

Education Update

To: LWVO
From: Joan Platz
Education Update June 14, 2010

1) 128th Ohio General Assembly: The Ohio House and Senate are not scheduled to meet this week.

*Governor Strickland signed into law on June 10, 2010 HB519 (Yuko), which implements the constitutional amendment approved by Ohio voters in November 2009, authorizing the construction and operation of casinos in four Ohio cities.

2) National News

*The U.S. Supreme Court declined without comment on June 7, 2010 to hear an appeal of a decision in the case School District of the City of Pontiac v. Duncan. The lawsuit was filed by the National Education Association and school districts in Michigan, Texas, and Vermont on April 20, 2005, and alleges that states cannot be forced to implement the provisions of the No Left Behind Act. A federal judge of the U.S. District Court for the Eastern District of Michigan dismissed the lawsuit in November 2005. The plaintiffs appealed the decision, and a three-judge-panel of the 6th U.S. Circuit Court of Appeals reversed the decision. However, the defendants requested, and received, a full Circuit Court review, which resulted in an 8-8 tie, and upheld the federal judge's decision to dismiss the case. To read more about the lawsuit please visit <http://www.nea.org/home/17758.htm>.

*The Health, Education, Labor and Pensions Committee, Subcommittee on Children and Families, chaired by Senator Christopher Dodd (CT), held the first of four hearings on June 8, 2010 entitled, "The State of the American Child". The purpose of the first hearing was to examine the condition and status of the American child, and highlight the critical need for a national commission on children to address issues that affect children and their families, such as education, increasing the graduation rate, improving health and nutrition, decreasing poverty, increasing access to preschool and after-school care options; and improving communities.

A panel of experts on child well-being led off the hearing. The panel included Alma Powell, Chair, America's Promise Alliance; Elaine Zimmerman, Executive Director, Connecticut Commission on Children; Jack Lund, President and CEO, YMCA of Greater New York; and Harry Holzer, Economist, Georgetown University and Urban Institute, Washington, D.C.

According to Senator Chris Dodd, the subcommittee is the only one in the Senate that addresses children and families. A video of the hearing is available at <http://help.senate.gov/hearings/hearing/?id=8cd90bdf-5056-9502-5df1-0414c6667854>.

*President Obama announced the recipients of the Presidential Award for Excellence in Mathematics and Science Teaching on June 7, 2010.

This award is annually presented to the best pre-college level educators, who are selected by a panel of scientists, mathematicians, and educators, following a selection process at the state level. The winners receive a \$10,000 award from the National Science Foundation to use at their discretion.

Receiving the award for Ohio are Rebecca Link, Fort Recovery (math) and Sandee Coats-Haan, Liberty Township (science).

3) Economic and Budget Report for June 2010: The Office of Budget and Management, Pari Sabety executive director, released on June 10, 2010 Ohio's monthly financial report. The following are some highlights from the report, which includes information about the state budget through May 31, 2010, and regional and national economic indicators.

*Real gross domestic product in the U.S. increased 3 percent in the first quarter, and analysts expect the economy to grow at a rate of 3.25 percent in the future. Unemployment decreased from 9.9 percent in April to 9.7 percent in May, primarily due to the hiring of census workers, but there are other positive signs for job growth in the future, such as the lengthening of the workweek.

*Ohio's employment increased by 37,300 jobs in April, the best one-month gain since 1990. 43,700 jobs have been created in Ohio so far this year. Increases were seen in manufacturing, professional and business services, construction, and leisure and hospitality.

*Ohio's unemployment rate dropped to 10.9 percent in April from 11 percent in March.

*Year to date total tax receipts are under estimate by \$257.5 million (1.7 percent), primarily due to the personal income tax, which is under estimate by \$277.4 million on a year to date basis through May, and \$443.2 million under FY09 tax receipts. Tax growth in other areas and under-spending in Medicaid programs is expected to mitigate the shortfall.

*Total year to date revenue (includes tax receipts, non-tax receipts, and transfers) is under estimate by \$770.4 million (3.3 percent)

*May tax receipts were \$39.8 million (2.9 percent) under estimate. Non-auto sales, public utility tax, the domestic insurance taxes, etc. were under estimate, while tax receipts were higher than estimated for auto sales, personal income, corporate franchise, kilowatt hour, and cigarette taxes.

*Tax receipts are \$971.8 million (6.2 percent) below tax receipts collected a year ago.

*Year to date, total GRF disbursements are \$495.3 million (2.1 percent) under estimate.

*Year to date expenditures for Public Assistance and Medicaid are \$393.6 million (4.1 percent) under estimate. According to the report, "This ongoing under-spending in Medicaid and the expected receipt of eFMAP on Medicare Part D (totaling \$165 million in FY2010 and FY2011) will provide positive balance to the state's budget."

*Year to date disbursements for primary, secondary and other education are \$27 million under estimates, and for higher education \$848 million over estimates.

*The report also includes an update on Ohio's monthly and cumulative receipts and expenditures of American Recovery and Reinvestment Act funds, including additional information on State Fiscal

Stabilization Funds (SFSF). Ohio has received approximately \$3.90 billion of a total of \$8.2 billion of federal State Fiscal Stabilization Funds (SFSF), and has spent \$3.85 billion.

4) State Board of Education Business and Planning Meeting: The State Board of Education (SBE), Debbie Cain President, met on June 6-8, 2010 at the Educational Service Center of Central Ohio, 2080 Citygate Drive, Columbus.

The Board convened a brief business meeting on June 7, 2010, and accepted public participation on agenda items.

Lynn Elfner, Director of the Ohio Academy of Science, addressed the Board regarding a resolution to approve academic content standards for science and social studies. He said that the Ohio Academy of Sciences continues to have concerns about the draft science standards, and requested that the science standards be tabled or amended. According to Mr. Elfner, "We feel that the draft science education standards fall flat and are less effective than the 2002 standards, because they avoid the content on the nature and workings of contemporary science, and are silent on technology and technological development. The draft standards are characterized best as skill-less with little fidelity to the skill sets articulated in Am. Sub. HB 1."

Following discussion the Board took action on the following resolutions:

- Approved by a vote of 16 to 1 a Resolution to adopt the academic content standards in science and social studies.
- Approved by a vote of 17 to 0 a Resolution to adopt the Common Core Academic Content Standards in math and English language arts.
- Approved by a vote of 17 to 0 a Resolution to continue the engagement of the Deborah Delisle, Superintendent of Public Instruction, at the current salary level.
- Approved by a vote of 12 to 2 with 3 abstentions, a motion to ask the Ohio Attorney General to appeal a decision of the Franklin County Court of Common Pleas in the case "Concerned Citizens for Quality Education v the Ohio Department of Education". This decision reversed a decision by the State Board of Education to deny land transfers from the Youngstown City School District to other school districts.

During the Board's planning and work session, the Board agreed to accomplish the following objectives:

*Develop a common understanding of effective boardmanship. The Board identified accountability, leadership, communication, and work management as four operational issues. The Board agreed to form a workgroup in July to develop an evaluation for the Board; Mike Collins will lead an effort to identify ways to improve SBE communications; and the executive committee will explore engaging a Parliamentarian for SBE meetings.

*Identify key focus areas for board policy and advocacy work over the next two years.

The Board identified four areas of focus:

- Technology and e-Learning
- Personalized student learning
- Closing the achievement gap
- Thought Leadership on Education. This means engaging stakeholders and the public on the big issues facing education, and includes inquiry, discussion, communication, and advocacy.

*Develop an outline of a measurable, achievable, active strategic plan to guide the Board's work. The outline includes initiatives that the Board must do, such as organizing the Early Childhood Center, continue to implement the provisions in Am. Sub. HB1, adopt the SBE's budget and legislative

recommendations for FY12-13, and carry-out the directives of the legislature, and initiatives that are developed to address boardmanship and the areas of focus, etc.

For information about SBE meetings, please visit

<http://education.ohio.gov/GD/Templates/Pages/ODE/ODEDetail.aspx?page=3&TopicRelationID=576&ContentID=78915&Content=86556>

5) Special Education Lawsuit Expanded: The Ohio Legal Rights Service filed an amended class-action lawsuit (Doe v. the State of Ohio) on behalf of students with special needs on June 1, 2010. The plaintiffs include the parents of nine children with disabilities and the plaintiff class of over 265,000 Ohio students. The defendants include Governor Ted Strickland, Superintendent Deborah Delisle, the Ohio Department of Education, and the State Board of Education.

The plaintiffs are asking Judge John Holschuh of the United States District Court for the Southern District of Ohio Eastern Division to declare Ohio's system of funding and providing services to students with disabilities illegal and in violation of the Equal Protection and Due Process clauses of the U.S. Constitution; Section 504 of the Rehabilitation Act; and the Individuals with Disabilities Education Act.

The plaintiffs allege several shortcomings of Ohio's new Evidence Based Model (EBM) related to funding for students. The EBM was enacted into law through the biennial budget bill, Am. Sub. HB 1. The following are examples, included in the lawsuit, about why the EBM should be declared illegal:

- The EBM is still not based on the true cost of providing special education.
- The EBM is not a funding model that is reflective of the services needed by children with disabilities and the actual costs associated with delivering services.
- The EBM ratio dilutes the value of the special education weights instead of adjusting them to reflect the services needed by students with disabilities.
- The EBM does not provide sufficient funding of aides to support the inclusion of students with disabilities in regular classrooms with typical students (least restrictive environment).
- The median teacher salary input used to determine funding levels for the EBM is not adjusted for inflation, and the Educational Challenge Factor can reduce funding for certain school districts.
- The special education weights in the EBM are still funded at 90 percent, and no plans have been made to fully fund the weights.
- The new funding formula conflicts with state standards (such as teacher/student ratios) and is in violation of IDEA.
- The EBM limits Home Instruction Reimbursement.
- The capped state funding amount for FY10-11 for catastrophic aid was reduced by over \$10 million compared to FY09 levels. (Reduced 52 percent)
- The weighted special education formula does not factor in the costs of modifications of a adaptations to physical facilities serving Ohio School children with physical disabilities.
- The state formula for preschool special education services does not provide full funding for operating a unit, and the state minimum salary schedule for preschool unit funding is still based off of the 1989 salary schedule. The lawsuit lists several other issues regarding funding for preschool units that result in the denial of a "free appropriate public education" for preschool students with special needs.
- Ohio has supplanted regular education funds with special education federal stimulus dollars.
- Some school districts have been able to lower their "maintenance of effort" for special education funding, which will result in lower special education funding levels in the future.
- There are a number of general education funding issues which impact students with disabilities, such as continued over-reliance on local property taxes as a primary method of funding Ohio schools; increased number of schools in fiscal caution, watch, and emergency; increased costs for health care, insurance,

transportation, which have been addressed in the EBM; the five year forecasts "predict unprecedented levels of district budget deficits"; the General Assembly has failed to eliminate "phantom revenue"; and conversion levies, available through HB1, are available for only 200 or so school districts, because a third of school districts are already at the 20 mill floor.

For more information about the amended lawsuit, please visit:

<http://www.olrs.ohio.gov/doe-amended-complaint-june-2010>

6) Brief Evaluates Teach For America (TFA): The Education and the Public Interest Center at the University of Colorado at Boulder and the Education Policy Research Unit at Arizona State University released on June 9, 2010 a policy brief entitled "Teach for America:

A Review of the Evidence" by Julian Vasquez Heilig, University of Texas at Austin, and Su Jin Jex, California State University, Sacramento. The policy brief describes the Teach for America program, which recruits graduates of elite colleges to teach for two years in low-income rural and urban schools, and notes that "...the impact of Teach For America on student achievement is decidedly mixed at best."

According to the brief, studies show that TFA teachers perform well compared to teachers who are less likely to be certified or traditionally prepared in the same hard-to-staff schools. However, "...the students of novice TFA teachers perform significantly less well in reading and mathematics than those of credentialed beginning teachers." A study conducted in Houston, for example, showed that uncertified TFA teachers were consistently outperformed by certified teachers of comparable experience levels in similar settings. And, research shows that turnover of TFA is high.

The authors recommend that schools and districts should devote limited resources to proven remedies for improving achievement, including mentoring programs that pair novice and expert teachers, and hire TFA teachers only when "the alternative hiring pool consists of uncertified and emergency teachers or substitutes."

The report is available at <http://epicpolicy.org/publication/teach-for-america>.

The Education and the Public Interest Center (EPIC) at the University of Colorado at Boulder and the Education Policy Research Unit (EPRU) at Arizona State University collaborate to produce policy briefs and think tank reviews.

7) Nation's Graduation Rate Declines: Education Week and Editorial Projects in Education Research Center released on June 10, 2010 "Diplomas Count 2010: Graduation by the Numbers -- Putting Data to Work for Student Success". The report examines the graduation rates and trends for states and the District of Columbia and how states and school districts are using data to improve student learning and increase graduation rates; provides profiles of selected school districts and examples of dropout recovery and prevention programs; and updates information about state policies for the definitions of college and work readiness, high school completion credentials, and exit exams.

According to the report, the nation's graduation rate for public schools decreased for the second consecutive year to 68.8 percent, equating to 1.3 million students not graduating in 2007, the most recent year with available data. The rate had been increasing since 1997, when the rate was 65.7 percent, to a high of 69.2 percent.

Between 1997 and 2007 the graduation rate increased in thirty-six states and decreased in twelve states.

The report also examines the graduation rates among demographic groups. Improvements are evident in all groups, but the graduation rates of Native American (51 percent), Hispanic (56 percent), and African-

American (54 percent) students in 2007 are below the graduation rates for White (76.6 percent) and Asian-American (80.7 percent) students.

The states with the highest graduation rates are New Jersey (83.3 percent), Wisconsin, North Dakota, Iowa, and Vermont. The states with the lowest graduation rates are Nevada (41.8), New Mexico, Louisiana, North Carolina, South Carolina, and Georgia. Ohio's graduation rate is 74.6 percent.

The report also includes profiles of the nation's 50 largest school districts. Graduation rates vary considerably among these districts, and the report notes that twenty-five individual school districts account for "one in every five dropouts nationwide, or about a quarter-million students who fail to graduate." New York City and Los Angeles are the nation's leading sources of non-graduates, with each producing more than 40,000 dropouts each year.

However, twenty-one big-city school districts have been identified as "over-achieving". Their graduation rates are ten points higher than expected. The list includes Portland, Oregon (83 percent); Memphis, Tennessee (62 percent); Chattanooga, Tennessee (71 percent); Fayetteville, N.C. (61 percent); Little Rock, Arkansas (70 percent); Indianapolis (71 percent); and more.

The report is available at <http://www.edweek.org/ew/toc/2010/06/10/index.html?intc=dc10ewh>.

8) Bills Introduced:

*SCR30 (Kearney) School Award Program: Encourage schools to enroll students in the Presidential Active Lifestyle Award Program.

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