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To: [Undisclosed recipients:](#)

CC:

Date: Wed, 11/9/2011 10:46:13 AM

Subject: Foundation for Florida's Future, Key Reads: 11/9/11

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NATIONAL NEWS

ESEA Bill Gets Day in Sun at Senate Hearing

Education Week

By: Alyson Klein

November 8, 2011

http://blogs.edweek.org/edweek/campaign-k-12/2011/11/teacher_evaluation_and_the_bes.html

Today's much-anticipated hearing on a Senate [bill](#) to make over the No Child Left Behind Act had one of the bill's chief sponsors casting it as an important but imperfect compromise, while Republicans saying the bill wouldn't do enough to rein in the federal role in education.

U.S. Sen. Tom Harkin, D-Iowa, the chairman of the Senate Health, Education, Labor, and Pensions Committee, said that a comprehensive, bipartisan bill that passed out of his committee last month is a step in the right direction, even if it doesn't please everyone.

"This bill that we have will not solve every problem in elementary and secondary education. ... No bill has everything everybody wants," Harkin said of the bill he co-sponsored with Sen. Michael B. Enzi, R-Wyo., the top Republican on the panel. The central question, he said: "Does it advance the cause of finding proper balances between federal, state, and local?"

The bill would overhaul the NCLB law, the current version of the Elementary and Secondary Education Act. It was approved by the Senate committee on Oct. 20, and a floor vote has not yet been scheduled.

The Obama administration has been [quietly critical](#) of the bill's handling of two key issues: accountability and teacher evaluation. But Harkin said today those decisions were the result of the need for bipartisan compromise with Enzi.

"The administration can say those things," he told reporters. "They never had to negotiate with anyone to get those waivers"—a reference to the administration's system for giving states [wiggle room](#) on key pieces of the NCLB law, but only if states advance certain reform priorities.

It's unusual for a congressional committee to hold a hearing on a bill it's already passed. But during last month's markup on the bill, Sen. Rand Paul, R-Ky., threatened to slow down the process of committee consideration unless the panel held a hearing that included the folks who would implement the law, such as teachers, principals, and school superintendents.

Paul wasn't much of a firebrand during the hearing, though. Instead, he reiterated his view that the federal government should stay out of K-12 policy.

"The farther we get away from the local school board, the worse it gets," said the Kentucky senator. And he said he is "concerned that we still have a testing mandate. I don't think we fixed that."

Based on comments at the hearing, it sounds like other Republicans may be seeking changes to the bill if and when it gets to

the Senate floor. Enzi said he would like to see "a much smaller federal role" in education and "fewer programs" and was sorry that "the markup moved in the opposite direction."

The hearing was done in a roundtable format. [Witnesses](#) were asked to explain which parts of the bill they particularly liked and which parts they thought needed work.

Jon Schnur, co-founder and chairman of the board for New Leaders, a non-profit that helps train principals to work in underperforming schools, said he thought the committee should consider a big incentive for developing evaluation systems. One possibility could be to make at least half of Title II funding (the nearly \$2.5 billion that states get each year for teacher quality) competitive instead of given out by formula.

Elmer Thomas, the principal at Madison Central High School in Richmond, Ky., said he was glad to see the committee was "getting rid of punitive [Adequate Yearly Progress] sanctions.

A broad coalition of civil right and business groups is [opposed](#) to the legislation. They were represented at the hearing by Wade Henderson, the president of the Leadership Conference on Civil and Human Rights. Henderson called the bill "a historic retreat from accountability."

After the hearing, a Senate aide sought to counter some of those claims, pointing to language in the bill that makes it clear that states must submit accountability plans that address subgroup success. The main difference between the bill and current law is that there wouldn't be a federal system of labeling schools, or federally spelled-out interventions.

That balance works for Tom Luna, the state superintendent in Idaho, who also happens to be the president-elect of the Council of Chief State School Officers. Idaho has embraced some major changes lately, including on teacher quality, merit-pay, and technology initiatives—all without federal involvement, Luna said in an interview after the hearing.

"I think the reauthorization keeps the good parts of the No Child Left Behind Act," he said, including the focus on disaggregating data for all students, while including some positive changes, such as growth models, which allow states to measure individual student progress.

He said he thinks the scaling back of the federal role is the right move. "I don't think it's a question of whether states can step up. I think they've proven that they have."

And Luna added that he'd rather see an honest-to-goodness reauthorization in place of waivers. "Reauthorization is long term," he said.

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Bipartisan rewrite of education law sparks debate

By: Associated Press

By: Staff

November 9, 2011

http://bostonherald.com/news/us_politics/view.bg?articleid=1379540

WASHINGTON — In a divided Washington, there's widespread agreement that the sweeping No Child Left Behind education law needs fixing. But finding a fix hasn't been easy.

Civil and disability rights groups have banded together with an unlikely ally, the business-friendly U.S. Chamber of Commerce, to oppose a bipartisan update to the law that has been approved by a Senate committee. They say the bill is weak on accountability. The administration also dislikes it for many of the same reasons.

On the other side, many conservatives say the bill gives the federal government too much control. Even some of the Republicans who voted it out of committee, such as Tennessee Sen. Lamar Alexander, a former U.S. education secretary, cite the same concerns.

It hasn't always been this way. The law, which was championed by President George W. Bush, was passed in 2002 with widespread bipartisan support. Focused primarily on helping poor and minority children, it required annual testing of students. Schools that don't meet requirements for two years or longer face consequences that become increasingly tough — from having to transport children to higher performing schools and offering tutoring to replacing staff.

But critics said teachers started teaching to the tests, that there was little flexibility for states and local districts to design systems that might work better and that the requirements were too stringent. They also said it was unrealistic to expect every child to perform on grade level in reading and math by 2014, as required by the law.

The bill that passed the Senate Committee on Health, Education, Labor and Pensions on Oct. 20 would give states more control and eliminate many of the proficiency requirements. It wouldn't require that states develop teacher and principal evaluation systems — something the administration wants — but would offer incentives to do so.

Federal control would be focused on the bottom 5 percent of schools, which school districts would be required to fix using one of

a series of models. The bill also would order states to identify low-performing schools and schools with groups of low-performing students and develop plans to help them.

Students still would be tested annually, something Sen. Rand Paul, R-Ky., said Tuesday at a Capitol Hill hearing that he opposes. Paul said the federal government simply needs to get out of schools' way because "the farther we get away from local government to national government the worse the oversight gets." Other Republicans such as Alexander have said that it should be up to states and local districts to develop teacher and principal evaluation systems and to determine when a school is succeeding or failing.

"I do think there's a large philosophical sort of debate and battle that is part of this," Paul said.

Wade Henderson, the president and CEO of the Leadership Conference on Civil and Human Rights, testified that he doesn't see fixing schools as a philosophical debate at all.

"I see it as a practical debate affecting real life students and the consequences of a failure to educate them properly," Henderson said.

His organization was among nearly 30 groups that said in a statement that the current bill would allow students to fall through the cracks because states would not have to set a measurable achievement and progress targets or even graduation rate goals.

"Federal funding must be attached to firm, ambitious and unequivocal demands for higher achievement, high school graduation rates and gap closing," the groups said.

The Education Committee's chairman, Sen. Tom Harkin, D-Iowa, and the panel's ranking Republican, Sen. Mike Enzi, R-Wyo., have said repeatedly there are things in the bill they don't like, but that's how the art of compromise works.

"We can't just throw up our hands and say because it's complex and there's all these moving parts, that we can't do anything and we walk away from it," Harkin said.

No Child Left Behind has been due to be rewritten since 2007. After Congress failed to update it, President Barack Obama announced in September that he was allowing states that meet requirements the administration favors to get waivers around some of the law's unpopular proficiency requirements. The administration said its effort would serve as a bridge until Congress passed a revised law.

For now, it appears Congress is a long way from passing a bill. A vote on the bill hasn't been scheduled in the Senate. A House committee has taken up rewriting the law in a more piecemeal way but hasn't yet taken up some of the more contentious issues.

Education Secretary Arne Duncan told The Associated Press that Harkin and Enzi should get a lot of credit for sitting down for hours and working out a bill, even if he doesn't like some of what it contains.

"I'm thrilled that folks are starting to work in a bipartisan way and maybe it's about the only issue in Washington that folks are working on in a bipartisan way," Duncan said. "We keep saying that education has to move forward regardless of politics and regardless of ideology."

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STATE NEWS

Idaho Superintendent of Public Instruction Tom Luna lauds efforts to reform federal education law

Associated Press

By: Staff

November 8, 2011

<http://www.idahostatesman.com/2011/11/08/1870418/luna-lauds-efforts-to-reform-federal.html>

State Superintendent of Public Instruction Tom Luna is commending efforts in Congress to reform the federal No Child Left Behind law to measure student academic growth from year to year.

Luna is president-elect of the Council of Chief State School Officers and testified Tuesday before a U.S. Senate panel, saying he supports efforts to overhaul the nation's governing education law.

Idaho was among three states that vowed to ignore the latest requirements under No Child Left Behind, saying the education program sets unrealistic benchmarks for schools while failing to accurately measure student growth.

Idaho and other states are implementing new statewide accountability systems.

President Barack Obama announced in September that since Congress had failed to rewrite No Child Left Behind, he was allowing states a waiver to get around it.

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Memphis teacher tells U.S. Senate panel accountability is key to closing achievement gap

Memphis Commercial Appeal

By: Bartholomew Sullivan

November 8, 2011

<http://www.commercialappeal.com/news/2011/nov/08/memphis-teacher-tells-us-senate-panel-accountabili/?print=1>

WASHINGTON -- Sherwood Middle School special education teacher Charles Seaton told a U.S. Senate panel reviewing the No Child Left Behind program Tuesday that Memphis is setting higher standards by constantly evaluating "what we want to accomplish."

Seaton, a Clarksdale, Miss., native who came to teaching after years in the military, with the Boy Scouts and in juvenile justice, was one of nine witnesses at a Senate Health, Education, Labor and Pensions Committee roundtable discussion of what's good and what needs improvement with NCLB.

"In the military, you inspect what you expect ... so evaluation will cause us to look at how we want to accomplish what we want to accomplish," said Seaton, who was introduced to the committee by Sen. Lamar Alexander, R-Tenn. "We're willing to change and update our strategy on a regular basis."

The committee passed the Elementary and Secondary Education Act, overhauling NCLB, last month on a 15-7 vote. It may be subject to floor amendments, and the discussion Tuesday was intended to fine-tune any such measures.

Seaton, who has been with MCS for four years, said the law should look at the top 5 percent of schools as well as the lowest 5 percent, which he called "dropout factories."

Much of the discussion Tuesday dealt with teachers' and principals' evaluations and the difficulty in getting them right. Terry Grier, superintendent of the Houston, Texas, Independent School District, the nation's seventh largest, said his system retained 92 percent of its high-performing teachers last year while replacing 55 percent of the lowest-performing.

Grier said 2,500 teachers were involved in developing the evaluation, which makes student performance less than 50 percent of what's taken into consideration and focuses on pedagogy and classroom management.

"Teachers know who the good teachers are," he said.

After the hearing, Seaton, who had never before testified in front of a congressional committee, said he hoped he communicated to the panel that "accountability is important but we need the funds that go with the oversight."

"And the teacher evaluation is going to be the genesis of moving to the next level as far as raising student achievement and closing the achievement gaps," he said.

When he gets back to Memphis, he knows what he wants to tell his students.

"I'm going to make sure they understand how important it is to be able to articulate your thoughts and your feelings both verbally and written," he said, "and how important it is to be a reader, to make sure that you're abreast of not only what's going on locally but what's going on nationally."

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Ohio Voters Reject Law Limiting Teachers' Collective Bargaining

Education Week

By: Sean Cavanagh

November 8, 2011

http://blogs.edweek.org/edweek/state_edwatch/2011/11/ohio_1.html

Ohio voters have rejected a law that would have stripped teachers of many of their collective bargaining rights, according to results reported by the Associated Press late Tuesday, an outcome that could reverberate well beyond the state's borders.

The Ohio referendum, known as Issue 2, was perhaps the most closely watched ballot fight of the 2011 election. The target was a law pushed through the state's GOP-controlled legislature this year with strong Republican support.

The measure had drawn a [flood of attention](#) from the media and political activists over the past few months, partly because it was regarded as an important, symbolic fight over collective bargaining and the influence of teachers' unions and other organized labor groups.

Teachers' unions [spent millions of dollars](#) in an effort to repeal the law, originally known as Senate Bill 5, while business

organizations poured money into a defense of the measure. The cash flow financed a wave of televised advertising and other outreach designed to appeal to Ohioans, who are well accustomed to high-decibel political campaigns because of their state's status as a battleground during presidential elections.

The statute, backed by Republican Gov. John Kasich, would have imposed broad restrictions on public workers' bargaining powers.

"Those who would dare try to strip collective bargaining rights away from hard-working citizens will now think twice," Randi Weingarten, the president of the American Federation of Teachers, said in a statement regarding Tuesday's result. "Ohio voters made it clear to them that there is a price to pay for turning your back on the middle class."

In school districts, the measure would have blocked bargaining over class sizes, school assignments, and provisions that restrict principals from assigning workloads and job responsibilities. It also would have given school boards broad powers to put in place their final offer in negotiations with unions if the two sides could not come to an agreement.

Additionally, the measure would have forbidden districts from giving preference in layoff decisions to teachers with more seniority, a provision similar to those approved in a number of other states this year, such as [Florida](#) and Idaho. The law also would have created a merit-pay system for teachers, though it was unclear how educators' performance would be judged. A separate law approved by Ohio's legislature this year also established a performance-pay system, so that pay model appears set to become reality in the state's schools soon.

Backers of the law, in fact, had [touted its creation of a merit pay system](#) in TV ads and other messages, evidently believing the provision would prove popular among voters.

Kasich had argued that the law would drive down costs for taxpayers by phasing out expensive concessions made to unions during the negotiating process. His administration had estimated that the law would save local governments, including school districts, more than \$1 billion per year by reducing health-care costs and doing away with automatic salary increases.

The Ohio ballot fight emerged just a few months after a similarly frenzied battle played out in Wisconsin.

Wisconsin Democrats pushed for a [series of recall elections](#) against Republican lawmakers who supported a measure, backed by Gov. Scott Walker, also a Republican, that stripped teachers and other public employees of many bargaining powers. Republicans, in turn, organized recalls against a number of Democratic legislators. Democrats picked up seats in the state's Senate during those elections, but not enough to wrest control of that chamber from the GOP.

How Republicans in Ohio respond to Issue 2's defeat remains to be seen. It's possible that they could attempt to once again approve some version of a law designed to curb unions' collective bargaining powers and reduce school district costs—one that could hold up politically.

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Effort to review online schools in Colorado fails amid arguments about politics

Associated Press

By: Ivan Moreno

November 8, 2011

<http://www.therepublic.com/view/story/4f75a12125194a60bd8412d252377ee1/CO--Online-Schools/>

DENVER — A proposal to review online schools in Colorado failed Tuesday before a divided legislative committee that argued about the politics behind the requested investigation.

The Legislative Audit Committee hit a partisan 4-4 divide on the request from Democratic Senate President Brandon Shaffer to take a new look at Colorado's booming online school industry, which Shaffer argues has little oversight even though it receives state funds.

About 2 percent of Colorado public school students in kindergarten through 12th grade now attend school online, taking all their courses over the Internet. Some of the schools are for-profit [Businesses](#), and Shaffer contends they boost enrollment rates before an Oct. 1 "count date" to increase the state funding they get.

"I am very disappointed Republicans chose to make this into a partisan issue, instead of simply doing the right thing," Shaffer said in a statement.

He said in his request for an audit in September that some online programs have student failure rates of more than 50 percent and that some students leave programs early. He said some programs get state funding without a plan for student retention or [Educational](#) success.

However, Republican lawmakers on the audit committee argued that Shaffer requested the audit to malign online coursework

avored by homeschooled children and some charter schools. They also accused Shaffer of seeking the request for political reasons; Shaffer is challenging a Republican congressman this fall and has said Education will be one of his main platforms.

Republicans said auditors should look at the entire K-12 Education system, instead of focusing only on online schools.

"Let's look at the big picture of this and truly audit something that will be useful instead of something that will be only used as a political wedge on one form of Education," said Republican Sen. Scott Renfroe.

State auditors said the state budget for online schools last year was \$85 million, which Democratic Sen. Lois Tochtrop called a "pretty good-sized chunk of change."

The budget for K-12 Education this year is about \$2.8 billion, or nearly 40 percent of the state budget.

They also accused Shaffer of seeking the request for political reasons; Shaffer is challenging a Republican congressman this fall and has said education will be one of his main platforms.

Shaffer said he plans to introduce legislation next year to address some of the issues he wanted auditors to investigate.

Some educators have called for more oversight and study of the effectiveness of online schools. A report last month by the National Education Policy Center at the University of Colorado called for more audits of online school providers.

"The rapid growth of virtual schooling raises several immediate, critical questions for legislators regarding matters such as cost, funding and quality," the authors wrote.

Randy DeHoff, a former Colorado school board member who now works for a nonprofit online school based in Westminster, said online schools in Colorado were already audited in 2007.

"Online schools all agree we need to be doing a better job of capturing what we're doing well and identifying what we're not doing well," said DeHoff, director of strategic growth for the GOAL Academy, an online high school with 2,200 students.

DeHoff agreed that counting school enrollment on a single day to determine funding is inexact, but he argued the problem isn't limited to online schools.

"Traditional schools lose kids after Oct. 1 too, and they keep the money," DeHoff said. "The problem is the way we fund all schools based on a single day."

Associated Press writer Kristen Wyatt contributed to this report.