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**To:**  
**CC:**  
**Date:** Mon, 5/16/2011 11:37:31 AM  
**Subject:** Foundation for Florida's Future, Key Reads: 5/16/11

## Foundation for Florida's Future, Key Reads: 5/16/11

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### NATIONAL NEWS

- 1) [U.S. Dept. of Ed. is Breaking the Law](#); Greene – Education Next
- 2) [Presidential Awards for STEM Teachers Go Unclaimed](#); Mervis – Education Week
- 3) [Close bad charters faster](#); Matthews – Washington Post

### FLORIDA NEWS

- 4) [Jeb Bush's education reform ideas draw national attention](#); Clark – Miami Herald
- 5) [Years of cuts bring Florida schools to breaking point](#); Postal and Weber – Orlando Sentinel

### STATE NEWS

- 6) [Georgia court overturns charter schools law](#); Bluestein – Associated Press
- 7) [New York Teacher Reviews Will Put More Focus on State Tests](#); Otterman – New York Times
- 8) [Developments on 'Effectiveness' Materialize in Texas, Illinois](#); Sawchuk – Education Week

## NATIONAL NEWS

### **U.S. Dept. of Ed. is Breaking the Law**

Education Next

By Jay P. Greene

May 13, 2011

<http://educationnext.org/u-s-dept-of-ed-is-breaking-the-law/>

It is now clear, according to the U.S. Department of Education's own description, that the Department is in violation of the law by which it was created.

Our criticism of the nationalization of standards, curriculum, and assessments elicited the following [statement from Peter Cunningham, spokesperson for the U.S. Department of Education](#): “Just for the record: we are for high standards, not national standards and we are for a well-rounded curriculum, not a national curriculum. There is a big difference between funding development of curriculum—which is something we have always done—and mandating a national curriculum—which is something we have never done. And yes—we believe in using incentives to advance our agenda.”

Let's leave aside the double-speak of how incentivizing is somehow different from mandating. Instead, let's focus on his admission that the Department is “funding development of curriculum” and is “using incentives to advance our agenda.”

The [1979 law by which the U.S. Department of Education is authorized](#) in its current form clearly prohibits these activities. It states (in section 103b): “No provision of a program administered by the Secretary or by any other officer of the Department shall be construed to authorize the Secretary or any such officer to exercise *any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, over any accrediting agency or association, or over the selection or content of library resources, textbooks, or other instructional materials* by any educational institution or school system, except to the extent authorized by law.” (emphasis added)

So, the spokesperson for the U.S. Department of Education says that they are funding development of curriculum, but the Department is expressly not authorized to direct, supervise, or control curriculum. They are also prohibited from directing, supervising, or controlling textbooks or other instructional materials.

The Department seems to think that it is on solid footing as long as it does not mandate or control curriculum. But the 1979 law restricts the Department more broadly. It may not even direct or supervise curriculum. I have no idea how the Department could fund the development of curriculum without also exercising some direction and supervision over that curriculum.

Nor can the Department justify its current activities by claiming that they are only funding the development of curricular frameworks and instructional materials. The Department is also explicitly prohibited from directing, supervising, or controlling the content of instructional materials.

As far as I know, no law has specifically authorized the Department to engage in these activities from which they are otherwise

prohibited.

I think they have been caught red-handed.

[\(Back to top\)](#)

## Presidential Awards for STEM Teachers Go Unclaimed

Education Week

By: Jeffrey Mervis

May 16, 2011

[http://www.edweek.org/ew/articles/2011/05/18/31stem.h30.html?](http://www.edweek.org/ew/articles/2011/05/18/31stem.h30.html?tkn=OWTF6AgsOye%2FtkvRKzgEaqg6Hz0NeTrHL2gh&cmp=clp-edweek)

[tkn=OWTF6AgsOye%2FtkvRKzgEaqg6Hz0NeTrHL2gh&cmp=clp-edweek](http://www.edweek.org/ew/articles/2011/05/18/31stem.h30.html?tkn=OWTF6AgsOye%2FtkvRKzgEaqg6Hz0NeTrHL2gh&cmp=clp-edweek)

### *Nearly one-quarter of prizes won't be bestowed*

Eighty-five elementary teachers will be in Washington this week to receive what many science educators regard as the Nobel Prize of their profession. And while White House officials will lavish well-deserved praise on this year's recipients of the Presidential Award for Excellence in Mathematics and Science Teaching, they are unlikely to mention one disturbing fact: The winners, from 49 states and three other U.S. jurisdictions, represent 21 fewer teachers than the program is designed to honor, nearly a quarter of the slots.

State coordinators, many of them former awardees, offer several explanations for the shortfall, from the quality of the STEM teaching corps, to the program's lack of visibility, to the uneven judging of candidates, to the rigorous application itself. None of the reasons is reassuring to those who care about science in the schools, however. And together they paint a picture of a teaching profession under stress, battered by forces that could also undermine efforts by the Obama administration and many others to attract and retain a new generation of high-quality teachers in the STEM fields: science, technology, engineering, and mathematics.

The annual award, which comes with a \$10,000 cash prize, honors one math and one science teacher from each state, the District of Columbia, U.S. territories, and Department of Defense schools—a total of 106 slots. Each state is allowed to nominate up to three finalists in each category. The award was first bestowed in 1983 to middle and high school teachers. Elementary teachers were added in 1990, and for the past decade, the awardees each year have alternated between elementary and secondary teachers.

### *Tough Process*

The National Science Foundation manages the program, and the winners gain a national platform to advocate improvements at the local, state, and federal levels. Many do exactly that, according to program evaluations, although their impact on student achievement has never been measured. But 12 of 53 jurisdictions don't have a presidential awardee this year in math, and nine don't have a science winner.

The most obvious reason, experts say, is that there are so few teachers willing to complete the application process. California, with roughly 200,000 teachers eligible for the 2010 award, had exactly three vying for the title of the state's best elementary math teacher. (One became a state finalist and was chosen a national winner.) In North Dakota, which has a much smaller pool, not a single teacher completed the application in either math or science, so there was nobody that state judges could review. Coordinators in other states, large and small, report a similarly small number of teachers who, after being nominated, actually completed the application.

The core of the application is an unedited, 30-minute classroom video that serves as a template to demonstrate good teaching. Judges rate the applicants in such areas as mastery of the appropriate content, effective instruction, and use of student assessments, as well as on their leadership outside the classroom. Teachers have 15 pages to narrate the video, analyzing their interactions with students. The application, along with background information and letters of recommendation, is reviewed first by a state panel and then, if a candidate clears that hurdle, a national one.

"The application is intense. I've applied for a lot of grants, and this was more work," said Camsie Matis, a 2009 math winner from a New York City charter high school who's just ending a federal fellowship at the NSF and starting a job as director of STEM education for the District of Columbia public schools. "It took me seven tries to get a good video because of everything that was going on in the classroom. But I'm glad I did; I didn't realize how helpful it was until after I had finished."

Most STEM teachers never find out. Some program officials believe low participation rates reflect sagging morale among the nation's teaching corps. That malaise is fueled by the current round of massive state budget cuts and negative societal attitudes toward the teaching profession, they say.

"It's tough, with the bad economy and the way people are so down on teachers," said Diana Herrington, California's state math coordinator for the competition and a 1999 award winner.

Ms. Herrington says that teachers are discouraged by the increased pressure to help their students pass state-mandated tests and to show improvement each year under the federal No Child Left Behind Act.

"Our teachers don't feel good about what they are being requested to do as teachers," said Ms. Herrington, a math teacher at Clovis High School in Clovis, Calif., who notes that her smallest class has 39 students. "For most of them, what they are able to do in the classroom isn't rich enough to deserve a presidential award."

### *Elementary Unease?*

Elizabeth Horsch of Wyoming, a state that typically enjoys one of the highest ratios of applications to eligible teachers, believes that the award "has elevated excellence in math and science teaching in the state" by encouraging teachers to raise their game. But the review process also can distort what is otherwise exemplary teaching by forcing it into a pigeonhole defined by the NCLB law, she cautions.

"It asks for evidence that your kids are scoring better on a standardized test. But that's beside the point. One test doesn't tell you very much," said Ms. Horsch, who taught high school chemistry for 30 years before joining Inverness Research Inc., an education research organization north of San Francisco that manages the state's competition.

Many state coordinators say the chronically low number of applicants was further depressed this year because the 2010 competition targeted elementary teachers. NSF officials say most elementary teachers feel less comfortable teaching math and science than their secondary school counterparts, who are more likely to have majored in the subject in college.

"There are 3 million elementary school teachers in the country, and a significant fraction of them are teaching math and science," said Joan Ferrini-Mundy, the head of the NSF's education directorate. "But the number of specialists is much smaller, and the set of people who consider themselves exemplary math and science teachers is even smaller."

Adding to the problem of a small pool of completed applications is the rigor of the review process itself. In New Mexico, for example, three elementary teachers completed the math application last year, but state judges decided that none was sufficiently proficient to be chosen as a finalist. In more than a dozen states, judges concluded that there were no outstanding candidates in either math or science that warranted selection.

"I cried in front of the whole group," Claudia Ahlstrom of New Mexico's education department, who has managed the math competition since 2002, recalled about the first time the state was shut out in math, in 2003. "The whole point of the program is to shine a spotlight on good STEM teaching. So it's very disappointing when we don't send anyone to the national level."

Even so, Ms. Ahlstrom and many of her colleagues in other states are vehement that the presidential award should recognize only the best teachers and that its reputation for quality would be damaged if the standards were lowered.

"The teaching needs to be student- and learning-centered," she said. "And in this case, the applications were all teacher-centered. The tape showed that the teacher was talking the majority of the time, saying in effect, 'I'm wonderful, listen to me.' In contrast, what the judges are looking for are teachers who pique the students' interest, who draw them into the discussion, and help the students discover the concepts for themselves. It's a different approach, and not every teacher has it."

Michael Heinz, a science coordinator for the New Jersey education department who oversees the state's science competition, said: "There's a lot of misunderstanding about what good instruction looks like. We're putting people out there as exemplary, so they had better be exemplary. They need to understand the content, why it's important, and how kids learn. I think that keeping the bar high is a good thing."

### *Better Guidance*

One state coordinator who requested anonymity says the decision isn't always so cut-and-dried. The coordinator recalls how the national panel found fault with one recent state finalist who, it said, was using outdated textbooks and a syllabus that didn't reflect current pedagogy.

"We were very confident about this teacher, who was [national] board-certified and a former state teacher of the year finalist," said the coordinator. "And then she gets blamed for things that were beyond her control. It was a real slap in the face. And when other teachers in the state found out what had happened, they decided it wasn't worth their time to apply."

Ms. Ferrini-Mundy said the NSF plans "to look more carefully at all these issues over the next few months" in hopes of attracting more applicants and providing them with better guidance. "Our main responsibility is to administer an awards program," she said. "But we're also trying to spread the word about what it means to be an effective STEM teacher."

Nefeesa Owens, who manages the program at the NSF, acknowledges that there's room for improvement. "The way states run things is quite varied," she said. "I think it's actually amazing that the system works as well as it does."

[\(Back to top\)](#)

## **Close bad charters faster**

Washington Post

By: Jay Mathews

May 15, 2011

[http://www.washingtonpost.com/local/education/close-bad-charters-faster/2011/05/11/AF7asU4G\\_story.html](http://www.washingtonpost.com/local/education/close-bad-charters-faster/2011/05/11/AF7asU4G_story.html)

The D.C. Public Charter School Board might soon close the Ideal Academy Public Charter School, more than a year and a half after I told it to.

When I made that suggestion [in a December 2009 column](#), Ideal was a prime example of a charter school overdue for termination. Its high school, after four years, had shown that most of its students would be better off elsewhere.

"Of the 31 sophomores who took the D.C. Comprehensive Assessment System test in math last spring," I said then, "only 25.8 percent scored at the proficient level or above. Only 38.7 percent reached that level in reading. Among secondary schools [in the District], only six regular schools and two charter schools had lower math proficiency rates. Only 11 regular schools and three charters were worse in reading proficiency."

Charter schools are public schools, often started by educators and parents dissatisfied with regular schools. They are typically independent of many district rules. President Obama has been telling charter authorizers — mostly city, state and university boards — to get rid of stinkers. The nonprofit [group Friends of Choice in Urban Schools \(FOCUS\)](#) has also been urging the D.C. Public Charter School Board in that direction, and might succeed if Ideal closes. Did it have to take so long? I don't think so.

Two years ago, Ideal was clearly a loser, but as often happens, unjustifiable optimism intruded. [Thomas Nida](#), then chairman of the D.C. charter school board, told me his board had not had enough time to turn Ideal around. His board, independent of the D.C. school system, had just assumed responsibility for Ideal and several other charters. They had previously been authorized and supervised by the D.C. school board, which never liked dealing with charter schools and was not good at it. I understand

why public-spirited people such as Nida didn't want to dump Ideal too quickly, but they were wrong to entertain false hopes when the school's awkward rhythms and low expectations were pretty much set.

More than 80 percent of Ideal's students are from low-income families. But that's also true for charter high schools, such as Hyde and SEED, with much higher proficiency rates. There was no major change in Ideal's methods and philosophy that might have cured its inertia and apathy. The year after I spoke to Nida, the school's proficiency rates were virtually unchanged — down three percentage points in reading and up two in math. Ideal's elementary and middle school at another location still had math and reading proficiency rates below 50 percent.

The board voted in March to begin the process of revoking Ideal's charter. Its final decision is expected this month.

According to FOCUS, 37 percent of D.C. charter schools have been closed since the first one opened in 1996. Nationally, federal data show that 27 percent of 6,725 charters opened in the past 20 years have closed. Those are much higher closure rates than would occur in a regular school district. Robert Cane, FOCUS executive director, rightly calls it "a signal to parents and others that we mean business."

But why stop there? The [Center for Research on Educational Outcomes](#) at Stanford University reported in 2009 that only 17 percent of charter schools had academic gains significantly better than regular public schools, 37 percent were worse and 46 percent were about the same. Closing more bad charters, and doing it faster than is being done with Ideal, would improve that track record.

This is one of the great advantages charters have over regular school systems, where communities heatedly resist closing anything. Why not use it? The Stanford study found that charter school achievement gains were greater in states that did not limit the number of charters that could be authorized. So let's not limit closing charters, either. If we stop waiting for unlikely miracles, we will have fewer students wasting their time at schools as un-ideal as Ideal.

[\(Back to top\)](#)

## **FLORIDA NEWS**

### **Jeb Bush's education reform ideas draw national attention**

Miami Herald

By: Lesley Clark

May 15, 2011

<http://www.miamiherald.com/2011/05/15/v-print/2218374/jeb-bushs-education-reform-ideas.html#ixzz1MWjjT43M>

Jeb Bush left the governor's office in 2007, but his influence still holds sway in Tallahassee, and now in state capitols from New Jersey to Oregon where lawmakers are eager to adopt his education reform efforts.

Since leaving Tallahassee, the popular former Florida governor has developed a national reputation as an education reform powerhouse and champion of vouchers and charter schools. His latest recognition: the Bradley Foundation, a conservative group that shies away from lauding politicians. Last week, it gave the Republican its Bradley Prize, a distinction that carries a \$250,000 stipend.

"The reforms that he put in place during his two terms as Florida governor in many ways lead the country in elementary and secondary education," said Michael W. Grebe, president and chief executive officer of the Bradley Foundation, which has spent more than \$40 million over the last 20 years in support of charter schools and voucher programs — including as a donor to Bush's education foundation. "He put in place programs that have clearly raised academic standards. It's measurable, demonstrable. We're also really impressed by what he continues to do as a private citizen. When he left office, he didn't leave behind his work."

With the help of Bush's Foundation for Excellence in Education, governors and lawmakers in at least 17 states — mostly, though not all, Republican — have explored legislation based on the "Florida model." That includes grading schools on a A-to-F scale based on standardized test scores, making reading a requirement of advancing to the fourth grade, and giving parents and students private-school vouchers and online courses.

"We've really moved the needle in Florida and that's been recognized," Bush said in an interview with The Miami Herald. "People are curious to know how we did it."

The foundation gets its funding from groups like the Bill and Melinda Gates Foundation and the Walton Family Foundation. It has promoted Bush's efforts for years, but Bush acknowledged it has "expanded dramatically" with the election of a number of Republican governors and state lawmakers, interested in what he calls "provocative reform."

The reforms have crossed party lines: Bush is working with the former Democratic governor of West Virginia on digital learning; Democratic-led Washington is looking at a Bush recommendation — eliminating a "last in, first out" policy for teacher layoffs. And President Obama last month toured a Miami high school with Bush, telling the former governor he was "grateful to him for the work that he's doing."

But the accolades are hardly universal. Florida Democrats dispute Bush's education philosophy, saying it emphasizes testing

over learning and starves public schools of resources.

“I appreciate anyone who takes up the mantle of saying that education is important, but the ‘Florida model’ is more about rote memorization,” said Rep. Dwight Bullard, a Miami Democrat who pushed, unsuccessfully, this spring against more Bush-backed reforms in the Florida Legislature. “We’re supposed to be turning out productive citizens, not just test takers.”

Critics also say that the gains seen in elementary school are not replicated at the high school level. Bush suggests his critics are moving the goal posts, first predicting “the world was going to come to an end” and “when that didn’t happen,” now questioning high school performance. “It’s a long process,” he said. “And along the way you learn and you try to advocate for reforms that will continue the progress.”

As Republicans pine for Bush to run for president, Democrats call it “instructive” that Bush, after losing his first race for governor in 1994, founded a foundation to influence public policy.

“That was a major part of his keeping his name out in front with the public,” said Mark Pudlow, a spokesman with the Florida Education Association, the teachers’ union that spent millions in 2002 in an unsuccessful effort to prevent a second Bush term. “Who knows what keeping his name in front may lead to this time.”

Bush has not been absent from the political arena: he made an endorsement in the Jacksonville mayor’s race and is backing Hialeah Mayor Julio Robaina for mayor of Miami-Dade, the nation’s 8th-largest county.

But he scoffs at suggestions that his work with the foundation is motivated by anything other than a desire to improve the U.S. education system.

“This is where my passions are,” he said. “If I had political ambitions, aspirations, there’d be a lot easier ways to build my creds.

Bush calls the calls to run for president flattering, but quipped to the Washington Post this week that “The Magic Eight Ball says, ‘Outlook not so good.’”

Supporters note that Bush’s star power makes him the “standard bearer” for education reform.

“If people are looking for technical advice on reform, there are plenty of other wonks, but if you’re trying to convince the rank and file legislator who has never heard of charter schools or accountability, you want Jeb Bush,” said Mike Petrilli, executive vice president of the Thomas B. Fordham Institute, a conservative education policy think tank.

Bush has made the case in person, traveling within the last month to Oklahoma and Minnesota. He downplays his role, noting that the foundation also offers assistance to lawmakers interested in replicating Florida’s efforts, including model legislation and research data.

“If I just parachute in and out you might generate some press, but it’s a lot of work,” he said. “It’s not just to show up and say ‘Hey, do this,’ it’s to help people craft these bills in the right way and generate the support to get them passed.”

Bush met with Utah lawmakers last August and the state has since passed its own version of Florida’s school grading policy. Sen. Wayne Niederhauser said lawmakers were impressed with Bush and the foundation, but that it was the Florida results that closed the deal.

“It wasn’t just Jeb Bush and his great personality and his political clout,” Niederhauser said. “There’s some substance behind it.”

[\(Back to top\)](#)

## Years of cuts bring Florida schools to breaking point

Orlando Sentinel

By: Leslie Postal and Dave Weber

May 15, 2011

<http://www.orlandosentinel.com/features/education/os-school-budget-cuts-20110515.0.331268.story>

The choice of classes is smaller these days at Lake Howell High School, the wait for a guidance counselor longer and the campus shabbier, with its once blue floor tiles worn to a dull gray.

Like other Seminole County schools, Lake Howell still prides itself on solid academics. But the state budget cuts that began four years ago have taken their toll, and the fallout will escalate with the bare-bones funding the Florida Legislature approved this month, said Principal Shaune Storch.

Lawmakers slashed education spending by nearly 8 percent for the coming school year, the deepest in decades. Per-student funding will drop \$542 while the state’s contribution to schools will be the smallest since 2003.

Those cuts are just the latest since the 2007-08 school year — cuts that already have forced administrators to eliminate classes, do away with social workers, teachers and aides, push up thermostats and cancel field trips.

Now, after years of budgetary triage, Florida districts are calculating how to avoid major harm to their schools. Many face painful options.

Broward County schools may lay off teachers. Seminole is closing an elementary school and say more could follow. Duval County may reduce art, music and physical education offerings. And Lake County is considering a four-day week.

The "grim reality," says Seminole Superintendent Bill Vogel, is that things will be worse a year from now when the last of the federal subsidies, which have been shoring up Florida school budgets since 2009, run out.

The Orange County school district, the largest in Central Florida, had its budget bolstered by a local property tax voters approved in November. Otherwise, it would be cutting more than \$80 million this coming fiscal year, the equivalent of more than 1,300 teachers, on top of the cuts made in the past few years.

"We would be talking about dramatic program adjustments," said Rick Collins, Orange's chief financial officer.

He said that districts without extra local money face bleak choices for the 2011-12 school year.

"They're not crying wolf at all," he said.

At Lake Howell, administrators dealt with earlier cuts by eliminating many elective classes. The school also reduced staff in media, technology and guidance departments. It can now take weeks for a student to see a counselor.

The school also chopped spending on supplies such as copy paper, and on bus transportation for its band and sports teams. Its floors need to be refurbished, its walls painted, and its air conditioning and electrical systems updated. But those projects are on hold.

Seminole is trying to close a \$20 million deficit for the coming year and absorb what amounts to a blow of nearly \$83 million over five years.

"I think we're down to bare bones. I'm actually relieved that I'm retiring. You can only juggle so many things," said Storch, who is ending a 38-year Florida education career next month.

The Republican-led Legislature said it passed an "austere" budget to deal with a nearly \$4 billion revenue shortfall while not raising taxes.

"While many states and the federal government are floundering under crushing deficit spending, we kept our promise that we would not raise taxes or fees during these difficult economic times," Senate President Mike Haridopolos announced after a budget conference.

The budget cuts would have been deeper but lawmakers relaxed costly rules that capped class sizes.

They're also forcing school employees to contribute 3 percent of their salaries toward retirement. With teachers and other employees now picking up that expense, legislators said they could give less money to school districts.

Per-pupil funding is now about \$1,038 less than it was at the start of the 2007-08 school year, just before the spending downturn began.

This year's budget cuts will further erode school quality, said Christine Bramuchi of Fund Education Now, an Orlando-based advocacy group suing the state over what it calls inadequate education funding.

"The school boards and superintendents have tried, for the most part, as a group, to shield students from harm," Bramuchi said. "The rubber is hitting the road now."

With this coming year's cut, the Osceola County school district will be down \$53 million since 2007.

Lake, down more than \$33 million compared to 2007, may open schools only four days a week and cut teaching assistants, pay for coaches and some bus services to cover a \$10 million shortfall for next year.

"This is the largest cut ever both in percentage and dollars since the Great Depression," said Margaret Smith, superintendent of Volusia County schools. "That speaks volumes about the challenges we face."

Volusia has slashed \$110 million from its budget over a five-year period, deleting almost 1,500 positions, closing several small elementary schools and eliminating ninth-grade sports.

Superintendent Vogel carts around a four-by-six-foot chart detailing the decline of funding in Seminole. It's a visual aid he uses to drive home this point: His district must cut \$45.3 million this year for a total of more than \$82 million since 2007.

The district previously eliminated more than 400 jobs and plans to whack 200 more. It also closed an alternative high school and scaled back summer school offerings.

Angst over budget cuts peaked last week when the school board voted — despite parent and community protests — to shut down Longwood Elementary to save an estimated \$1.1 million annually.

Statewide, "massive" budget cuts will lead to layoffs and more limited course offerings, said Andy Ford, president of the Florida Education Association, the statewide teachers union.

Those cuts could whittle away at the academic achievements Florida's schools have made in the last decade, Ford added. "I don't see how it's going to be able to continue the progress."

*Erica Rodriguez of the Sentinel staff contributed to this story.*

[\(Back to top\)](#)

## **STATE NEWS**

### **Ga. court overturns charter schools law**

Associated Press

By: Greg Bluestein

May 16, 2011

<http://www.timesunion.com/news/article/Ga-court-overturns-charter-schools-law-1381142.php#ixzz1MWh2HrMs>

ATLANTA (AP) — A law that cleared the way for a surge of new state-approved charter schools was struck down Monday by the state's divided top court in a landmark decision that will affect thousands of students and promises to reshape how Georgia's public schools are funded.

The Georgia Supreme Court's 4-3 decision overturned the law creating the [Georgia Charter Schools Commission](#), which allowed the state to approve and fund charter schools over the objection of local school boards. The decision held that only local boards of education have the power to fund and open the schools.

"We do not in any manner denigrate the goals and aspirations that these efforts reflect. The goals are laudable," wrote [Chief Justice Carol Hunstein](#). "The method used to attain those goals, however, is clearly and palpably unconstitutional."

The decision bars the commission from creating any new charter schools, but left unclear is the fate of the 14 charter schools that were already approved to eventually serve about 15,000 students.

A dissent written by [Justice David Nahmias](#) said the ruling could also abolish "any other 'special school' the [General Assembly](#) might dare to create."

"Today four judges have wiped away a small but important effort to improve public education in Georgia — an effort that reflects not only the education policy of this state's elected representatives but also the national education policy of the [Obama Administration](#)," he wrote.

Since 1995, local school districts have created dozens of charter schools, which get public support but aren't subject many regulations that apply to conventional public schools. But the state commission was created in 2008 by frustrated lawmakers who said they were upset that local school boards were rejecting charter petitions because they didn't like the competition.

The legislation sparked a revolt by school districts which filed a lawsuit a year later claiming the commission violated state law by unfairly taking funding away from the districts and giving it to charter schools. They claimed the commission was actually taking local tax dollars without the approval of local taxpayers.

The charter schools' supporters countered by arguing the commission was designed to re-direct state — not local — funding to help keep the schools afloat. The commission's attorneys argued in court that no funding from a local district was going to a school that was funded over the law.

The law's supporters won the first legal showdown in May 2010, when a Fulton County judge ruled from the bench that the commission was constitutional and didn't break any laws. But Monday's ruling, joined by [Justices Robert Benham](#), [Hugh Thompson](#) and [Harris Hines](#), was a blow to charter school supporters.

It found that the Georgia Constitution grants only county and area education boards the explicit authority to create and maintain public schools. The law, it said, is designed to limit authority over public education to "that level of government closest and most responsive to the taxpayers and parents of the children being educated."

"Commission charter schools thus necessarily operate in competition with or duplicate the efforts of locally controlled general K-12 schools by enrolling the same types of K-12 students who attend locally controlled schools and by teaching them the same subjects that may be taught at locally controlled schools," the opinion said.

The challenge was filed by school district officials eager to rein in the commission's scope. The districts in the lawsuit are among the state's largest — Gwinnett County, DeKalb County and [Atlanta Public Schools](#) — along with four smaller districts: Bulloch, Henry, Candler and Griffin-Spalding schools. At least 37 other districts have signed on to support the challenge.

Critics of the decision said it was too broad and illogical. Nahmias, who was joined by [Justices George Carley](#) and [Harold Melton](#) in the dissent, said judges should only strike down education rules in very rare instances, and argued that litigation is ill-suited to foster the nuanced decisions required for good social policy.

"That result is unnecessary, and it is unfortunate for Georgia's children, particularly those already enrolled and thriving in state charter schools," he wrote.

[\(Back to top\)](#)

## **New York Teacher Reviews Will Put More Focus on State Tests**

New York Times

By: Sharon Otterman

May 13, 2011

[http://www.nytimes.com/2011/05/14/nyregion/ny-teacher-evaluations-will-emphasize-test-scores-more.html?\\_r=1&ref=education](http://www.nytimes.com/2011/05/14/nyregion/ny-teacher-evaluations-will-emphasize-test-scores-more.html?_r=1&ref=education)

Responding to criticism from Gov. Andrew M. Cuomo and others, state education officials on Friday revised their plans for evaluating teachers so that up to 40 percent of their annual reviews could be based on students' scores on state standardized tests.

A measure passed last year had outlined 20 percent as the standard.

State officials have been developing the details of a new evaluation system for teachers and principals since legislation was passed last year as part of New York's successful effort to win a \$700 million federal grant.

[The regulations](#) are expected to be enacted on Monday by the Board of Regents, the state's education policy-making body.

"These are not perfect tools by any means," the chancellor of the Board of Regents, Merryl H. Tisch, said. "But that being said, I believe it is important to have an objective system to evaluate teachers on a professional basis. This is the beginning of such a process."

After negotiations between state and union officials, the Legislature passed a bill last year that said 60 percent of a teacher's evaluation would be based on subjective measures like a principal's observations, a review of student work, or surveys of parents and students; 20 percent on local tests or other assessments; and 20 percent on state tests, potentially rising to 25 percent in subsequent years.

For years, teachers' unions were bitterly opposed to the use of standardized test scores to measure teacher achievement, and evaluation systems across New York remain inconsistent.

The new system is scheduled to be used in the coming school year for English and math teachers in Grades 4 through 8, and then for all teachers the following year.

Mr. Cuomo, however, has been critical of the law, particularly since March, when he indicated that a high-quality evaluation system had to be in place before he could support a push by Mayor Michael R. Bloomberg to end seniority protections in layoffs.

Over the last several weeks, the governor's office lobbied the Regents to make the evaluation system more objective and more comparable across the state's roughly 700 school districts.

Ms. Tisch said on Friday that all of the governor's concerns had been addressed in the new draft of the regulations, which essentially put the law into effect.

The new regulations permit local districts to use state test scores for the local-test portion of the evaluation, meaning that in some districts, the state scores could count for 40 percent of a teacher's rating. State officials said that because such a change would require the agreement of both a local district and the union in the district, it was within the law.

But Richard C. Iannuzzi, the head of the state union, New York State United Teachers, said in a statement on Friday that he was opposed to the revision, calling it "clearly outside the scope of the legislation."

The new regulations also make other changes. Before, the bar was set so low that teachers could get a passing rating even if their students utterly bungled their standardized tests. The new version makes that nearly impossible.

The regulations also outline plans to create new state tests by 2012-13, for middle school science and social studies, and ninth- and 10th-grade English, where none exist now.

In subjects in which there is no state testing, it would be up to local districts, with state approval, to determine how to judge their teachers against goals established for student performance.

The governor's office had also expressed concern that it could take years before the evaluation system was in place across the state, because each district must agree to it individually.

So Mr. Cuomo said on Friday that he planned to offer an incentive: Only those districts that put the evaluation system into effect would be eligible for money from \$500 million set aside in the state budget to reward school performance.

In a letter to Ms. Tisch on Friday, Mr. Cuomo wrote, "We must not squander the opportunity to set the right course and make New York a leader in evaluating performance in our education system."

[\(Back to top\)](#)

## Developments on 'Effectiveness' Materialize in Texas, Illinois

Education Week

By Stephen Sawchuk

May 13, 2011

[http://blogs.edweek.org/edweek/teacherbeat/2011/05/developments\\_on\\_effectiveness.html](http://blogs.edweek.org/edweek/teacherbeat/2011/05/developments_on_effectiveness.html)

This week saw two more major developments in teacher effectiveness policies.

In Houston, the school board yesterday approved a new system that would base half of each teacher's rating on student growth measures, Ericka Mellon [reports](#). Observations by principals will make up the other major component of a teacher's score.

Teachers and other stakeholders were considered in developing the system, but not to the extent that Houston's teacher association wanted; the association has been threatening to appeal to the Texas Education Agency to slow down the implementation process.

In adopting the system, which is scheduled go into affect for the upcoming school year, Houston officially becomes the largest school district to use a "value added" method in teacher evaluations. A number of states and districts are in the planning stages to do so, but most haven't actually gotten off the ground yet.

There are [a lot of questions to be answered about this work in general](#), particularly which controls and variables should be used in value-added models, and what kinds of effects their adoption will have on teaching and learning.

Meanwhile, the Illinois legislature on May 11 [completed an education overhaul](#) tying teacher tenure, advancement and layoff policy to evaluations, including consideration of student achievement. It now goes to Gov. Pat Quinn, a Democrat, for signature.

This was billed as a big win for "collaboration," as unions helped design the legislation in concern with advocacy groups and others. But last week it hit some snags when unions in the state, especially the Chicago Teachers Union, [took issue with a few provisions having to do with striking and the scope of bargaining](#). They charged that the provisions didn't reflect the negotiations at hand. (Other advocates dispute this account, saying that the union just didn't read the language over very carefully.)

Unions now want lawmakers to complete a "trailer bill" to make some fixes to the proposal, and various parties involved in the original negotiations have met to craft those ideas. But at least one of them told me that it might be more difficult to reach consensus this time.

[\(Back to top\)](#)