams allow students to comment, pose questions (answered either by one another or the teacher) and shed inhibitions about voicing opinions. Perhaps most importantly, if they are texting on-task, they are less likely to be texting about something else.

Nicholas Provenzano, an English teacher at Grosse Pointe South High School, outside Detroit, said that in a class of 30, only about 12 usually carried the conversation, but that eight more might pipe up on a backchannel. "Another eight kids entering a discussion is huge," he noted.

Skeptics — and at this stage they far outnumber enthusiasts — fear introducing backchannels into classrooms will distract students and teachers, and lead to off-topic, inappropriate or even bullying remarks. A [national survey](#) released last month found that 2 percent of college faculty members had used Twitter in class, and nearly half thought that doing so would negatively affect learning. When [Derek Bruff](#), a math lecturer and assistant director of the Center for Teaching at Vanderbilt University, suggests fellow professors try backchannels, "Most look at me like I'm coming from another planet," he said.

"The word on the street about laptops in class," Dr. Bruff added, is that students use them to tune out, checking e-mail or shopping. He said professors could reduce such activity by giving students something class-related to do on their mobile devices.

Besides Twitter, teachers have turned to other platforms for backchannels, some with more structure and privacy. Most are free on the Web and — so far — free of advertising. [Google Moderator](#) lets a class type questions and vote for the ones they would most like answered. [Today's Meet](#), used by Mrs. Olson, sets up a virtual "room."

Purdue University, in Indiana, developed its own backchannel system, Hot Seat, two years ago, at a cost of \$84,000. It lets students post comments and questions, which can be read on laptops or smartphones or projected on a large screen. Sugato

Chakravarty, who lectures about personal finance, pauses to answer those that have been “voted up” by his audience.

Before Hot Seat, “I could never get people to speak up,” Professor Chakravarty said. “Everybody’s intimidated.”

“It’s clear to me,” he added, “that absent this kind of social media interaction, there are things students think about that normally they’d never say.”

But the technology has been slow to win over faculty. It was used in just 12 courses this spring. Sandra Sydnor-Bouso, a professor of hospitality and tourism management, said Hot Seat did not mesh well with her style of walking around class to encourage a dialogue. “The last thing I want to do is to give them yet another way to distract themselves.”

In high schools and elementary schools, teachers try to exercise tight control over backchannels, often reviewing a transcript after class for inappropriate remarks. Even schools that encourage students to use mobile devices prohibit gossip during class.

In Exira, Iowa, Kate Weber uses the technology for short periods almost daily with her fourth graders. “You’d think there’s a lot of distraction, but it’s actually the opposite,” she said. “Kids are much quicker at stuff than we are. They can really multitask. They have hypertext minds.”

During a reading lesson, she recalled, a story included the word “queue.” Using a school-issued Macbook, “one student asked, ‘What is a queue?’” Mrs. Weber said. “If they’d have read that individually they wouldn’t have been brave enough to raise their hands. They would have just read over it. But another student answered, ‘It’s a ponytail.’ The whole class on the backchannel had an a-ha moment.”

“I am in awe at how independent they’ve become using that as a means of comprehension,” she added.

The 11th graders in Mrs. Olson’s class said the backchannel had widened their appreciation of one another. “Everybody is heard in our class,” said Leah Postman, 17.

Janae Smith, also 17, said, “It’s made me see my peers as more intelligent, seeing their thought process and begin to understand them on a deeper level.”

On Friday, their teacher continued to develop a semester-long theme: how free the individual is in society. Students watched a YouTube video that compares how much humanitarian aid could be bought for the \$150,000 cost of a slick music video.

Earlier in the week, students had staged a rally to support American troops in response to picketing they had seen on the news by the fringe Westboro Baptist Church of Kansas at a funeral for an Iowa soldier killed in Afghanistan.

Mrs. Olson asked her students to connect “the argument” of the poem they read and the video with their own rally. As the discussion swirled in class, one student typed on [the backchannel](#): “We tend to have the attitude that someone else will do it. But what happens when everyone thinks the same as you?”

“It only takes one individual to change,” another typed. “If you want something to change you have to be willing to be that voice.”

“It really shows the impact one change can make,” a third student wrote.

“I agree with Katie!” someone added. “This class has given us a voice!”

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FLORIDA NEWS

Fla. schools still facing class size penalties

Associated Press

By: Bill Kaczor

May. 12, 2011

<http://www.miamiherald.com/2011/05/12/2213899/fla-schools-still-facing-class.html>

Florida’s school districts still are facing \$7.7 million in penalties for violating current class size limits although lawmakers loosened them for the future.

That change, however, could head off a potential lawsuit because most if not all districts are expected to be able to comply with the new standards, said Florida School Boards Association executive director Wayne Blanton.

“I don’t know if there will be a lawsuit or not,” Blanton said Thursday.

The association and several individual boards had been planning to challenge the penalties on grounds the Florida Constitution’s Class Size Amendment makes the Legislature, not school districts, responsible for funding compliance.

A bill awaiting action by Gov. Rick Scott would revise the limits, but it also approves the penalties calculated by Education Commissioner Eric Smith after most districts appealed.

The penalties originally were calculated at \$43 million with 35 of Florida's 67 school districts out of compliance, but Smith whittled them down through an appeal process. He made adjustments for such factors as data reporting errors and unexpected student growth.

It may not be worth challenging the penalties if they are unlikely to be levied in the future, Blanton said.

Also, \$7.7 million is a relatively small amount out of the state's nearly \$18 billion public schools budget.

The association's board of directors will take another look at the situation when it meets next month, Blanton said.

More than half of the penalty total - about \$4 million - was chalked up by the Palm Beach County School District, which did not appeal.

"We did not have an issue with the technical situation," said district spokesman Nat Harrington.

Palm Beach school officials decided that complying with the limits would harm student achievement, he said.

"One or two students in a classroom doesn't make or break performance in that classroom," Harrington said.

Other districts attempted to meet the limits through such steps as recalling laid off teachers, hiring lower-paid "associate teachers," encouraging students to take more online virtual courses and putting children from two grade levels in a single classroom. Some districts that lacked sufficient classroom space used portables or put two teachers in one room.

The constitution limits each core curriculum class to no more than 18 students in kindergarten through third grade, 22 in fourth through eighth grade and 25 in high school.

The new legislation would still require compliance with those limits when a head count is taken each October. If new students enroll after the count, though, up to three more could be added in kindergarten through third grade classes and five more in the other grades.

Also, the number of classes covered by the limits would be reduced from 849 to 304. The bill exempts classes not required for graduation including foreign languages.

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Thousands of high school seniors fall short on FCAT

Miami Herald

By: Kathleen McGrory and Carli Teproff

May 12, 2011

<http://www.miamiherald.com/2011/05/12/2214698/thousands-of-high-school-seniors.html#ixzz1MEdbO1H2>

About 6,000 South Florida high school seniors must pursue other options for graduation after failing their final chance on the FCAT.

At least 3,833 high school seniors in Miami-Dade County and 2,026 in Broward failed portions of the Florida Comprehensive Assessment Test on their final try this year — and now run the risk of not graduating.

Students statewide must pass the 10th-grade FCAT in both reading and math to graduate with a standard diploma.

They have as many as five chances to take the test before graduation.

There is some hope for the seniors who failed the exam in March: Students can submit passing on the ACT or SAT college-entrance exams.

They can also opt to take the test as an adult. In that case, the student would receive a certificate of completion at graduation and a full diploma only after passing the test.

This year's data from the FCAT re-takers, released by the state Department of Education Thursday, shows a slight dip from last year.

Of those taking the retake test in reading, 15 percent statewide passed, down a single percentage point from last year.

But only 21 percent passed the math portion, down from 28 percent the year before.

In Miami-Dade, the nation's fourth largest school district, 3,833 seniors failed reading and 1,234 failed math.

In Broward, the nation's sixth largest district, 2,026 failed reading and 554 failed math.

Paul Houchens, Broward's director of student assessment, said the scores were "relatively consistent" with past years.

"Reading is traditionally lower than the math," he said.

It was not clear how many students failed both subjects.

Historically, students who fail the FCAT in 10th grade have struggled to pass it on subsequent attempts. Both South Florida school districts work with students to help them prepare for the tests — and to explore the other options for seniors.

"Every school in the county has SAT/ACT prep," Miami-Dade Assessment Director Gisela Feild said.

She pointed out that there are fewer kids taking the FCAT re-takes than in past years because of the new alternatives.

The 10th-grade math exam won't be around for long.

The state Department of Education is working to phase out the test, and replace it with end-of-course exams in algebra and geometry.

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ACLU, unions, others may challenge new Fla. laws

Associated Press

By: Staff

May 13, 2011

<http://staugustine.com/news/local-news/2011-05-13/aclu-unions-others-may-challenge-new-fla-laws>

TALLAHASSEE (AP) — The American Civil Liberties Union of Florida has hired two more lawyers and is planning to add another to help handle an expected workload increase resulting from the Republican-led Legislature's recently ended session.

The ACLU, unions and some liberal and non-partisan groups are gearing up for potential legal challenges to legislation as well as at least one of Gov. Rick Scott's executive orders. They are reviewing measures that they say violate privacy, free speech, voting, due process, collective bargaining and other constitutional rights and requirements.

"I didn't realize at the time of the election that when Gov. Scott said 'Let's get to work,' he was referring to the lawyers in the state, but that seems to be the way it's working out," Tallahassee attorney Ron Meyer said. His clients include the Florida Education Association, the statewide teachers union, which is considering challenges to several measures.

"This legislative session has been maybe the biggest disaster for personal freedoms and human rights, and the list is long," said Howard Simon, ACLU of Florida's executive director.

Some of the same measures that Simon and other critics say would curtail various rights do just the opposite in the eyes of their Republican supporters.

"The Legislature passed multiple measures which stand up for Floridians' freedoms," Senate Majority Leader Andy Gardiner, R-Orlando, said in a statement Thursday. "Anyone who files suit following the passage of laws has every right to do so. At the end of the day, we can only do what we know in good conscience is best to ensure our children have a bright future."

The ACLU is targeting several changes to the state's election law that it believes would suppress minority voting and a measure that requires welfare applicants to get drug tests, saying it would violate privacy rights. The ACLU also may challenge a state constitutional amendment that would repeal Florida's ban on using public funds to aid churches and other religious organizations.

Simon said the passage of legally questionable legislation was no surprise. He said the ACLU began planning to beef up its legal staff shortly after the election in November of Scott, a Republican, and overwhelming GOP majorities in the House and Senate.

No final decisions have been made, but Meyer said "it's a relative certainty" the teachers union will sue over a new law linking teacher pay to student test scores and eliminating tenure for new hires.

"It expressly, in some instances, prohibits collective bargaining," Meyer said.

That includes limiting consideration of advanced degrees in setting salaries and requiring that half of teachers' performance evaluations be based on how much each of their students improves on standardized tests. Those evaluations will be used to decide which teachers get merit raises. The law also says seniority cannot be a factor in deciding which teachers will be laid off if cuts are made.

Meyer said those are issues for collective bargaining, a right the Florida Constitution says "shall not be denied or abridged."

One of the bill's sponsors, Rep. Eric Fresen, R-Miami, said it simply modifies factors already in state law and won't prevent bargaining over the final details.

"The fundamental principles of collective bargaining weren't touched," Fresen said.

The League of Women Voters and ACLU may challenge an election bill sponsors say would prevent fraud. Critics say the real intent is to discourage minorities and others who tend to vote Democratic from casting ballots.

The league has decided to discontinue voter registration drives in Florida if the bill goes into effect. Members of groups such as the league and Boy Scouts would be required to register with election officials before conducting such drives. They also would have to file regular reports and turn in completed registration forms within 48 hours or else face a \$50 fine for each late form.

"It's almost as if they expect that every volunteer will have a secretary to keep track of every form," said Deirdre Macnab, the league's Florida president.

Other provisions would cut early voting hours and require provisional ballots for voters who make address changes at polling places on Election Day. They later would have to prove their identity before their ballots could be counted.

"There is clear evidence that it has a racially retrogressive impact by requiring more minority voters, who move at a greater rate than majority voters, to use provisional ballots, which are counted less," the ACLU's Simon said.

A lawsuit may unnecessary. The ACLU and others plan to ask the U.S. Justice Department to determine under the federal Voting Rights Act if the bill discriminates against minorities. If so, it cannot be enforced.

The election bill's sponsor, Rep. Dennis Baxley, R-Ocala, said opponents are overreacting to the new registration requirements because penalties would apply only to willful violations. He said the fact some provisional ballots go uncounted proves they are effective in preventing fraud.

The welfare drug screening bill would require applicants for federally funded temporary assistance to pay for the tests themselves although those who pass would get reimbursed.

Simon said ACLU may challenge the bill and Scott's order to screen new hires while randomly testing existing state employees. Such screening violates their privacy rights, he said.

The U.S. Supreme Court has allowed blanket suspicion-less drug testing only if "the risk to public safety is substantial and real."

The bill's sponsor, Rep. Jimmie Smith, R-Inverness, prefaced his comments by acknowledging "I'm not a lawyer," a frequent refrain in the Legislature, before saying studies show a greater percentage of welfare recipients abuse drugs than the general population. Opponents dispute that claim.

"That is a public safety concern," Smith said.

He also noted that federal law doesn't prevent states from drug testing participants.

Federal courts, though, struck down a Michigan program in the only legal test of suspicion-less drug screening of welfare recipients.

Simon said ACLU may challenge the religious aid ban repeal because the constitutional amendment's title, "Religious Freedom," is misleading. Instead, he said, it would do just the opposite by adding new language to the Florida Constitution allowing state funding of religious activities.

Another amendment that raises legal questions would ban public funding of abortions and exempt abortion from the Florida Constitution's strong privacy right. Simon said the funding ban is deceptive because that's already prohibited by law. It's aimed at getting the privacy right exemption passed because the latter would probably fail on its own, he said.

Planned Parenthood also is looking at possible challenges to the amendment as well as a bill making it harder for minors seeking abortions to get court waivers from the state's parental notification law, said Stephanie Kunkel, executive director of the organization's Florida affiliates.

A proposed amendment attempting to block a requirement in the federal health care overhaul for most people to have insurance also could run into trouble if it should pass. Many legal experts say the federal law would trump any such state provision.

Another potential target for the teachers union is an expansion of the McKay voucher program that sends disabled students to private schools at public expense. Adding students with lesser ailments such as allergies and asthma, who can easily be accommodated in regular public school classes, may run afoul of a constitutional provision requiring a uniform public school system, Meyer said.

The teachers union is generally comfortable with a bill loosening class-size limits, but Meyer said parent organizations have contacted him about a provision exempting foreign language classes from the cap. If schools "start packing those classes full of kids ... they're running into a constitutional problem," Meyer said.

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STATE NEWS

Illinois State House sends school reform bill to governor's desk

Chicago Sun-Times

By: Dave McKinney

May 13, 2011

<http://www.suntimes.com/news/metro/5343872-417/state-house-sends-school-reform-bill-to-governors-desk.html>

SPRINGFIELD — The Illinois House Thursday overwhelmingly approved and sent to Gov. Quinn a major education-reform package that U.S. Education Secretary Arne Duncan heralded as "truly remarkable."

The measure, which passed the House 112-1 with one member voting present, could lengthen the school year and school day in Chicago, give school districts new powers to oust poorly performing teachers and impose new obstacles to teachers strikes.

"Illinois has done something truly remarkable, and every state committed to education reform should take notice," said Duncan, Chicago's former Schools CEO.

"Business, unions, educators, advocates and elected officials all came together around a plan that puts children ahead of adults and paves the way for meaningful education reform. For some time now I have been saying that tough-minded collaboration is more productive than confrontation, and this is the proof," said Duncan, who called on the governor to sign the "landmark reforms."

Thursday's vote came despite last-minute opposition from the Chicago Teachers Union, which balked at language that increased the voting threshold needed for city teachers to strike to 75 percent and did an end run around a pending CTU dispute involving layoffs before a state education panel.

"Of course it isn't going to solve all the problems of public school students across the state of Illinois, but I think it makes an important step forward when we say, 'Yes, there will be a connection between the quality of a teacher's performance and the ability of that teacher to stand in front of that classroom of children,'" said House Majority Leader Barbara Flynn Currie (D-Chicago), a House co-sponsor of the bill.

The bill's lone opponent was Rep. Monique Davis (D-Chicago), a CTU ally who argued that it was unfair to make it more difficult for city teachers to strike than their suburban and Downstate counterparts.

"I've read this bill and know what's in it. The intentions are good, but the results will not a change a thing. I'm not going to be a union buster, and especially starting with my own city," Davis said.

Both Quinn and Mayor-elect Rahm Emanuel have expressed support for the package, which now heads to the governor's desk.

Quinn spokeswoman Annie Thompson said the governor intends to review the legislation, which associates predicted he would sign.

"Meaningful education reform has been and is one of Gov. Quinn's top priorities, which is why he supported and why he worked for the passage of Senate Bill 7," she said.

On Thursday, Emanuel could barely contain his glee about the one-sided House vote on the school-reform bill that he helped pass.

"Arne Duncan called yesterday. He said, 'If you get this done, it's landmark legislation. No other state has ever accomplished this,'" Emanuel told the Chicago Sun-Times.

"Chicago kids will no longer be held back by the shortest school day and school year in the country. We finally are going to give the kids school day length and school year length to both achieve academically and have safety," he said.

The measure continues to allow unions to strike in Chicago and the suburbs, but it imposes a requirement that school boards and unions take longer to negotiate and publicly disclose their bargaining positions before a strike can be launched.

In Chicago, no strikes could occur until as long as 120 days after the dispute goes to a special panel — and then, only if the Chicago Teachers Union has given a 10-day notice of a strike and has 75 percent of its bargaining unit members in agreement. Currently, a strike only requires a simple majority of everyone who votes.

The legislation would let the Chicago Board of Education lengthen the school day or school year unilaterally.

It also would empower Downstate and suburban school districts to use performance, not strictly seniority, in determining teacher layoffs and impose first-ever performance benchmarks for teachers to gain tenure.

Under the legislation, tenure would be granted only if a teacher had attained two "proficient" or "excellent" ratings during the last three years of the four-year period required for tenure.

The timeline for dismissing a tenured teacher would be shortened in both Chicago and elsewhere.

"This is just an unbelievably good day for kids in Illinois. We're turning a corner in how we make decisions in schools," said Robin Steans, executive director of Advance Illinois, a school-reform group that helped push the legislation.

Currie said she is open to passing follow-up legislation to address the CTU's concerns about who has voting rights in a strike-authorization vote and about language in the bill that takes the pending layoff dispute out of the hands of the Illinois Educational Labor Relations Board.

But so far, Currie said, unions, business groups and reform organizations have not coalesced around a compromise.

CTU President Karen Lewis has already gotten heat from union members about the bill. Said former CTU President Debbie Lynch, "In our opinion, this went down without a fight. ... If it was me, I would have never agreed to the 75 percent threshold. Period."

Meanwhile, the bill puts Emanuel in the catbird's seat before he even takes office.

Said Barbara Radner of DePaul University's Center for Urban Education, "He's just been given the tools he needs from the state to be the education mayor ... in a way [Mayor] Daley was never able to."

Contributing: Fran Spielman, Rosalind Rossi, Stephen Di Benedetto

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Poor-performing e-schools a waste of Ohio's money, critics say

Columbus Dispatch

By: Jim Siegel

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http://www.dispatch.com/live/content/local_news/stories/2011/05/13/poor-performing-e-schools-a-waste-of-ohios-money-critics-say.html?sid=101

With five of the state's seven largest e-schools posting graduation rates lower than that of the state's worst traditional public school district, and six of seven rated less than "effective," a liberal policy group said yesterday that the state is wasting money on the poorly performing online schools.

"There are decent e-schools out there," said Steve Dyer, a former lawmaker who researched the report for Innovation Ohio. "The question is, why does the system allow such bad ones to exist?"

Innovation Ohio noted that in 2003 the state Department of Education developed 27 pages of standards for e-schools that lawmakers never implemented.

Innovation Ohio looked at the state's seven largest e-schools, which account for 90 percent of e-school enrollment, and found that five have graduation rates below 54.3 percent, the rate for Cleveland City Schools, the state's worst. The lowest was Treca Digital Academy, at 24.1 percent.

One school, Ohio Connections Academy, is rated "excellent" and has the highest graduation rate in the group at 89.3 percent. Innovation Ohio officials gave the school credit for having more teacher-student interaction, but they noted that the rate still ranks it below most traditional public schools.

"An e-school that provides a worse education is no alternative at all," said Innovation Ohio spokesman Dale Butland.

Tom Needles, a lobbyist for David Brennan, the state's largest charter-school operator, including the Distance and Electronic Learning Academy, said, "This is an intentionally misleading, nearly incomprehensible political attack from a partisan organization that is hostile to school choice."

Nick Wilson, spokesman for Electronic Classroom of Tomorrow, the state's largest e-school, said ECOT's 35 percent graduation rate does not account for the five-year, six-year and seven-year graduates, "which ECOT considers among its greatest success stories."

Many ECOT students were at risk of dropping out of school before enrolling, Wilson said, and the school is poised to get an "effective" ranking this year.

The report says millions in campaign contributions from the state's largest charter-school operators, particularly Brennan and

William Lager, who operates ECOT, have won them favor among GOP lawmakers. House Republicans made a number of budget changes last week favoring charter operators.

Asked this week about Brennan's influence, House Speaker William G. Batchelder, R-Medina, called it a "damned lie that they had anything to do with what went on in the Finance Committee."

Brennan and his family have given about \$4.2 million in the past decade, including more than \$150,000 to candidates in last year's elections, a *Dispatch* analysis shows. He and his wife provided \$33,000 for the 2010 election to Batchelder; \$27,500 to Rep. Matt Huffman, R-Lima, the No. 3 House Republican; and \$7,950 to John Carey, R-Wellston, at the time Senate Finance Committee chairman and now No. 2 on the House panel.

Lager has given more than \$830,000 over the past 10 years, including about \$72,000 last year, when he gave \$11,000 apiece to Batchelder and Huffman.

The budget, said Dyer, the Innovation Ohio researcher, would eliminate minimum spending requirements for e-schools. It also ends the requirement that each e-school student get a computer, requiring instead a computer for every household.

Gov. John Kasich's proposed two-year budget called for lifting a moratorium on new e-schools. House Republicans reinstated it and proposed having the state superintendent, the state chancellor and the governor's top education adviser develop new e-school standards by July 1, 2013.

Senate Republicans are expected to make more changes to charter-school language in the budget.

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Los Angeles: Legal maneuver will not thwart attempt by teachers union to undo charter-school conversion

Los Angeles Times

By: Staff

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<http://latimesblogs.latimes.com/lanow/2011/05/legal-maneuver-will-not-thwart-teachers-union-attempt-to-undo-charter-school-conversion.html>

A hasty legal maneuver by top Los Angeles school officials will not fend off a legal challenge of their decision to turn over low-performing Clay Middle School to a charter-school organization, The Times has learned.

To undermine a lawsuit filed last week, the Board of Education, at Tuesday's meeting, had voted to close Clay, which is located in South Los Angeles. The plan is to then open a new school, with the same students, on the Clay campus under the direction of Green Dot Public Schools.

School district lawyers believe that formally closing Clay could avoid a potential conflict with state law. California law states that charter conversions can happen when a majority of tenured teachers submit a petition. A parent petition can also result in a charter conversion, although the rules for that process remain in flux.

Neither happened in the case of Clay, and the L.A. teachers union on Thursday vowed to proceed with its lawsuit to block the handover.

In closing Clay, the school board was trying to buttress its March decision to let Green Dot take control. The legal challenge, filed by United Teachers Los Angeles, asserts that the charter conversion violates state law. The union lawsuit also contests the district's decision to let Green Dot take over a portion of Jordan High in Watts, raising the same legal objections.

District officials said they are less concerned with Jordan, but Clay would be the first local example of the handover of an entire campus without a petition. Under the federal No Child Left Behind law, however, the district has the legal right to shut down a persistently low-performing school. That's what will happen, on paper, with Clay.

"It's still a conversion of a district school," said Jesus Quinonez, an attorney representing the union. Quinonez called the district's action "a cynical, underhanded attempt to avoid the clear defects" and that the action is further evidence of "the desperate, unplanned, 'ready-fire-aim' give-away-[schools]-at-any-cost approach of the school board and the district."

Even stronger words came from school board member Marguerite Poindexter LaMotte, a union ally who represents the area served by Clay.

"It's not right, and it's not legal," said LaMotte, who is frequently outvoted by a board majority largely allied with Mayor Antonio Villaraigosa. "This is all monumental because it's all political. ... Because it's LaMotte's school: Close it up." She added: "I'm sick of the individualism that goes on outside this board."

The union and other critics have asserted there are more effective, less disruptive ways to improve struggling schools.

"My intention," responded board President Monica Garcia, "was to support children." The school needs "a fresh start," she added.

"You don't know anything about this campus," LaMotte said.

At the request of board member Nury Martinez, Supt. John Deasy recited statistics denoting Clay's poor academic record, including 18% of students scoring as proficient or advanced in English and 9.9% in math.

"To leave things as is and not move forward is much more criminal than anything else we can do," said board member Yolie Flores.

Charter schools are independently operated, free from some restrictions that govern traditional public schools. Unlike most charters, Green Dot is unionized, but teachers at Clay, who work under a different collective-bargaining agreement, would not be entitled to remain.

Green Dot is best known for taking over Locke High School, the first time a charter organization had taken over a traditional, low-performing school in the L.A. Unified School District. Locke made significant progress on test scores last year, which was Green Dot's second year in charge.

The school's scores remain low -- as low as some schools where the district is replacing faculty or installing charter operators. Green Dot won praise from school board member Steve Zimmer, a frequent teachers union ally, for being willing to take on difficult traditional schools that other charter operators have largely avoided.

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