

From: Sarah Powell (Sarah@afloridapromise.org) <sarah@afloridapromise.org>

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NATIONAL NEWS

Advocates, Policymakers Split on House ESEA Draft

Education Week

By: Alyson Klein

January 18, 2012

<http://www.edweek.org/ew/articles/2012/01/18/17esea.h31.html?tkn=SUZFDoljlpM%2Br07cAXYk45OTzvBqOFCx6gj3&cmp=clp-edweek>

Education advocates and policymakers are sharply divided on whether House Republicans' bare-bones approach to federal K-12 policy, as outlined in a draft bill issued last week, is a move in the right direction—or even a politically viable approach to rewriting the decade-old No Child Left Behind Act.

Civil rights groups and advocates for special populations of students took a big swing last fall at a bipartisan bill approved by the Senate education committee to reauthorize the Elementary and Secondary Education Act, and they found the House measure even more distressing.

But groups that represent state and school district officials—including the Council of Chief State School Officers, the American Association of School Administrators, and the National School Boards Association—generally found much to like in the draft, which was introduced Jan. 6 by U.S. Rep. John Kline, R-Minn., the chairman of the House Education and the Workforce Committee. ("[House ESEA Draft Would Reduce Federal School Role.](#)" Jan. 11, 2012.)

There are similar divisions over the bill's political prospects. Some advocates, such as Chris Minnich, the senior membership director for the CCSSO, think the House draft is a step toward a reauthorization this year of the ESEA. No Child Left Behind is the current version of the ESEA, which was first enacted in 1965.

"We think that this sets the table for some sort of action that could actually get to the finish line," said Mr. Minnich, although he said there are areas that CCSSO would like to see discussed, including student-achievement targets.

Democratic Opposition

But Charles Barone, the director of federal legislation for Democrats for Education Reform, a political action committee in New York City, said the House bill is so partisan that he has "trouble taking [it] seriously."

"I think this is a stage prop rather a real legislative effort," he said. "They're just doing this to say they did something."

He doesn't believe the testing and school improvement language in the bill is going to be appeal to many Democrats. Accountability "would be pretty much anything goes," Mr. Barone said. "It's just a bunch of vague language."

The House GOP draft would amount to a major rollback of the federal accountability system at the heart of the NCLB law.

Schools would still test students annually in reading and math in grades 3-8 and once in high school, but would no longer have to hit particular achievement goals. Achievement data would still be broken down to show how different subgroups of students,

such as English-language learners and students with disabilities, are doing relative to their peers. But schools that missed achievement targets for those students wouldn't be subject to any federally mandated fixes.

And there would no longer be any federal prescriptions for the schools that are perennially struggling. Instead, it would be up to states to figure out how to boost student achievement in all of their schools.

Rep. Kline initially discussed the prospect of a bipartisan reauthorization measure with Rep. George Miller of California, the education committee's top Democrat, but the two were unable to reach agreement on key areas. Still, if reauthorization of the ESEA is to be completed this year, it will need significant bipartisan support, since Democrats control the Senate, and President Barack Obama would ultimately need to sign any legislation.

In fact, U.S. Sen. Tom Harkin, D-Iowa, the chairman of the Senate education committee and an author of that chamber's bipartisan legislation, said he won't move forward on the Senate measure until the House puts forth its own bipartisan bill.

Already, some Democrats in key positions have flagged Rep. Kline's draft as backing away from the civil rights protections in the NCLB law.

"The draft language abandons students, parents, and taxpayers alike by failing to hold school systems accountable for improving student achievement," Rep. Miller said in a statement. "It undermines programs for our most vulnerable students, shirking the civil rights responsibilities of the federal government."

And U.S. Secretary of Education Arne Duncan has continued to make it clear that the Obama administration isn't waiting for Congress to act—it is going to proceed with its plan to offer states waivers of parts of the NCLB law in exchange for embracing certain priorities for changes in education. So far, 11 states have applied for those waivers, and approvals could begin rolling in as early as next week.

Mr. Duncan said he's also not pleased with the policy specifics in the House GOP legislation; he called the bill a retreat from "reform, accountability, and bipartisanship."

But Rep. Kline said his draft builds on the lesson of the NCLB law that the federal government isn't in the best position to oversee K-12 policy.

"No Child Left Behind taught us that parents, teachers, and state and local leaders are more suited to address students' needs than a one-size-fits-all accountability system developed by Washington bureaucrats," Rep. Kline wrote in an opinion piece published Jan. 6 on CNN's website.

District Support

The Kline draft sparked similar clashes among education groups. Organizations that represent district and state officials like the idea of giving local officials a much bigger say in accountability and funding decisions.

"We believe the shift had to take place from the federal control to [greater] state and local options," said Reginald Felton, the assistant executive director for congressional relations at the NSBA, which is based in Alexandria, Va.

But civil rights groups are worried the House measure could eviscerate the NCLB law's focus on students from disadvantaged families, racial minorities, and other subgroups.

"The most devastating impact of this bill is that we would continue to [confine] poor and minority students to inferior schools with no hope for either improvement or for an exit strategy for those parents," said Dianne Piché, the director of the education program at the Leadership Conference on Civil and Human Rights, based in Washington.

And she is unhappy about the draft's move away from requiring states to craft standards for college and career readiness, a central feature of the Senate bill and the administration's waiver offer.

"This is an open invitation for all states to water down their standards," she said.

Laura Kaloi, the public-policy director for the National Center for Learning Disabilities in New York City, is concerned the draft could result in much lower expectations for students in special education. In particular, she's worried that the draft doesn't cap the number of students in special education that can take alternative assessments. That may mean those children will be subject to less rigorous tests—and lower standards, she said.

Ms. Kaloi said the draft represents a "retraction from any kind of standard or expectations for students with disabilities" who have "benefited greatly from being part of an accountability system with high expectations."

But Michael J. Petrilli, a vice president of the Thomas B. Fordham Institute, a think tank in Washington, said such concerns aren't likely to be enough to scuttle Rep. Kline's bill.

"You could hammer out a deal; it's not intractable," said Mr. Petrilli, who served in the U.S. Department of Education under President George W. Bush. The civil rights groups and other organizations that oppose the bill because of its handling of accountability "can only hope to slow down and delay the process. It's hard to imagine how the politics would change that would

suddenly allow them to get what they want."

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Matching Up States, Countries Offers Fresh Perspective

Education Week

By: Sarah D. Sparks

January 12, 2012

<http://www.edweek.org/ew/articles/2012/01/12/16states.h31.html?tkn=OSTFqdouepMnF4EMilg7FB7ctbgVFLMHLAoj&cmp=clp-edweek&intc=EW-QC12-EWH>

As concern over America's competitiveness abroad intensifies, education officials in the U.S. are beginning to consider using individual states and districts—not just the nation as a whole—as the units against which to measure their international peers.

In everything from population demographics to curriculum adoption, a country like Finland may be more comparable to an individual state like Minnesota than it is to the heterogeneous expanse of the United States—leading some policymakers and researchers to reason that such state-to-country comparisons can better highlight educational practices.

Yet education and testing experts warn that if such comparisons are to be useful, educators must go beyond basic test rankings to understand how countries' specific policies and practices can make U.S. students more competitive. Some states, such as Massachusetts and Minnesota, are already comparing both their student achievement and educational practices to those of other countries via international tests and other studies.

International assessment expert Gary W. Phillips of the American Institutes for Research believes most states will eventually have to participate in tests like the high school-level Program for International Student Assessment and the 4th- and 8th-grade-level Trends in International Mathematics and Science Study in order to compete for global businesses. He likened it to the evolution of the [National Assessment of Educational Progress](#), often known as "the nation's report card," which started primarily as a research tool and now is used as a pacesetter in state accountability report cards. "When NAEP first started, each state was living in its own little Lake Woebegone world, not knowing how it stacked up to other states," he says.

"Now the same is true internationally. Around the world a lot of these countries are eating our lunch. They are focusing on education in a way that we aren't," Phillips says. "We have to know how we stack up. That's why these studies are important; they allow us to benchmark what we do and know with what they know and do."

Andreas Schleicher, the head of education indicators and analysis programs for the Organization for Economic Cooperation and Development, administrator of the [PISA](#), said projects to compare students internationally can help America catch up to the global norm: Countries such as Germany, the United Kingdom, Belgium, and Canada, along with most other nations with federal forms of government, already compare their states or provinces to international testing benchmarks.

"If you go to Canada, the kinds of policies and practices that Alberta has put in place are very different from those that Newfoundland has put in place, or Ontario," Schleicher says. "It produces much better policy insights to compare [state or provincial] education systems, than nations'. That's where systems differ, often significantly. In my country, Germany, the northern states and the southern states have quite different education systems. It makes much more sense to compare those systems [individually], than to mix them up in the aggregate."

Researchers such as Phillips and economist Eric A. Hanushek, of Stanford University, long have used statistical analyses to try to link a student's proficiency on an American test such as NAEP to international tests, with varying degrees of success. All of these tests are given in different years, cover different topics within the same subject, and different groups of children—PISA tests by age, for example, while NAEP and [TIMSS](#) test by academic grade.

"To date the only truly valid way to compare at [the state] level is you have to actually administer the international assessments in the states"—which no states now do statewide with PISA, Phillips says. "It's more time consuming, but it is not based on an edifice of assumptions."

State as 'Country'

But how can a single state compare itself to a sovereign nation? In some ways, it's easier to do, both in testing and analysis, than comparing nations. A state needs a smaller sample of students to get a representative group to study than America as a whole requires, and individual states can think more about how adding a new test will fit into their schools' academic schedules.

"You can do things with 3- or 4 million people that it's very hard to do with 300 million," says Marshall S. "Mike" Smith, a visiting professor at Harvard University in Cambridge, Mass. and a visiting scholar of the Carnegie Foundation for the Advancement of Teaching. "If you make the assumption that we're not going to change the [U.S.] Constitution ... the states are responsible, and they are going to remain responsible, for education."

Because constitutionally, a state, rather than the federal government, has ultimate control over its education system, it can analyze its test results in a more similar context to a country with a national education system.

"The U.S. state-to-state diversity is so huge that when you think of PISA at the national level, the aggregate just doesn't tell us very much," says V. Darleen Opfer, the director of the education division for the international research group RAND Corp. "A comparison between Finland and Vermont or Finland and Wisconsin, that might be a better comparison in terms of size, population, homogeneity of the population, socio-economic status issues. Like everything else in education right now, the disaggregation is what matters—at least it tells us more about what's going on and what we can do about it."

That's why Massachusetts and Minnesota [participated in the 2007 TIMSS](#) as independent "countries."

Former Massachusetts education Commissioner David Driscoll pushed for the state, which regularly leads the nation in NAEP performance, to participate in the TIMSS after seeing America's lackluster national performance.

"We can't just pat ourselves on the back because we have the highest NAEP scores; there are other places out there that are clearly outperforming us, and we have to find out who they are and where and what we can learn from them," says Robert Lee, the chief analyst for student assessment services in Massachusetts. State education leaders weren't "sure we were going to be at the top of the heap, knowing that the U.S. is not with the Singapores of the world, [and] wanted to get a realistic sense of where our students measured up against the rest of the world."

As it turned out, both Massachusetts and Minnesota [scored well above the national and international average](#) on the 2007 TIMSS; Massachusetts 4th graders led peers in all 59 participating countries and states but Hong Kong and Singapore in math, and Minnesota students outperformed all but Hong Kong, Singapore, Chinese Taipei, and Japan in the same subject. Hong Kong and Shanghai, like Massachusetts, participate in the TIMSS as separate "countries."

Yet the more detailed results available because Massachusetts had compared itself as a country, rather than as part of the national sample, turned up intriguing differences, Lee says. For example, the state found that while the [average hours of math instruction](#) across the United States went down between the 1999 TIMSS and 2007, it rose in top-performing countries, as well as in Massachusetts, from 141 hours per year in 1999 to 155 hours in 2007. Class size wasn't a big factor in how the state's students performed on TIMSS, but the state's math and science curricula weren't as rigorous as those used in countries like Singapore and Hong Kong, where 40 percent of students scored at the advanced level, compared with only about 15 percent in Massachusetts.

The state is doing an item-by-item comparison of performance on test questions in its math and science curricula. "I believe the kids in Massachusetts are very bright, and they could meet that [advanced] benchmark; I feel we're just not challenging those middle-level kids enough," Lee says. "[For] every item we look at, we're seeing our state on a spectrum with many other nations. You get a chance to reflect on whether your curriculum is aptly pitched for students who are going to have to compete in a global job market."

Moving to full international testing takes serious commitment from states, though. Massachusetts spent about \$450,000 per grade to administer the TIMSS in 2007; it added 72 minutes of additional testing per student in grade 4 and 90 minutes in grade 8. Yet more states seem to be considering the cost worth the rewards; in the 2011 test administration, eight states, in addition to Massachusetts, participated in the TIMSS as independent "countries": Alabama, California, Colorado, Connecticut, Florida, Indiana, Minnesota and North Carolina.

Moreover, the National Center for Education Statistics is in the middle of [a study that will link the NAEP and TIMSS](#) with both a more detailed statistical analysis and the full state results. This year, states gave 4th and 8th grade students taking the NAEP some math problems linked to TIMSS, as well as an extra NAEP science assessment aligned to the international study. Then, during the later administration of TIMSS, the researchers did another linking study incorporating the same questions but using TIMSS testing procedures. This creates a pool of test questions solved by students taking both tests which can be used to align their scores.

"It's a really strong design. In the past we've and others have tried to link by using statistical techniques ... but not literally giving the same test to the same kids, which is a much better way to do it," says Sean P. "Jack" Buckley, the NCES commissioner.

Yet Buckley warns, "These kinds of studies are great at producing [ranking] tables, but they're not very good at causality. International assessment data is useful at minimum for hypothesis generation, identifying top performers ... [but] figuring out what works in education is really painstaking, and you're not going to get it from rankings."

Closer Comparisons

Some school districts are starting to explore these finer-grained comparisons, too. For the last three years, the 4,700-student Scarsdale, N.Y., public schools has partnered with Teachers College, Columbia University, to compare its own teaching practices with those of countries that outperformed their students on the PISA. Teachers College researcher Ruth Vinz is conducting classroom observations, teacher interviews, and reviews of student work, both in the district and in Australia, Singapore, Finland, and Shanghai.

"PISA and others like it compare tests, but don't give you a sense of the curriculum that built the capacity of the students being tested," says Lynne Shain, Scarsdale's assistant superintendent for instruction. "We hope to understand the components of the teaching and learning process that foster higher-order critical and creative thinking and problem-solving."

The district found that students were not actively questioning things they were taught in class—a high developmental skill

included on the PISA. The district has since changed its local benchmarking assessments to include more questions that have more than one answer, or that require students to question the information they are given.

Smith, a former top education official in three separate U.S. Department of Education administrations, says more states and districts should follow Scarsdale's lead. "PISA is specifically designed to be an assessment that requires transfer, and asks questions in the areas that you would not really pick up in the regular curriculum: They're longer, take a whole page to write about; they're the kind of questions different from the normal questions we expect on tests," he says. "In my view, we ought to be as a country creating our own PISA-like assessments if we're serious about the 21st-century skills."

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STATE NEWS

Idaho Lawmakers Review Online Learning Rule

Associated Press

By: Staff

January 18, 2012

http://www.edweek.org/dd/articles/2012/01/17/488181idxgronlineeducation_ap.html

State lawmakers on Tuesday started reviewing a plan that makes Idaho the first state to require high school students to take at least two credits online to graduate.

The state Board of Education approved the online learning rule in November despite heavy criticism at public hearings held across Idaho last summer. The requirement is now going before lawmakers for review in the 2012 session.

The Senate Education Committee took public testimony Tuesday, and Chairman John Goedde, R-Coeur d'Alene, kicked off the hearing with a word of caution, saying testimony against Idaho adopting the plan altogether was "not appropriate."

That's because zero online credits is not an option under the sweeping education overhaul that was signed into law last year with backing from public schools chief Tom Luna and the governor. Idaho is also introducing merit pay, limiting union bargaining rights and phasing in laptops for every high school teacher and student.

Luna had wanted students to take up to eight online course credits to graduate high school, but that provision was ditched during the 2011 Idaho Legislature amid opposition from parents, teachers and some lawmakers. An effort to require students to take four online credits also failed.

The legislation that was approved instead directed the state Board of Education to determine how many online courses should be required of students.

The board settled on two credits, requiring one in the form of an asynchronous course, where students move at their own pace and interact with their teacher as needed. During a synchronous course, students and their instructors are online together, at a scheduled time.

"I believe all students are capable of meeting this requirement," Luna said.

But the testimony before the Idaho Senate committee was mostly against the plan. The head of the state School Boards Association was among those who urged lawmakers to leave the delivery of the online courses up to school districts, rather than requiring students take at least one credit in the form of an asynchronous course.

"We understand and do not object to the requirement for two online courses, what we object to is how those courses must be taken. We feel that decision should be left at each local school district," said Idaho School Boards Association Director Karen Echeverria.

The Senate committee was expected to vote on the proposal Wednesday.

Schools nationwide offer online classes, but just three states—Alabama, Florida and Michigan—have adopted rules since 2006 to require online learning, according to the International Association of K-12 Online Learning in Washington.

The online rules vary from state to state, but Idaho is the first to require two credits online.

Proponents say the online classes will help the state save money and better prepare students for college. But opponents claim they'll replace teachers with computers and shift state taxpayer money to the out-of-state companies that will be tapped to provide the online curriculum and laptops.

While approving the rule in Idaho, trustees on the state Board of Education have countered that most of the opposition to the plan is directed at Luna's education changes as a whole, not just the online requirement.

Critics seeking to overturn the new education laws met a June deadline to put three repeal measures on the November 2012

ballot.

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Missouri teachers could be evaluated on student progress

St. Louis Today

By: Jessica Bock

January 19, 2012

http://www.stltoday.com/news/local/education/missouri-teachers-could-be-evaluated-on-student-progress/article_ea006ddd-43f2-50d5-b50e-4a2409ba1039.html

For the first time, Missouri teachers would be evaluated partly on the performance of their students, according to a plan that could free the state from the increasingly unpopular No Child Left Behind law.

Missouri — as are nearly all states — is moving forward with its application to federal education officials for a waiver relieving the state from the law that requires all children be proficient in reading and math by 2014.

Last year, less than 18 percent of districts in the state met yearly goals required by the accountability rules of the federal law. Missouri Department of Elementary and Secondary Education leaders say schools would still be held accountable, but the new flexibility would allow the state to set "ambitious, yet achievable" goals.

But the application requires states to make certain reforms, including changing teacher evaluations, which also could be unpopular with educators.

"This personalizes the pressure," said Jack Jennings, founder of the nonprofit Washington-based Center on Education Policy. "It becomes a personal consequence, rather than a school consequence."

Many teachers are coming to grips with a new evaluation system that takes into account student performance, he said. Some believe that measure should be a part of a teacher's evaluation as long as it is not the predominate factor, and it is based on the right tests.

Teachers unions in Missouri have concerns.

Ann Jarrett, teaching and learning director for the Missouri National Education Association, said the Missouri Assessment Program, the state's standardized test, should not be that measure. It was not designed to evaluate teachers, she said.

But the association is in favor of improvements to teacher evaluations.

"Teacher evaluations should help teachers to improve, and it should help schools to improve. It should give teachers feedback on what their strengths and weaknesses are," Jarrett said. "Right now, in too many instances, it does not do that."

The union — as well as the Missouri State Teachers Association — say local teachers and school boards should determine how their educators are evaluated, not state officials.

In its application, the Missouri Department of Elementary and Secondary Education says it would develop a model for teacher evaluations, and it would be up to the local school districts to use that example or develop their own. But individual models would be required to use certain parts of the state model, including student performance.

Eleven states — Colorado, Florida, Georgia, Indiana, Kentucky, Massachusetts, Minnesota, New Jersey, New Mexico, Oklahoma and Tennessee — submitted applications to federal officials for waivers in the first round, and dozens more, including Missouri and Illinois, have said they intend to apply by the Feb. 21 deadline.

In Illinois, education officials had already begun work on a new teacher evaluation system before beginning their application.

U.S. Secretary of Education Arne Duncan has said that giving states flexibility in No Child Left Behind will allow them to move beyond the bubble tests and dumbed-down standards based on arbitrary ideas of proficiency. Improving evaluations to consider student growth will help focus on what really matters — the annual gains of students, federal education officials say.

As the state refines its application, the change in teacher evaluations has sparked the most debate. But educators say the other ideas floated in the application are welcome changes.

New measures of accountability are needed, officials say. Rather than basing performance on a single test, the focus would change to individual student growth over time.

If the application is approved, Missouri will move toward one accountability system. Right now, districts are held to No Child Left Behind benchmarks, as well as measures in the state's annual performance report. It leads to confusion when some districts are labeled as failing under No Child Left Behind but considered a top performer by the state. That has happened with the Parkway School District, for example.

The district did not meet annual progress goals when the state released the results of standardized tests last summer. Just a few months later, the district received 14 of 14 performance points in its review from the Missouri Department of Elementary and Secondary Education.

"That was a huge conflict we were constantly having to explain," said Kathy Blackmore, an assistant superintendent in Parkway.

Under No Child Left Behind, schools that fail to make the required yearly gains face a series of sanctions, such as allowing students to transfer to more successful schools.

But in many cases, educators believe those sanctions can work against progress in student achievement.

States seeking waivers are required to focus on improving schools that score in the lowest 5 percent and those with the widest achievement gaps.

If a state's application is approved, schools there could see changes in requirements under No Child Left Behind as soon as 2012-13.

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Alabama governor's education plan draws controversy

The Bellingham Herald

By: Ben Wieder

January 18, 2012

<http://www.bellinghamherald.com/2012/01/18/2355511/alabama-governors-education-plan.html>

Weeks before Alabama's legislative session is scheduled to begin, Gov. Robert Bentley has sparked debate among legislators about a proposal to use money earmarked for education to fill other holes in the budget.

The Republican governor, entering his second year in office, plans to ask the legislature to approve a constitutional amendment to combine the state's Education Trust Fund, drawn from income and sales taxes, with the separate General Fund, which pays for other government services.

"Gov. Bentley believes that a unified budget is the long-term solution," says his spokeswoman, Jennifer Ardis. "He has promised to do everything he can to avoid raising taxes."

She says Bentley hasn't drawn up a specific proposal yet, but wanted to begin discussing the issue as early as possible because he knows it will be a tough sell. The amendment would first have to be approved by legislators and would then go on the ballot for voter approval.

The idea has drawn a favorable reaction from Senate President Pro Tem Del Marsh and muted support from House Speaker Mike Hubbard, both Republicans, but other legislators on both sides of the aisle have expressed serious doubts, according to The Associated Press. "There are some people who think that if the money leaves education, it will never be returned," Republican Rep. John Merrill told the Tuscaloosa News. House Minority Leader Craig Ford told the same paper, "We as Democrats will fight to preserve funding for schools."

Alabama's separate education budget is unusual. Michigan is one of the only other states with a similar setup. It actually had two discrete education funds, one for higher education and one for K-12, until last year, when they were merged despite opposition from most Democrats and leaders in both K-12 and higher ed. But Kurt Weiss, a spokesman for Michigan's Budget Office, says it's unlikely that education funds will be combined with the general budget.

Bentley is not the first Alabama governor to consider tapping the state's education fund. His predecessors George Wallace and Fob James both failed in trying to capture education money for general use.

"That's probably the biggest defeat of Gov. Wallace's career," says Glen Browder, an emeritus professor at Jacksonville State University who has served in Congress, the Alabama House of Representatives and as Alabama's secretary of state. "It is an uphill battle for Gov. Bentley."

But Bentley faces a different set of circumstances than his predecessors. For one, Republicans control the House, Senate and governorship for the first time since 1874. There's also been a change in leadership at the powerful Alabama Education Association. Its former leader, Paul Hubbert, directed the organization for more than four decades, served as co-chair of the state's Democratic Party, and ran a credible campaign for governor himself in 1990. In 2010, many credited him and the AEA for helping Bentley defeat his Republican opponent, Bradley Byrne, in a runoff election for the 2010 Republican gubernatorial nomination.

Hubbert is retired now, but Bentley's plan could be a welcome fight for the AEA's new leader, Henry Mabry, who's come out strongly opposed to the merger. "He's a question mark," Browder says of Mabry, a former state finance director. Defeating Bentley on the merger of the funds, Browder says, "would help him to let the education community see that he could be a strong leader."

It could also unite the K-12 and higher education community, says Bill Stewart, an emeritus professor in political science at the University of Alabama. "Even though the AEA and the higher education folks are at each other's throats," he says, "this is one thing they can agree on."

The commingling of education and general funds may be one of Bentley's few options in a state that faces a budget squeeze but is adamantly opposed to any increase in taxes. In presenting the idea last week, Bentley said education funds could help support health care and the corrections budget, but Stewart says those issues don't have the same political support.

"It's very easy to pick on prisoners," he says.

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New York: Inching Closer to Agreement on Evaluations for Teachers

New York Times

By: Fernanda Stantos

January 18, 2012

<http://www.nytimes.com/schoolbook/2012/01/18/inching-closer-to-agreement-on-evaluations-for-teachers/?ref=education>

In the long-simmering debate over how to judge the quality of New York State school employees, there is one thing all sides agree on: a system should be in place.

The sticking point has been agreeing about how to do it. There is the [fight between New York City and its teachers' union](#) over the parameters of an evaluation system that must be put in place in 33 struggling schools. And there is [the fight waged in court by the state teachers' union](#), which sued the Board of Regents last year over its interpretation of a law on teacher evaluations.

Some \$800 million in federal money is on the line, as well as millions in state aid to local schools. On Tuesday, [Gov. Andrew M. Cuomo put everyone on notice](#) when he unveiled the details of his budget plan, ordering school districts to settle on a new teacher evaluation system by Jan. 17, 2013, or lose their share of a proposed 4 percent increase in education spending.

He gave the Regents and the teachers' union 30 days to resolve their lawsuit. It is either that, he said, or adopt an evaluation system that he would impose.

The sides are not as far apart as their public posture would indicate. Three weeks before Mr. Cuomo set the deadline, [the union had already acceded to one of the state's key demands](#). It agreed that most of the 60 points teachers could earn on subjective measurements should be based on classroom observations — something the state's education commissioner, John B. King Jr., had been pushing for. Of the total score of 100, results from student testing would account for the other 40 points.

The union's president, Richard C. Iannuzzi, sounded optimistic on Wednesday, saying in an interview that a settlement could be reached "in two or three days." Dr. King, however, said there were many differences to be resolved.

"Conversations are ongoing," he said, "but there's a distance to travel."

Last week, the federal Education Department warned New York that it could lose the \$700 million in education financing it was awarded last year as part of the Race to the Top program if it did not adopt a system to evaluate teachers and principals statewide, one of the program's requirements. By then, [Dr. King had already suspended a smaller pot of federal money](#) — \$58 million in grants to help struggling schools in New York City, as well as nine other school districts in the state. The districts and their unions should have reached agreements on an evaluation process by Dec. 31, as the grants stipulated, but did not.

Mr. Cuomo's hard-line message aims to resolve both problems, in part by applying renewed pressure on the Bloomberg administration and the president of the city teachers' union, Michael Mulgrew, to go back to the negotiating table. Talks collapsed days before the deadline established by the grants, and the sides were so far apart, city officials said, that there was no point in further discussion.

At issue is the process by which teachers would be able to appeal a poor rating. The city proposed forming a three-person committee consisting of one representative from the city, one from the union and one who would be jointly selected by both to issue an advisory decision to the schools chancellor, who would then make the final call.

Mr. Mulgrew objected. He said the administration had forced teachers to go to court to have bad ratings reversed.

"They're now using our objections to say we're obstructionists," he said. The appeals process is the only obstacle to a compromise, he said.

The appeals process will be a crucial issue for the union once the teacher evaluation standards go into effect. The new law scraps a "satisfactory/unsatisfactory" scale that has been used to judge teachers for decades and introduces a four-tiered rating: "ineffective," "developing," "effective" and "highly effective." Teachers who are rated "ineffective" for two consecutive years could lose their jobs within 60 days. Under the current system, less than 3 percent of the city's teachers are rated "unsatisfactory," and it can take more than a year to fire a teacher.

The Legislature approved the new system unanimously in June 2010. Union and education officials stood side by side in Albany to celebrate their joint achievement, and Mr. Mulgrew traveled to Washington to testify on behalf of the state's application for the Race to the Top money.

The disagreements that remain are, by and large, the subjects of the lawsuit by the state teachers' union. For example, 40 points on the annual reviews for teachers statewide would come from students' test scores. The union wants only half of those points to be based on standardized tests, but the Board of Regents, which sets state education policy, allowed districts to base all of the 40 points on standardized tests.

The law specifies that 20 points of the evaluation must be based on the state tests and the remaining 20 points on other exams, to be developed by local districts. The discrepancy between the Regents' regulations and the legislation is the reason the union sued, Mr. Iannuzzi said.

"We never challenged the law. We only challenged their interpretation of the law," he said.

[A judge in Albany ruled in August that the Regents had, indeed, overreached.](#)

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