Affirmative Action Case Queued Up for Airing at High Court

By Mark Walsh

The future of affirmative action in education—not just for colleges but potentially for K-12 schools as well—may be on the line when the U.S. Supreme Court takes up a race-conscious admissions plan from the University of Texas next week.

That seems apparent to the scores of education groups that have lined up behind the university with friend-of-the-court briefs calling on the justices to uphold the plan and continue to recognize the need for racial diversity in the nation’s schools and classrooms.

“Long identified as essential to the missions of many postsecondary institutions and school districts in the United States, diversity has emerged as central to our nation’s overarching goals associated with educational excellence,” says a joint brief by the College Board, the National School Boards Association, and several other K-12 groups and others that deal with college admissions.

In an interview, Francisco M. Negrón Jr., the general counsel of the NSBA and a co-author of the brief, emphasized the stakes in the scope of the issues posed in Fisher v. University of Texas at Austin (Case No. 13-345), which is set for arguments Oct. 10.

“This is predominately a higher ed. case, but our interests in K-12 diversity are not dissimilar to the interests of higher education,” he said. The Fisher case is one of the biggest

Exit Exams Face Pinch In Common-Core Push

By Andrew Ujifusa

With many states crafting assessments based on the common-core standards—and an increasing emphasis on college and career readiness—some are rethinking the kind of tests high school students must pass to graduate, or whether to use such exit exams at all.

Twenty-five states, enrolling a total of 34.1 million students, make exit exams a graduation requirement, according to a study released last month by the Center on Education Policy, a Washington-based think tank. That represents 69 percent of the nation’s K-12 enrollment. And that’s grown over the past decade: In 2003, 19 states representing 52 percent of U.S. enrollment had such exit exams.

But now states including Arizona, Florida, Massachusetts, New Jersey, and Rhode Island plan to use new common-core-aligned tests as exit exams in some form once those tests are fully implemented in 2014-15. Other states are less certain about their plans for the assessments being developed as part of the common-standards push.

Exit exams have grown more prevalent over the past decade, due in part to advocacy from the business community for assessments that can better measure whether students will be ready for the labor force and therefore ensure the value of a high school diploma.

Many of today’s exit exams, PAGE 10

‘Gateway’ Districts Struggle to Serve Immigrant Parents

By Lesli A. Maxwell

As thousands of communities—especially in the South—became booming gateways for immigrant families during the 1990s and the early years of the new century, public schools struggled with the unfamiliar task of serving the large numbers of English-learners arriving in their classrooms.

Instructional programs were built from scratch. Districts had to train their own teachers to teach English to non-native speakers or recruit teachers from elsewhere. School staff members had to figure out how to communicate with parents who spoke no English.

But even as immigration has slowed or stopped in many places, and instructional programs for English-learners have matured, serving immigrant families and their children remains a work in progress in

Reading K-12 Tea Leaves If a Romney Victory

Scaled—Back Federal Ed. Dept. One Scenario; Cloudy Prospects for Key Obama Initiatives

By Michele McNeil

If Republican presidential nominee Mitt Romney wins the November election, his ascension could endanger—or dismantle—key Obama administration education initiatives and lead to a slimmed-down and less activist U.S. Department of Education.

Gone could be any federal support for the Common Core State Standards, which Mr. Romney has cast as a state issue. The outlook would be cloudy for another “Early Learning Challenge,” a $500 million Obama competition, since Mr. Romney has not made early education a key part of his platform.

But some of President Barack Obama’s priorities might live on in a Romney administration. The former Massachusetts governor has praised the Race to the Top competition, Mr. Obama’s signature education redesign initiative. He also has voiced support for the Harlem Children’s Zone, a community-building project that inspired the current administration’s Promise Neighborhoods grants.

Mr. Romney, however, has been silent on perhaps the biggest question. Would he rescind, or demand changes to, the waivers that have been granted so far under the No Child Left Behind Act to 33 states and the District of Columbia?

Overall, education experts would not expect a very active Education Department under Mr. Romney.

“I think this era of initiatives of education reform coming from 400 Maryland Avenue will come to a close,” said Michael J. Petrilli, the executive vice president of the Thomas B. Fordham PAGE 10

Republican presidential candidate Mitt Romney addresses the U.S. Hispanic Chamber of Commerce in Los Angeles last month.
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A New Face on a Familiar Blog

Education Week welcomes Pedro Noguera to the Bridging Differences blog. A sociologist and professor of education at New York University, Mr. Noguera joins longtime blogger Deborah Meier. In his inaugural post, Mr. Noguera invites some debate about Chicago’s striking teachers. Read the back-and-forth between Mr. Noguera and Ms. Meier and follow their ongoing dialogue on the Bridging Differences blog.

www.edweek.org/go/bridge

Salman Khan on the Future of Education

Education Week’s Catherine Cardno asks the education innovator about his new book, Khan Academy, and how he envisions the future form of education. Read the two-part Q&A in the BookMarks blog.

www.edweek.org/go/KhanQA

Transitioning to the Common Core: What Elementary Teachers Need to Know

Wednesday, Oct. 10, 2012, 4 p.m. ET

Two experienced instructional leaders at the elementary level—one in language arts and one in math—will take educators inside the common-core standards and offer strategies for adapting instruction. The session will include practical tips on planning lessons, adjusting instructional practice, and overcoming common obstacles.

www.edweek.org/go/webinar/elemteachers
Exams to Count Less In Calif. Accountability

California’s key measure of public school quality will be redefined to lessen the impact of standardized test scores under a bill signed into law last week by Gov. Jerry Brown.

The law will broaden how the state’s Academic Performance Index (API) is calculated, allowing test scores to 60 percent for high schools and including graduation rates and other factors.

The 1000-point index, which is currently based entirely on student test scores, has been criticized as an inaccurate gauge of school quality even as it is widely used by parents to choose schools.

Test scores must count for at least 60 percent of the API for elementary and middle schools, for which alternative data are less developed.

Under the new law, the state school board and superintendent will work to incorporate other factors into the index, such as students’ college readiness. The law specifies an increased emphasis on science and social science, which carry little weight in the current API.

—ASSOCIATED PRESS

Ore. to Create ELL Test With Federal Grant

The U.S. Department of Education announced that the state education agency in Oregon has won a $6.3 million grant to create a new English-language-proficiency test that will measure the language demands of the common standards.

Oregon is the lead state in a group of 12—including the ELL-rich states of California and Florida—that will develop the assessments used to annually measure how English-language learners are progressing in proficiency. Other states in the group are Arkansas, Iowa, Kansas, Louisiana, Nebraska, Ohio, South Carolina, Washington, and West Virginia, and other partners in the endeavor include Stanford University and the Council of Chief State School Officers.

This is the second federal grant issued to support the creation of an English-language-proficiency test that aligns with the common-core standards. The first—a $10.5 million award to a group of 28 states led by Wisconsin—was announced a year ago. That group of states is collaborating with the World-Class Instructional Design and Assessment Consortium to develop technology-based exams.

—LESLIE MOORE

PTA Sues Rival Group On Trademark Issues

The National Parent Teacher Association sued a for-profit rival last week, accusing it of demonizing the established group in a bid to siphon off members.

Mr. Reeves, 58, was arraigned on Aug. 14 in that court and released on his own recognizance, on the condition that he have no contact with the child and a witness and that he enter elementary and middle schools only when accompanied by an adult, Ms. Monahan said. He pleaded not guilty.

A pretrial hearing was held Sept. 24, but continued until Oct. 29. According to a local edition of the Internet news site Patch.com, the charge stems from a 2008 incident in which Mr. Reeves is alleged to have touched a private area of a 9-year-old girl whose family was staying at his home in Swampscott.

Reached by Education Week last week, Mr. Reeves said he was “horrified” by the accusation. “It’s not true, and I’m still dumbstruck by the whole thing,” he said. “I hope it gets resolved as quickly as possible.”

Mr. Reeves founded the Englewood, Colo.-based Center for Performance Assessment, which later became the Leadership and Learning Center and was acquired by Houghton Mifflin Harcourt. It consults with schools and districts nationally on standards, instruction, assessment, and leadership.

Mr. Reeves said that he had not resigned from the center, but his name no longer appears on the list of staff and consultants on its website. Houghton Mifflin Harcourt spokeswoman Bianca Olson said in an email that when the company acquired the Leadership and Learning Center in late 2010, Mr. Reeves became an “outside consultant.” But “given recent legal developments brought to our attention,” she said, “we have suspended our consulting relationship” with him.

The lawsuit names PTQ Today—which markets itself as an alternative to the PTA—and School Family Media Inc., the parent company of the group. It claims trademark infringement, false advertising, deceptive trade practices, and other allegations.

PTQ Chief Executive Tim Sullivan said his group, which he founded in 1999, is not to blame for the PTA’s woes.

The PTA, founded in 1897 as the National Congress of Mothers, has a network of state and local affiliates and has been influential on key educational issues.

The lawsuit accuses PTQ Today of misleading the public by hinting it has a relationship with the PTA.

The PTA says it filed the lawsuit when it was unable to resolve disputes outside of court.

—CATHERINE GEWERTZ

Ed. Consultant Charged With Assault of Child

Douglas B. Reeves, a nationally known consultant on curriculum and standards, is defending himself against a charge of inappropriately touching a child.

In a July 12 complaint, Mr. Reeves was charged with recent count assault and battery on a child younger than 14, according to Carrie Kimball Monahan, a spokeswoman for the Essex County district attorney’s office in Massachusetts. She said the complaint was based on a police report from Swampscott, a coastal town 12 miles northeast of Boston.

The documents in the case have been sealed to protect the identity of the child, said Ms. Monahan, who provided basic details from the docket in district court in nearby Lynn, Mass., where the case is being heard.

The Chicago-based PTA boasted 12 million members during it heyday in the 1960s but has seen its ranks diminish to less than half that.

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—CATHERINE GEWERTZ

Tex. District Expands Student-Paddling Rule

When two teenage girls at Springtown High School reportedly suffered bruises after being paddled by male assistant principals, some parents complained. They weren’t upset about the punishment itself, but instead that the school violated the policy requiring that it be carried out by an educator of the same sex as the student.

So the 3,500-student Springtown district, west of Dallas, has changed its policy—to expand, not abolish, corporal punishment. Board members voted last week to let administrators paddle students of the opposite sex, after Superintendant Michael Kelley cited a lack of women administrators to carry out spankings.

The new policy says a same-gender school employee must witness the paddling, which is one “swat.” In all cases, a parent must give written permission and request it in lieu of another punishment, such as suspension or detention.

Texas law allows schools to use corporal punishment unless a parent or guardian prohibits it in writing. The issue of the student or educator’s gender is not addressed, and there are no state standards on the minimum or maximum ages of students who can be spanked, according to the Texas Education Agency.

—AP

Ohio to Rate Schools On P.E. Standards

State report cards will soon feature a new measure for Ohio schools: how their students are doing in physical education.

Starting this year, schools must assess how students score on the state’s physical education standards, including whether they know the correct way to exercise, understand how games are played, are active outside of school, and play well with others.

Results will be posted on school report cards but won’t count toward schools’ performance ratings. Ohio is part of a growing movement to require physical education assessments, joining 17 other states and the District of Columbia, according to the American Alliance for Health, Physical Education, Recreation and Dance.

—MORGAN TRIBUNE

Louisiana Seeks to Use Storm Money for Pre-K

Gov. Bobby Jindal’s administration wants to shift $20 million in storm-recovery spending for hurricane Gustav and Ike to fund in budget gaps in the state’s preschool

—MORGAN TRIBUNE
program for at-risk children.

The inspector general’s report found that Mr. Heffner misused personal matters and inappropriately had employees last year on a bill that benefited his firm when he lobbied state lawmakers.

The inspector general’s report also found that Mr. Heffner misled state’s high schools’ admissions process. The complaint alleges that reliance on an unproven test as the sole determinant for admissions leads to disproportionately low numbers of African-American and Latino students at the schools.

The Specialized High School Admissions Test is taken by approximately 30,000 students hoping to gain admission to eight elite high schools in the city’s smallest student district, including the Bronx High School of Science—but, the complaint claims, the test has never been proven to predict the “knowledge, skills, and abilities essential to satisfactorily participati on in the programs transmitted by the specialized high schools.”

The complaint was filed against the New York City and the state’s education departments and charges that the admissions policies violate Title VI of the Civil Rights Act of 1964.

The racial demographics of students attending the select high schools are much less diverse than those of the district as a whole.

The complaint does not claim that the test itself is biased, but that its ability to predict performance is unproved.

School districts and communities across the nation are doing a poor job of keeping track of how many children attend publicly funded preschool and kindergarten programs, leading to an inability to gauge whether those programs are meeting students’ needs, according to an issue brief from the New America Foundation’s Early Childhood Education Initiative.

The report released last month says the diversity of funding—including local, state, and federal—raising hypotheses against data to predict performance outcomes based on statistics, according to a new report in the Sept. 28 issue of the journal Science.

Preschoolers naturally use scientific techniques to learn about their world, from testing hypotheses against data to predicting outcomes based on statistics, according to a new report in the Sept. 28 issue of the journal Science.

A new report from the group suggests schools switch to national surveys conducted for the military and the U.S. Centers for Disease Control and Prevention showing that one in four young adults would be ineligible to serve in the military because of excess body fat.

The nonprofit group points to national surveys conducted for the military and the U.S. Centers for Disease Control and Prevention showing that one in four young adults would be ineligible to serve in the military because of excess body fat.

The report from the National Center for Education Statistics shows a wide gap between the average price and the amount that full-time students actually paid for school in the 2010-11 academic year.

While the average sticker price at four-year public institutions was $17,600, for example, students paid an average of $11,000 once grant aid was subtracted. At four-year private, nonprofit schools, the average net price was $19,800—reduced from a listed price of $34,700.

The calculation of net price of attendance does not include loan aid.

Children’s Health

“Exercise Dose and Diabetes Risk in Overweight and Obese Children”

Twenty minutes of physical activity per day over three months can reduce the risk of obesity in children, according to a study in the Journal of the American Medical Association, and can also reduce total body fat.

But 40 minutes of physical activity per day over three months is even better for children, the study also found, reducing more total body fat. A study on the development of developing obesity-related diseases like Type 2 diabetes and plague bacterial infections.

The study, published last month, is based on data collected from 209 children, between ages 7 and 11, who took part in 15-week courses of exercise.

For links to these reports, go to www.edweek.org/go/nr

Wanted: Bilingual Staff

“Who Will Teach Our Children?”

Illinois requires some of its publicly funded preschool programs to provide either bilingual or English-as-a-second-language instruction to students who are English-language-learners, a policy it adopted four years ago that is considered groundbreaking.

But a survey of more than 350 of the preschool programs in the state revealed a major shortage of early childhood teachers who are trained to deliver such instruction to young IL pupils. That finding—among others—comes as Illinois’ mandate to develop bilingual programs in the state’s 3- and 4-year-olds just a little more than a year away from taking full effect. Beginning in 2014, teachers who work in state-funded, district-administered preschool classrooms with 20 or more English-language learners must hold certification in either bilingual instruction or ESL, in addition to standard credentials in early-childhood education.

The survey found that less than 6 percent of the workforce in the early-childhood field actually has the training and skills necessary to work with Illinois’ large and growing population of young English-learners. And administrators who run such programs—here, is at least the role for early-childhood teachers in becoming certified as either bilingual instructors or ESL teachers.

The survey’s key findings were released last week by New Journalism on Latinos, a project based at the University of California, Berkeley; the Illinois Early Learning Council; and the Chicago-based Latino Policy Forum.

Even in Latino-heavy communities, the ratios of ESL preschoolers to teachers with bilingual training is 50-to-1, according to the survey. Overall, Latinos account for nearly 25 percent of Illinois public-school enrollment.

whereas S. Islam found that Mr. Heffner misused personal matters and inappropriately had employees last year on a bill that benefited his firm when he lobbied state lawmakers.

The inspector general’s report that found Mr. Heffner had played a major role in the state’s pre-K program.

Ohio Ex-Schools Chief Not Charged in Probe

Prosecutors have decided not to file charges against Ohio’s for- mer schools superintendent, who resigned amid ethical questions about his relationship with an educational testing company.

Mr. Jindal’s chief budget ad viser, Scott Rainwater, says the spending will help people affected by the storms by offering pre- school education to 4-year-olds in low- to moderate-income families in hurricane-damaged parishes. But state Rep. Simone Cham pagne, whose district was hit by both 2008 hurricanes, says the money should be spent to help people who lost homes and guard against future storms.

Ohio Ex-Schools Chief Not Charged in Probe

Prosecutors have decided not to file charges against Ohio’s for- mer schools superintendent, who resigned amid ethical questions about his relationship with an educational testing company.

City and county prosecutors said they were not charging any criminally in the probe of Silber, who was president of Boston University, oversaw the takeover of the city of Chelsea’s troubled public school system and was later appointed chairman of the Massachusetts board of education, died last week. He was 86.

Mr. Silber, who transformed Boston University into a major university, and run its troubled school system, was later appointed chairman of the Massachusetts Board of Education, died last week. He was 86.

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Hopes Pinned on Standards to Boost College Readiness

By Caralee Adams

Another year of dropping SAT scores has declined 4 points, writing has fallen 5 points, and math performance remained stable, according to the "SAT Report on College and Career" released by the College Board last week.

"One of the calls to action is to ensure that greater numbers of students across all ethnic groups complete a core curriculum, which we know leads to higher SAT scores," said James Montoya, a vice president of the nonprofit, New York City-based College Board, which administers the SAT.

The report found that 43 percent of test-takers who completed a core curriculum in high school met the SAT benchmark, while 30 percent of those without a core curriculum did not. Taking an honors or Advanced Placement class nearly doubles the likelihood of scoring high on each section of the test. For example, 83 percent of students who took AP or honors math met the SAT math benchmark, while 44 percent of those who didn’t take AP or honors met the benchmark.

"Hopefully, there will be more serious attention to the senior year in high school when many students drift and don’t take difficult courses and find they are not ready," said Stan Jones, the president of Complete College America, a Washington-based nonprofit organization.

Nearly two-thirds of high school graduates go immediately to college and three-quarters go within a year of graduation from high school, yet the SAT finds they aren’t ready. They will still go to college, said Mr. Jones, but will likely end up in remedial classes, which hurts their chances of completion. Results from the common assessments now under development will likely be an eye-opener for many, as Mr. Jones expects most students will not appear college-ready on those, either.

"It will take several years before we see the positive effects of common core, but I am certain we will," said STAN JONES

President, Complete College America

It will take several years before we see the positive effects of common core, but I am certain we will.

SA T scores have declined overall this year, with the class of 2012 fared worse than last year’s class in reading and writing performance on the SAT college-entrance exam. Many in the education community believe the common-core standards will require more rigorous K-12 coursework, ultimately leading to better prepared students.

The test-taking pool is becoming more diverse. Of the 2012 SAT test-takers, racial- and ethnic-minority students made up 45 percent, up from 44 percent the previous year. Another 28 percent reported English as their first language, an increase of 3 percentage points from the class of 2011.

Performance gaps between racial and ethnic groups persist. Fifty-three percent of white and 59 percent of Asian test-takers met the SAT benchmark, while 23 percent of Hispanics and 15 percent of African-Americans

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The class of 2012 fared worse overall than last year’s class in reading and writing performance on the SAT college-entrance exam. Many in the education community believe the common-core standards will require more rigorous K-12 coursework, ultimately leading to better prepared students.

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Board’s Democratic majority leads call for dismissal
By Jardyn Zubrzycki

The Wake County, N.C., school board has dismissed Superintendent Anthony J. Tata, the latest flare-up in a long-running battle between the superintendent and a district that is nationally known for its bold school integration plans.

Mr. Tata, a retired U.S. Army brigadier general, has led the 150,000-student district since January 2011. The 5-4 decision to fire him leaves Wake Broad Superintendents Academy, a permanent leader as it confronts new district challenges, and yet another anticlimactic ending to the saga.

Mr. Tata’s dismissal was partly linked to his failure to carry out the promise that he would implement a plan that aligned with the district’s goals. The data, collected by the National Assessment of Educational Progress, show that when a student with disabilities moves to a new school district, the student is less likely to improve his behavior.

D.F. was a kindergartner in the district when he moved to Wake County in 2008. He had begun to improve his behavior.

But lawyer Glenn A. Delk says Barge—a Republican who has angered some school board candidates by his opposition to the referendum, an amendment to the state’s constitution—put racial, economic, and academic diversity back on the front burner.

It directed the district to create a new plan—the third in as many years—for 2011-14 that accounts for proximity, stability, (that is, not continuously reassigning students), and student achievement.

State school Superintendent John Barge recently announced his opposition to a measure on the ballot this November that would create a state commission with the power to approve charter schools, over the objections of local districts. But lawyer Glenn A. Delk says Barge went a step too far in taking that public position. In a letter to Barge and a group of lawmakers who have opposed the referendum, he argues that they are violating state law, which “clearly prohibits the use of school tax funds for any purpose other than the support and maintenance of public schools.”

He says that Barge—an elected Republican who has angered some conservatives by opposing the measure—used public resources (like public stations) in issuing statements and materials against the referendum, an amendment to the state’s constitution.

Delk, a lawyer who has represented parents and others on school issues, said he was writing on behalf of several school districts. He says that Barge—on a personal aide for part of the 2009-10 school year, the family had moved to Georgia, and an administrative law judge dismissed D.F.’s case as moot.

The student’s mother complained that her son had been in a regular classroom without a personal aide for part of the school year, violating his education plan.

D.F. had been diagnosed as having ADHD and oppositional defiant disorder, and although his cognitive abilities were at or above grade level, he threw objects, hit classmates, had temper tantrums, and ran away. In the school district where he had been diagnosed with disabilities, strategies outlined in a behavior-intervention plan had begun to improve his behavior.

The data, collected by the National

The Common Core State Standards aren’t just changing instruction in math and English/language arts, new survey data suggest. They’re also finding their way into a lot of science classrooms.

A majority of science teachers surveyed see some benefit coming out of this intersection, even as some worry that pressure to infuse science lessons with math and literacy takes time away from the core content of their disciplines.

The data, collected by the National Science Teachers Association, provide a glimpse into how the common core is affecting classrooms for grades 6-12. My favorite part of the survey asks teachers for open-ended responses.

“Students have to improve their reading skills to find the reasons in the research to support their claims and evidence,” one teacher responded.

“I am concerned that science may become another弥漫bloke,” another teacher said.

The NSTA data do not reflect a nationally representative sampling of science teachers. Even so, the results offer helpful clues as to what’s happening in schools.

Nearly 400 science teachers from 34 states responded to the online survey.

The ELA standards appear to be reaching more science classrooms than the math standards, based on the data.

Nearly 800 third of science teachers said they’re being asked by administrators to devote class time to the section of the ELA standards that covers reading in science and technical subjects, compared with about one-third who said the same of the new math standards. About the same proportion said the reading standards complement and improve science instruction “somewhat” or “a great deal.”

The Wake County district that is nationally known for its bold school integration plans.

Mr. Tata, who was trained at the Broad Superintendents Academy, is widely known.

Mr. Tata’s dismissal was partly linked to his failure to carry out the promise that he would implement a plan that aligned with the district’s goals.

Mr. Tata thanked district staff for their gains for low-income high school students and a reduction in the number of schools where fewer than 70 percent of students scored below proficient on state tests. He turned away and said, in an email to Education Week, that he would not release any new statements to the press until this week.

The Associated Press contributed to this article.
Q&A: Quest for ‘Digital Wisdom’ Hinges on Brains and Machines

Writer Marc Prensky offers his ed-tech perspective

Marc Prensky has written a number of books about the integration of technology and education. In his latest, Brain Gain: Technology and the Quest for Digital Wisdom, he argues that technology can be used to enhance the human brain and improve the way people process information. Mr. Prensky talked about what teachers and education leaders can do to get more out of technology.

Why “Digital Wisdom”? What did you hope to achieve when you decided to write this book?

The question is how do we become better people and more able to deal with the problems of our times. In the past, the wisdom of the brain was sufficient today, it no longer is. And the reason there is lots of things that the brain is good at, but there are a large number of things that it’s not good at. One of them is dealing with large amounts of data, and dealing with the degree of complexity that happens in the world. So the sense is that wisdom, in the future, is putting together symbiotically what the brain does best and what machines do even better.

What are the main challenges today to bringing educational technology to the classroom? Are they exclusively financial, or are there attitude problems, too?

The main challenge seems to be attitude. I think what it is, if people are afraid of technology, then they will not support it. And if they think that the basics are the same today as the basics in the past, then they won’t support it. My sense is that technology is as basic to education today as reading and writing, and unless we decide that we’re going to do school the way that is powerful and not trivial, it’s on the way to becoming more transparent, but it’s still going to have frustrations with it.

What are some ways tech-savvy teachers can implement your ideas in the classroom? Or are they already doing so?

Many are. There’s a lot of great stuff out there, but the very best thing we can do is to make sharing happen. I would like to see every teacher who has experienced success, or thought of an interesting idea, make a 30-second YouTube video, so if another teacher wants to figure out how to do X, Y, or Z, they would be able to find it. Sharing is probably number one.

Thinking carefully about how the technology would enhance learning, and take it much further, is another one. Particularly in the realm of connectivity, because that’s the element we didn’t have before. We had libraries, we could always do research, but it might have been a little more onerous, but we could do it. What we couldn’t do is connect ourselves around the world. We couldn’t read the tweets coming out of the Middle East, and we couldn’t tweet back. We couldn’t connect with experts with Skype in real time. All of those things are now, and unless we decide that we’re going to include those technologies, we’re not going to have the kind of education that our kids need.

Are there anything else you want to add?

Yes. One of the big issues with technology is that teachers think they have to teach everything they covered before, cover their entire curriculum, and then add technology on top of that. Well, if you think of it that way, it’s not going to happen.

What has to happen is, technology needs to be integrated in the curriculum in the same ways that reading and writing are integrated. With that, we also have to delete some of the curriculum. Teachers need to take responsibility for looking at the curriculum and saying, “This is worth two weeks, and this is worth two sentences.”

So share, imagine, and integrate. Oh, and partner with the kids. Teachers that are most successful with technology are not the ones who do it for the kids. They are the ones who partner with the kids and let them do most of it while the teacher takes a supervisory role, in terms of asking, “Is this high quality? Are these the right questions we should be asking?” And so on. It’s very important that teachers reserve the intellectual roles because kids might not need as much help with the technology.
Landmark Speech Lawsuits Come Alive at Symposium

By Mark Walsh
Kansas City, Mo.

Their names are synonymous with U.S. Supreme cases on student speech.

Johanna Mary Beth Tinker, who wore black armbands to protest the Vietnam War. Matthew Fraser, who made a suggestive paper story on teen pregnancy and divorce that were pulled before publication. And most recently, Joseph Frederick, who displayed a banner reading “Bong Hits 4 Jesus” outside his school.

While the cases bearing those names are studied and debated by students, educators, law professors, and jurists in classrooms and on the pages of textbooks and law treaties, there was something special about a symposium here at the University of Missouri-Kansas City late last month. Most of the original plaintiffs in those landmark student-speech cases were either here in person or appeared via video. So were some of the other leading participants, such as school administrators and the lawyers who argued the cases on either side.

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“This is probably a once-in-a-lifetime event,” said Ellen Suni, the dean of the UMKC School of Law, which hosted the Sept. 20-21 conference. Daniel Weddle, a law professor at the school who organized the event, said, “As ordinary people, these litigants stood up to do extraordinary things.”

Armbands in Iowa

While there was plenty of discussion about the relevance to the speech controversies of today, an audience of dozens of high school students, their college counterparts, lawyers, educators, and others was most riveted by the personal stories of the original participants.

“I was this little preacher’s kid who went roller skating on the weekends,” said Mary Beth Tinker, who was 13 in 1965 when she was suspended from her Des Moines, Iowa, middle school for wearing a black armband to protest the war in Vietnam. “I wasn’t really a big rabble-rouser.”

But growing concern over the war motivated her and her brother John to join a dozen or more other Des Moines students in the silent protest. “I was scared,” she said. So scared, in fact, that she removed her armband when confronted by a school administrator. “But I got suspended anyway.”

John Tinker, who was 15 and in high school at the time, recalled wearing a crisp white shirt and tie to school the day he wore a black armband. The principal was actually supportive, though he sent the young man home under an ad hoc policy against the wearing of armbands that Des Moines school district administrators had adopted.

“My principal was respectful of me,” Mr. Tinker said. Seven students were suspended, but it was the Tinkers and a third student, Christopher Eckhardt, who took a legal challenge to the prohibition all the way to the Supreme Court. Mr. Eckhardt’s mother, Margaret, had been instrumental in launching the students’ protest. Mr. Eckhardt recalled that gym teachers at his high school required students to do calisthenics to a chant of “Beat the Vietcong!” and that members of the football team threatened him with bodily harm for wearing the armband.

“In 1965, that was a time in Iowa when if you questioned the war, you were not patriotic,” he said.

High-Water Mark

In the 1969 ruling in Tinker v. Des Moines Independent Community School District, the Supreme Court ruled 7-2 that the students who wore the armbands in school were engaged in symbolic speech that was protected by the First Amendment as long as they did not cause substantial disruption at school.

In the lower courts in recent years, numerous cases have involved student speech with undertones of violence, which in the post-Columbine era has generally led to rulings in favor of restricting such speech. Meanwhile, cases over Internet speech, such as incidents in which students criticized or mocked their administrators online, have produced mixed rulings, although with some major victories for students in the past year or so.

“There is still a healthy swath of protection for lots of student speech,” David L. Hudson Jr., a scholar at the First Amendment Center in Nashville, Tenn., said here.

But Douglas K. Mertz, a Juneau, Alaska, lawyer who represented Mr. Frederick in the “Bong Hits”

HIGH COURT MILESTONES: STUDENTS AND FREE SPEECH

The U.S. Supreme Court decided these four major cases involving student speech in precollegiate schools.


The court voted 7-2 to strike down the Iowa school district’s policy of prohibiting students from wearing black armbands to school to protest the Vietnam War. The students had a First Amendment right to wear the armbands as long as school was not substantially disrupted, the court held.

Justice Abe Fortas’ opinion included the famous coextensive with the rights of adults in other settings."

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But Douglas K. Mertz, a Juneau, Alaska, lawyer who represented Mr. Frederick in the “Bong Hits”
case at the Supreme Court, said that “the future of student free speech is very uncertain. It’s walking along a knife’s edge and could fall very easily.”

Although the Kansas City conference had something of a pro-student-speech bent, organizers made sure that the side of school authorities was represented, too. One participant was Kenneth W. Starr, the former U.S. solicitor general and independent counsel in the Whitewater case during the Clinton administration. He argued on behalf of Deborah Morse, the principal of Juneau-Douglas High School, in the “Bong Hits” case in the Supreme Court in 2007.

Mr. Starr said in a video interview conducted for the conference that he had been concerned that, under a lower-court ruling in the case, School administrators were putting themselves in legal liability for violating Mr. Frederick’s constitutional rights.

“There was a small amount of outrage that a principal in that position could face the prospect of punitive damages,” said Mr. Starr, who is now the president of Baylor University in Waco, Texas. The Supreme Court’s decision removed that threat of liability.

Hard Line

A more vivid example of the school administrator’s perspective came from Robert E. Gene Reynolds, who was the principal at Hazelwood East High School, near St. Louis, in 1983 when he made the decision to pull two pages from the student newspaper, the Spectrum.

Mr. Reynolds recalled here that he had just become a school administrator when the 1969 Tinker decision shook the landscape of school authority and students’ rights. Before Tinker, he said, many principals ran their schools with such “rules” as “the principal is always right” and “my way or the highway.”

“Students really didn’t have rights,” Mr. Reynolds said. Mr. Reynolds shared the stage during a conference session with Cathy Kuhlmeier Frey, who as Cathy Kuhlmeier was the layout editor of the Spectrum in 1983 and the lead plaintiff among the students who challenged the principal’s decision to withhold the pregnancy and divorce articles. The Supreme Court ruled against the students in its 1988 decision in Hazelwood School District v. Kuhlmeier.

“I was so angry because we had worked so hard” on those articles, Ms. Frey said, as she and Mr. Reynolds sparred over the details of the controversy.

“I stood up for what I believed in,” added Ms. Frey, who was a junior at the time. “That has molded me into someone who is not afraid to speak up.”

A Confused Boy?

The 1986 decision in Bethel School District No. 403 v. Fraser tends to get less attention than the other three, although it was the first to establish the rights set forth in Tinker.

Matthew Fraser, the plaintiff in that case, who appeared at the conference in a video recording, described how he came up with his level nominating speech for a classmate, which was delivered before 500 or so students in an assembly at his high school. The speech played on the tenuous legal presumption that the school district’s policy prohibits the distribution of handouts that contain “expressions of climax.”

Mr. Fraser, who was a senior at the time of the speech, noted that he “paused at the right places to give the inaudible right emphasis.”

“The audience, I thought, would be entertained,” he added. “It seemed like the kind of humor that students would enjoy.”

School officials were not amused by the hooting and hollering that the speech encouraged. Mr. Fraser was suspended for three days and was removed from the roster of graduation speakers, though he got to deliver his graduation speech—an uncontroversial one—by court injunction. (Meanwhile, Mr. Fraser’s friend won his election.)

The Supreme Court ruled 7-2 against Mr. Fraser, with Chief Justice Warren E. Burger referring to him as a “confused boy,” while Justice John Paul Stevens wrote a dissent that called him “an outstanding young man with a fine academic record.”

Jeff Haley, a lawyer in Seattle, who argued Mr. Fraser’s case, said at the conference that his speech, however risqué, was an election nominating speech—an uncontroversial one—by court injunction. (Meanwhile, Mr. Fraser’s friend won his election.)

Mr. Fraser stressed that point.

“It’s an ugly lesson that is taught to kids about their speech rights in school, he said. “The question is, do we want students in school who are to be able to debate things? … If election assemblies are not the one place where kids can speak and push the boundary of school authority and students’ rights in school, he said. “The question is, do we want students in school who are to be able to debate things? … If election assemblies are not the one place where kids can speak and push the boundary.”

Source: Education Week

The SCHOOL LAW blog tracks news and trends on this issue. www.edweek.org/go/school_law

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Mich. Initiative Scraps Grade Levels and Letter Grades

Program targets lagging schools in state-run system

By Chastity Pratt Dawsey

The chancellor of the Education Achievement Authority of Michigan—a new reform district created to take over the state’s lowest-performing schools—has been adopted by at least 29 schools and districts nationwide. Results show that students taught with the method are up to 55 percent more likely to pass state standardized tests, according to experts.

The method is performance-based, not time-based: Students are assigned lessons based on their abilities, not their grade level or age. It is supposed to ensure that students are not passed along to graduation with low skills.

“Students are placed in classes with other students their age. After two weeks, they take tests to determine their skill levels. There are 18 levels that cover what are traditionally considered kindergarten-through-8th-grade skills. Ninth-graders will be required to master a class before they can progress to the next course. For instance, a freshman who fails Algebra 1 cannot take it in summer school (the EAA has a 11-month calendar), but the student will continue to take Algebra 1-level lessons until he or she proves mastery. A teacher could have a class where students’ skills range across a few levels. Teachers will be known primarily by which ability levels they teach, not which grade levels.

Students log onto a website to access lessons in the four core subject areas—math, English, science, and social studies—and selected electives. The system assigns students lessons based on their ability levels. That coursework is considered a student’s individual learning plan.

The EAA provides a computer for each student to use at school, but students can access their work online from a computer at home or a local library.

Evidence of Proficiency

Students must give evidence—through tests and projects—that they have mastered learning targets in order to progress to the next level.

For example, if a student’s learning target is to show mastery of the concept of symmetry, the teacher will give a lesson, then the student will choose from several practice lessons online. The program will offer a choice of projects to complete to show evidence of mastery.

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many public schools, especially those in communities that are skeptical, or sometimes hostile, to the newcomers. One of the biggest challenges for school staff members and advocates is communicating effectively with parents who don’t speak English—an issue that, in part, has brought recent complaints of discrimination against Latino students and their families. Two large districts in North Carolina and one in Louisiana.

“The parent piece is so, so important for the success of these students, but it’s also one of the most difficult things we’ve had to tackle,” said Jim D. Rollins, the superintendent in Springdale, Ark., where the 19,000-student school system has gone from having no English learners 15 years ago to more than 8,500 now. “You have to make it a priority to work on it, work on it and work on it.”

Divides to Bridge

Aside from the practical challenges in getting bilingual staff members, steering districts through such drastic transformations requires school leaders to bridge difficult political and cultural divides. That can be a rocky transition, said Daniel A. Domechen, the executive director of the American Association of School Administrators, based in Alexandria, Va.

“For districts that had never had these Spanish-speaking kids present at similar, just didn’t know what to do,” said Mr. Domechen, who was superintendent of the 182,000-student Fairfax County, Va., school system during a time of rapid demographic change. “And for those school leaders in the South, especially in the last few years, they are dealing with a backlash of opinion against immigrants that makes the job even harder.”

School districts in the South—especially in states such as North Carolina and Georgia—have seen some of the most explosive growth in immigrant families and their children, most of them from Mexico. Few of them were equipped with staff members who could speak Spanish, or who had much familiarity with Mexican culture.

Civil rights advocates in the Southern states say they have become increasingly concerned with the treatment of Latino students and their Spanish-speaking parents in some school districts, prompting them to file complaints with the U.S. Department of Education’s office for civil rights. Since 2010, that office has been aggressive in pursuing numerous complaints and opening investigations into school-related civil rights issues that had previously received little scrutiny.

Currently, federal civil rights officials are investigating discrimination complaints against Latinos in the 150,000-student Wake County, N.C., school system and the public schools in Jefferson Parish, La., a 45,000-student district just west of New Orleans. Last year, the federal office for civil rights struck a voluntary agreement with the 33,000-student school district in Durham, N.C., after investigating a similar complaint there.

All three districts were singled out by the Southern Poverty Law Center, a Montgomery, Ala.-based civil rights organization, for their treatment of Latino families.

“A lot of what we are seeing in districts stems from a serious lack of language access for parents so that they can be full participants in their child’s education,” said Jerri Katterman, the deputy legal director for the Southern Poverty Law Center. “The other issue is that often the anti-immigrant sentiment in the broader community shows up, too, in an unwelcoming, or hostile, school environment.”

Lost in Translation

In Wake County, for example, the discrimination complaint stemmed from three instances when Spanish-speaking parents at different schools could not understand important documents pertaining to their child’s special education services or disciplinary procedures because they were provided only in English, or, if they did receive information in Spanish, it wasn’t complete, according to Peggy Nicholson, a lawyer with Advocates for Children’s Services, which worked with the Southern Poverty Law Center to file the complaint.

“For these parents, it was an issue of not being able to be meaningful participants in decisions about their child’s education,” Ms. Nicholson said.

In Jefferson Parish, the complaint is similar, Mr. Katterman said. In one case, a 7-year-old student was asked to translate for his Spanish-speaking mother at a parent-teacher conference because the school did not have a bilingual staff member. The boy, said Ms. Katterman, didn’t understand much of what the teacher said, so he told his mother that the teacher said he was doing fine. Spanish-speaking parents also reported hostile, rude treatment at certain school sites in Jefferson Parish, and restrictive or nonexistent access to bilingual staff who could assist them.

In both districts, Ms. Katterman said, the individual cases pointed to a broader, systemic problem.

Neither Wake County nor Jefferson Parish school officials responded to Education Week’s repeated interview requests. Durham school officials also didn’t respond to interview requests, but in an interview with Education Week late last year, school leaders there said they had already been working to address shortcomings in providing adequately translated communications materials to Spanish-speaking parents when the civil rights office began investigating.

“In total, we had virtually zero experience with immigrant kids and families,” said Mr. Rollins. “But we just knew we had to adopt the mentality that we had to be learners ourselves about the language, the culture, and the experiences with education that our families were bringing here with them.”

The district first set about developing an English-as-a-second-language program and training teachers, he said. Initially, it was completely ad hoc, with “learning and borrowing from other schools with a deeper history with this.”

Eventually, the school system brought in educators from California to provide professional development for staff members both in instruction for English-learners and cultural-competence training, a process that is ongoing, Mr. Rollins said.

All Springdale teachers, regardless of what they teach, were required to complete a professional-development program that teaches them the theories behind second-language acquisition. But out of that, the district had established a strong instructional program, hired Spanish-speaking bilingual staff members to work in schools, and trained teachers, Mr. Rollins said, “it was still clear that we wouldn’t have as much success with these kids until we engaged their parents.”

So, five years ago, the district—with the help of a grant from the Toyota Family Literacy Program—launched a program to bring its immigrant parents into their children’s schools every week to spend time in the classroom and receive their own English-language instruction.

Currently, the program is serving more than 250 parents across nine schools.

“It’s a powerful transformation for our parents,” Mr. Rollins said. “They sit side-by-side with their children and learn the curriculum, they learn English, and they learn that they can be really good advocates for their children.”

Mr. Rollins said the broader Springdale community, including the school board, has been very supportive of the district’s efforts to provide such programs for the immigrant community.

“We know we are very fortunate,” he said. “We all understood that these students are going to grow up here, stay here, and be a permanent part of this community. Their success is the key to our community’s success.”

As a result, Mr. Rollins said, the broader Springdale community, including the school board, has been very supportive of the district’s efforts to provide such programs for the immigrant community.

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Mr. Domechen, the executive director of the top, especially from superintendents, is the most critical component for districts that are managing such dramatic demographic changes.

Superintendents, he said, “have to become the champion for these kids who have no champion. As superintendent, you are the one who has been tapped on the shoulder and you have to bring them their behalf to your board, your staff, and your community.”
Here we are well into the 21st century. With globalization advancing at warp speed, economists warn that our children’s futures depend on educational attainment, both individual and collective. Instructional standards for reading are increasingly focused on developing students’ capacity to interpret and evaluate complex texts. The reality: two-thirds of students leave the primary grades unable to read with grade-level proficiency; half of these children are unable to read much at all. As a result, policymakers in many states now advocate that children be retained in third grade until they are able to read well enough for upper-grade challenges.

The renewed focus on reading proficiency by third grade is undoubtedly positive. But, in itself, third-grade retention is hardly a cure. Instead, it would be so much better in so many ways to provide every child with what they had mastered foundational skills.

Dr. David Rose, they had mastered foundational skills.

What Research Has Taught Us

Over the last fifty years, technological advances have supported new methodologies for performance measurement, for analyzing large-scale and longitudinal data sets, and for studying the structure and responsiveness of the brain. We now have a rich understanding about the nature of reading and its acquisition.

We know that fluent, productive reading depends on a seamless circuit of information through the brain—flowing from the recognition of letters, to spelling patterns and pronunciations, to words and their meanings, to language and knowledge, and in reverse from knowledge all the way back to letter recognition. We know that any gap, conflict, or mismatch in this circuit will break the reader’s fluency.

The frustration for young or less-skilled readers is that problems arise at every stage of the process, whether due to missing background knowledge, a miss-parsed sentence, unfamiliar vocabulary, an unrecognized letter, or a phonologically mis-mapped spelling pattern.

The Case for Prevention

| 1 in 6 children | 3rd graders who are below basic readers are 6x more likely to drop out or fail to graduate on time than proficient readers. | 42% of 3rd grade boys are below grade level in reading compared to 34% of girls. |

Source: The Annie E. Casey Foundation, 2013

Resolving such problems successfully results in learning, but success depends on the reader having the information and inclination, first, to repair the problem and, second, to reread and recover the thread of the passage. When a child has neither the help nor independent determination to conquer such problems, both understanding and learning are thwarted.

Thanks to research, we now know how to organize instruction so that it is assimilated in the layers and interrelations on which reading growth builds. We know about the specific kinds of difficulties that beset young readers and how to diagnose and address them. We also know a lot about why so many children struggle with reading.

“ We now have a rich understanding about the nature of reading and its acquisition. We know that fluent, productive reading depends on a seamless circuit of information through the brain...”

Opportunity Matters

Most children depend on school to learn to read; however, children range widely in the alphabetic knowledge, vocabulary, and syntactic sophistication that they bring to school. Their entering level in each of these domains is a strong predictor of growth across the school years. Data from the National Center for Education Statistics’ Early Childhood Longitudinal Study indicate that, on kindergarten entry, the reading level of children from disadvantaged homes is already six months behind that of their more advantaged peers; by third grade, the difference has widened to 16 months. While these trends are more visible in neighborhoods of poverty, the achievement gap within schools is typically wider than the gaps between schools.

Our schools need tools to address the enormous range of readiness levels their students bring.

Getting Beyond the Basics

The research is clear: to read with productive fluency and comprehension, children must acquire deep and ready working knowledge of text basics such as sound-letter correspondence. The problem is that these basics are necessary, but they are not sufficient.
The very reason for public schooling—the hope and promise on which it was founded—is to offer full educational opportunity to all.

Research points to two reasons for the disappointing reading progress of our primary grade students:

- Too many children fail to master the basics of reading, despite our best efforts.
- In trying to maximize the numbers who succeed with basics, we’ve neglected other core dimensions of language and literacy development.

Teachers conducting whole-class phonics instruction must continually repeat, recast, contrast, and probe each element in multiple ways. It is through this dynamic that the teacher strives to reach every child with every lesson. Done conscientiously, however, this approach to systematic phonics instruction requires much time, which is typically gained at the expense of other core dimensions of language and literacy.

**Technology’s Role**

There is a solution to this dilemma that is wholly within reach. The reading foundational skills are the ideal candidates for individual, adaptive, computer-based instruction. Endlessly patient, computers possess unlimited capacity for pursuing an organized sequence of goals and can tailor instruction to the individual needs of each child. By requiring active, thoughtful response, technology can ensure that no child misses out on critical information because of inattention or misunderstanding. Nor would any child need to sit idly waiting for others to catch up.

Technology can continually monitor progress, enriching or streamlining its treatment and directing tutorials for each individual. This makes instruction both more effective and more efficient. Every child would advance more securely, and would learn far more, and we would send children on to third grade knowing they had mastered foundational skills.

This would minimize the time absorbed by basics instruction and free up classroom time so critically needed for developing children’s appreciation of the knowledge, structures of language, and modes of thought on which true literacy depends.

**Now Is the Time**

The very reason for public schooling—the hope and promise on which it was founded—is to offer full educational opportunity to all. For young learners, the promise is simple: they will learn to read. We believe firmly that both the research-based understandings and the technological tools required to keep this promise are available—now.

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Follow the series at [iRead.com](http://iRead.com)

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**Closing the Gap Before It Begins**

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N.H. Charter Freeze Triggers Backlash, Scramble to Repeal

Management, funding tensions on display

By Sean Cavanagh

A recent decision by the New Hampshire board of education to place a moratorium on new charter schools drew an angry response from elected officials and parents—and underscored recent tensions among state and local officials across the country about how to fund those schools and manage their growth.

As of last week, state legislators and board members in New Hampshire said they were confident that they could reach an agreement to lift the hold on charters, which was put in place Sept. 18. But that optimism was also tempered by the board’s questions about the state’s longer-term plans for funding charter school growth.

Concerns about charter school oversight, amid rising enrollment, also were raised recently in a very different educational setting: the Los Angeles Unified School District, where a school board member recommended postponing the review of new charter school applications, pending a number of policy changes.

The concerns raised in New Hampshire were specific to that state, have emerged in various forms elsewhere, as charters expanded and occupied an increasing share of local public school markets, said Robin Lake, the director of the Center on Reinventing Public Education, at the University of Washington.

“The financial question has always been central to the charter school debate,” said Ms. Lake, adding that charters’ continued growth will require policymakers concerned about funding and oversight “to sit down with charter schools and work out solutions.”

Growth Pressures

Forty-one states allow charter schools, and one of the nine that does not, Washington, will allow voters to decide Nov. 6 on whether that policy should be changed. Over time, the trend has been for states to remove restrictions on charter school growth.

A decade ago, 23 states, plus the District of Columbia, had caps either on the number of charter schools that could open per year, or overall, according to the Center for Education Reform, a Washington-based organization that supports those schools. Just 14 states have those types of caps today.

Outright moratoriums on charter schools are rare. In most of the handful of states where they have been implemented, those policies were approved by legislatures where there was political resistance to charters, and as support for charters grew, those bans didn’t stay on the books for long, said Todd Ziebarth, the vice president for state advocacy and support at the National Alliance for Public Charter Schools, in Washington.

New Hampshire lawmakers previously had approved a moratorium on new charters, which lasted from 2007 to 2010, at which point legislators mixed it as they prepared to compete for federal Race to the Top funding. That federal competition discouraged state-imposed limits on charters.

The state’s most recent moratorium came about last month. Board members voted unanimously to take that step after arguing that state legislators had not provided funding to cover the costs of eight charter schools approved over the previous two years, leaving a $5 million shortfall. New Hampshire currently has 17 state-approved charter schools, and there are 15 at some stage of seeking approval to open.

In a letter explaining the decision, board Chairman Tom Raffio said the panel “continues to be supportive of charter schools,” but said it would be inappropriate to clear more of them to open, without additional funding.

The action by the nonpartisan, appointed state board disappointed Karin Cevasco, a parent who began work last year planning to open a charter in Nashua that would integrate arts across the curriculum.

“The process for securing approval from the state board already had been a laborious one, and the moratorium only added to the uncertainty,” she said. Not having state approval has made it difficult to secure property for the school, said Ms. Cevasco, who hopes to send her two daughters to the new charter. The possibility of the moratorium lifting buoyed her spirits somewhat, she said, but supporters of the proposed Gate City Charter School for the Arts still have a lot of work to do to open by next fall, as they envision.

“We’ve worked for a year and a half” on the project, Ms. Cevasco said. “We’re doing what we can to prepare for the opening of the school. … We’re confident in our model.”

The board’s move also drew sharp criticism from the New Hampshire Center for Innovative Schools, which said the board and the state’s department of education could have avoided the shortfall by giving state lawmakers more accurate projections about

Calif. Laws Seek to Curb School Suspensions

By Nirvi Shah

Responding to state and national concerns about the effects of out-of-school suspensions on students’ education trajectories, California has adopted several measures attempting to change the way that form of school discipline is used. Concerns linger, though, that Gov. Jerry Brown’s veto of one related bill may undermine the others.

The four bills the Democratic governor signed last month will, among other provisions:

•Require districts to consider suspension and expulsion only after trying other ways to correct students’ behavior;

•Make it clear that principals don’t have to expel students who bring toy guns, over-the-counter medicines, or their own prescription drugs to school;

•Encourage schools to address truancy without involving law enforcement—truant students in California can be fined hundreds of dollars for being late to school.

•Affirm students’ right to return to school if they have been involved in the juvenile-justice system.

As of press time, Gov. Brown had not made a decision on a bill that requires school districts to inform multiple agencies when foster children face expulsion and to work with those agencies on interventions.

“They each tackle a piece of the problem,” said Laura Faer, the education rights director at the Public Counsel Law Center, in Los Angeles. “All of these bills are about keeping young people in school and trying to prevent them from going into the school-to-prison pipeline.”

But Ms. Faer and other advocates are disappointed Mr. Brown vetoed a bill that would have required monitoring schools where 25 percent or more of all students or a subgroup of students have been suspended and encourage adoption of alternatives to addressing student behavior and discipline.

Voices of Opposition

California’s school boards and school administrators’ associations opposed the willful defiance bill. Mr. Dickinson said he felt Gov. Brown’s veto message was scripted by those groups.

“I cannot support limiting the authority of local school leaders, especially at a time when budget cuts have greatly increased class sizes and reduced the number of school personnel,” the governor wrote in his veto message. “It is important that teachers and school officials retain broad discretion to manage and set the tone in the classroom.”

However, a report by the nonprofit research and policy organization EdSource, in Oakland, Calif., issued a few weeks before Mr. Brown’s veto, found that 85 percent of school admin-
charter school growth. “The rationale and logic on this was terrible,” said Matt Southerton, the director of the Concord-based group.

But Mr. Raffio said that while coordination between the department and legislators could have been better, projecting future school enrollment, and the costs of individual charters, is difficult.

Seeking a Solution

As of last week, Mr. Raffio and state Rep. Kenneth Weyler, Republican chairman of the House Education Committee, both said in interviews that they were confident that the state could end the impasse and find the charter school funding to address the state board’s immediate concerns. Some charter school advocates had opposed the legislature’s joint fiscal committee, which he said has the power under state law to shift funding within the state’s budget without a full act of the legislature—and thus could move the $5 million to meet charter school costs. The committee is likely to take that step at a meeting late this month, he said.

Mr. Raffio said he will recommend that the board of education wait until after the fiscal committee votes to move the money before his panel takes action, probably in November.

“The proof is going to be in the pudding,” Mr. Raffio said. Legislators “all seem super-confident” that the funding will be provided, he said. “If they’re that confident, all I’m looking for is that they codify that.”

Mr. Raffio added that he hoped the fiscal committee would go a step further and provide some guarantee that the costs of future charter school growth would also be covered, so the issue doesn’t emerge again. He said he was not sure what the board would do if state lawmakers don’t agree to take that step.

State Variations

New Hampshire’s overall approach to funding charters does not make it easy to accommodate growth and shifts in demand for those schools, argued Mr. Ziegler of the national charter alliance. In many states, money for charters is rolled into the state’s overall school funding formula, which allows for money to be re-allocated between charter schools and regular public schools based on need.

In New Hampshire, charter schools are funded as a separate line item, which requires state officials to make projections about enrollment.

In Los Angeles, questions about a school system’s capacity to cope with charter school growth, while also ensuring they are adequately regulated, emerged last month, when district board member Steve Zimmer proposed a resolution calling for the school to hold off reviewing new charter school applications for the time being.

Mr. Zimmer, whose resolution is scheduled to be heard by the board Oct. 9, raised concerns about several issues, including charters serving a relatively small portion of students, moderate to severe disabilities—a long-standing concern in the district—and the lack of consistent reporting from those schools on issues such as disciplinary policy, parent engagement, and closing achievement gaps.

The board member says he is a charter school supporter. But he questioned whether the district has the capacity to monitor the quality of a charter system that now enrolls 110,000 students. He said that the board often gives scant reviews to charter applications before approving them.

“We have to make sure we’re providing a baseline of oversight in what’s become a radically deregulated environment,” Mr. Zimmer said. The district needs to begin a process for “completely overhauling how we consider new applications,” he said, one that will ensure that for parents weighing school options, “every choice is a quality choice.”

That proposal has drawn the objections of the California Charter Schools Association, which has called for crackdowns on low-performing charters but believes the independent schools in the district’s 644,000 student system are put through extensive review by district staff, said Jed Wallace, the group’s president.

The resolution is “a solution in search of a problem,” Mr. Wallace said. “The portfolio of schools in Los Angeles are performing very well.”

Grad-Rate Metrics: A Waiver Soft Spot?

U.S. Rep. George Miller of California, the top Democrat on the House education committee, along with a range of advocacy groups, has warned that the U.S. Department of Education isn’t holding states’ feet to the fire when it comes to monitoring graduation rates from states that have received waivers from parts of the No Child Left Behind Act.

In a Sept. 21 letter to U.S. Secretary of Education Arne Duncan, Mr. Miller expressed worries that states are trying to wiggle out of the current system that requires states to use a uniform metric for calculating graduation rates.

Before those regulations were issued in 2008, Mr. Miller wrote states used “nonuniform” metrics such as “(General Educational Development certificates); set meaningless goals and growth targets for improvement; and did not account for the graduation rates of subgroups of students.”

Although Mr. Miller noted in his letter that the Obama administration’s waiver program didn’t give states flexibility on the 2008 graduation regulation, he said some of the 30-plus states that have gotten waivers “clearly do not uphold graduation-rate accountability” in their approved plans.

Groups including the Alliance for Excellent Education, the National Council of La Raza, the National PTA, and the U.S. Chamber of Commerce sent Secretary Duncan a letter on the same day echoing many of Rep. Miller’s concerns.

In an email comment, Justin Hamblin, a spokesman for the Education Department, said: “No one works harder and cares more about kids than Congressman George Miller. We appreciate his concerns and want to assure him that we will vigilantly monitor states to make sure their kids [are] getting over the bar and graduating them.”

This isn’t the first time Rep. Miller has expressed qualms about the specifics of the waivers. He and U.S. Sen. Tom Harkin, D-Iowa, the chairman of the Senate education committee, wrote letters last year outlining concerns about the accountability provisions in some of first round of waiver applications, including the movement toward “super-subgroups” that lump together special education students, English-language learners, low-income students, and others for accountability purposes. —AL YSON KLEIN
A Romney Win Could Upend Federal K-12 Landscape

Reading Signals

Although Mr. Romney has not devoted a significant chunk of his campaign to education, he has laid out a few initiatives he would pursue if elected.

Chief among them is a plan to convert Title I funding for disadvantaged students and special education aid into vouchers so students could take those federal dollars with them to another public or private school. Mr. Romney has not been specific on how such a program would work; the federal government provides less than 10 percent of all K-12 funding, with state and local dollars making up the bulk.

In addition, Mr. Romney has promised to rein in federal spending—something Democrats have warned could lead to deep cuts in education programs and larger class sizes.

As president, Mr. Romney would have the power to shape the direction of federal school accountability even if Congress failed to reauthorize the Elementary and Secondary Education Act, whose current version is the NCLB law. Since waivers under the law are made at the discretion of the education secretary, Mr. Romney and his department head could probably do with them what they wanted, policy experts point out.

“What the president gives, the president can take away,” former U.S. Secretary of Education Margaret Spellings, who served in President George W. Bush’s administration until one point advised the Romney campaign, said in an interview during the Republican National Convention in Tampa, Fla.

“The waivers were a mistake,” she said. “It’s a crazy quilt of a system which I think will die [on its] own.”

Others would expect the waivers—in some form—to stick around.

“The most likely outcome is continuity,” I can’t see Mr. Romney taking the waivers away. The genie’s out of the bottle,” said Mr. Petrilli, who served in the Education Department under Ms. Spellings’ predecessor, Rod Paige, Mr. Bush’s first education secretary.

“I think the real question is whether he might provide even greater flexibility than the Obama administration did. Would he waive some of the conditions?” Mr. Petrilli said.

“The waiver decision is the biggest one that will face the Romney administration.”

Chris Minnich, the senior membership director at the Council of Chief State School Officers, in Washington, said: “It would be very hard for any administration to back away from the state leadership. … We’ve set the long-term goal of having individualized state accountability with a high bar”

On other issues, Mr. Romney has tipped his hand.

For example, he has said that although he thinks states should be free to adopt the common core, he would not put federal resources behind it. And that could mean that a Romney administration might back away from tying waivers to common-core adoption, which is the easiest way states can satisfy the requirement that their standards be college- and career-ready.

“I don’t subscribe to the idea of the federal government trying to push a common core on various states,” Mr. Romney said during the Education Nation forum hosted last week by NBC.

He also has suggested elements of what he wants to see in a federal accountability law, which could influence how he approaches waivers. For instance, Mr. Romney wants states to use an easy-to-understand, A–F grading system to measure schools’ progress.

Several states are using such a grading system as part of their waiver proposals to the federal Education Department. But many states proposed far more complex grading systems, which a Romney administration might not approve of.

Fiscal Shadow

Given Mr. Romney’s campaign pledge to rein in spending, and his opposition to federal financial support for the common-core initiative, it’s highly unlikely he would set aside more money to pay for common-core assessments. The Obama administration used $860 million in economic-stimulus money to help pay for the development of common tests to match the common standards.

The common-core states are on their way to putting the new standards in place. But the costly testing component is more at risk.

“I think my bigger concern, when you look at the other pieces that have gone along with common core, is the common assessments,” said John Barge, the elected Georgia state schools superintendent, who is a Republican. “There’s a lot of work to be done,” he said.

In general, Mr. Barge said, “for me as a conservative, … I would like to say we would need less money from the federal government, but right now we can’t do that.”

Other grant programs that have been launched under the Obama administration also will be ongoing after the election.

If Mr. Romney wins, his appointee as education secretary will be in charge of implementing and monitoring programs such as the $4 billion Race to the Top state competition, which included 12 winners, and the nearly $1 billion Investing in Innovation program that’s awarded grants to dozens of schools and districts.

By year’s end, the Education Department will make a round of Race to the Top awards to school districts, too.

Mr. Romney has praised Race to the Top for its focus on expanding the growth of charter schools and spurring states to revamp teacher evaluations.

And Promise Neighborhoods could have a bright future, too. Mr. Romney has repeatedly singled out Geoffrey Canada’s work in creating the Harlem Children’s Zone—which provides wrap-around services to improve the environments children live in— as a successful model. Mr. Obama created Promise Neighborhoods, a $100 million competitive-grant program, to help support programs like the one in Harlem. Regardless of the future of those programs, states’ unspent grant winnings are relatively safe. Federal budget experts say a new president alone cannot scoop up unspent grant money, although Congress technically could.

But most observers agree that Mr. Romney would not pursue additional education money, particularly for Race to the Top.

“If that is Romney is opposed to the ideas in Race to the Top,” said Jennifer Cohen Kubasker, a senior education policy analyst with the New America Foundation, a Washington think tank. “He is less likely to pursue more to the role the federal government took to encourage states to take part in the reforms.”

TEACHER EVALUATIONS

There are currently 82 programs in 10 agencies that spend $4 billion on teacher quality. As president, I will consolidate these programs, and block-grant them to states that adopt innovative policies. For example, states will be rewarded if they regularly evaluate teachers for their effectiveness and compensate the best teachers for their success.

HARLEM CHILDREN’S ZONE

(a model for Promise Neighborhoods)

“Right here in New York City, Geoffrey Canada has a program in Harlem that’s been just remarkably successful in helping bring young people to a posture where they’re ready to learn by the time school starts. And those types of efforts I think should be evaluated one by one, and we should encourage and support those that are most effective.”


The POLITICS K-12 blog tracks news and trends on this issue. @ www.edweek.org/p/PoliticsK12

By Alyson Klein

CORRECTION

The Education Nation forum was hosted last week by NBC, not ABC, as previously reported.
Fresh Pressures Putting Squeeze On Exit Exams

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however, are seen as significantly less rigorous than the common-core tests being produced by two consortia, the Partnership for Assessment of Readiness for College and Careers and the Smarter Balanced Assessment Consortium.

“They’re really at a crossroads at this point,” Shelby McIntosh, the author of the CEP study, said of exit exams, which the group defines as state-mandated tests, including end-of-course tests, that students must pass—just take to graduate.

The Common Core State Standards were sponsored by the National Governors Association and the Council of Chief State School Officers. PARCC has 23 member states while Smarter Balanced has 25, although some states belong to both consortia, which are crafting the assessments in math and English/language arts aligned with those standards, with the help of $360 million in federal money.

Because of federal rules connected to that funding, states adopting the tests will be required to use them for school, district, and state-level accountability, as well as for teacher evaluations. But they will not be required to use them as high-stakes tests for individual students. That decision will be up to individual states.

“They have to hit the right balance between making it more rigorous and making it acceptable,” said Brian Gong, the executive director of the Dover, N.H.-based National Center for the Improvement of Educational Assessment, which has provided technical assistance to PARCC and Smarter Balanced.

Common Demands

Rhode Island has not yet implemented an exit-exam requirement, but plans to adopt the common-core tests for that purpose starting with the class of 2016. The state set itself on that path in 2008, said David Abbott, Rhode Island’s acting education commissioner. That year, the state board of regents decided that, in order to graduate from high school, students would have to pass the New England Common Assessment Program, or NECAP, adopted in 2005 by New Hampshire, Rhode Island, and Vermont. (In Rhode Island, the NECAP is administered in reading, writing, math, and science, although only the reading and math scores are part of the state’s diploma requirements.)

Whatever the federal rules and rigor surrounding them, Mr. Abbott said, state officials feel comfortable using common-core tests as graduation requirements.

“Very early on, that was one of the assurances that we and several other states needed, that we need to develop as a consortia a test that can be used for that purpose,” said Mr. Abbott. The state is part of the PARCC consortium. He acknowledged that there would be a transition period, since the new tests will be administered on a different schedule from the NECAP and will have different proficiency levels. Still, he said, the benefits would outweigh the costs.

Florida this year implemented end-of-course tests in reading and mathematics that students must pass in order to graduate. Those tests will make way for the PARCC-devised assessments in math and English/language arts in 2014-15. The state education department plans to require students to pass the PARCC tests to graduate, although the decision is subject to oversight by state lawmakers and the state school board. (Other end-of-course tests in civics and biology, for example, will remain.)

Vince Verges, the state’s PARCC implementation director, highlighted the fact that the tests could mean different things for students in different states.

“For example, if the PARCC tests have five proficiency levels, Florida could decide that students scoring at the two highest levels could be labeled ‘college ready’ in those subjects. Students scoring in the middle level, meanwhile, could be allowed to satisfy the graduation requirement for a particular course, but miss out on the college- and career-ready designation.

“When it comes to high school graduation, that will be a state-by-state decision,” Mr. Verges said.

In a radio interview last week, Florida Gov. Rick Scott, a Republican, said, “PARCC will make sure we’re not teaching to a test,” pointing out that the assessments would be “diagnostic” for students, the Miami Herald reported.

But the use of newer, more-rigorous tests as graduation requirements could have an especially negative impact on minority students, said Robert Rothman, a senior fellow at the Washington-based Alliance for Excellent Education, which advocates high school policies that promote college and career success.

“These standards are, in many cases, higher than existing state standards, particularly with exit exams, which were traditionally pegged to college-readiness standards than other state tests,” Mr. Rothman said.

Changing Course

Passing rates on students’ first attempts on exit exams across various states tend to be well above 50 percent. In Minnesota, for example, 80 percent of students passed the exit exam in reading on their first attempt in the 2011-12 school year. The PARCC reports, and 92 percent did so on the writing test. However, the first-attempt passing rate in math was only 56 percent.

Georgia is phasing out its comprehensive exit exam in favor of high school writing test. But the PARCC exams will be used as end-of-course tests in English/language arts and math, so the assessments become available, and each exam will count for 20 percent of a student’s course grade.

Similar to Florida’s plan, scoring at high proficiency levels will allow students to avoid remediation in Georgia’s state university and technical-college systems. Georgia has always understood that the common-core assessments were to be designed as end-of-course exams, said Melissa Fincher, the state education department’s testing director.

“We will have students that do not pass the course as a result,” Ms. Fincher said. “The increased rigor is absolutely a concern. But that didn’t influence our decision not to use it as an exit exam.”

Alabama is also eliminating exit exams (the class of 2015 will be the last to take them). If the common-core tests can be used as end-of-course tests for 8th graders and high school students will be based on the ACT Quality Core program, not the common-core assessments, and won’t count toward students’ final grades.

The PARCC study reports that 14 states allow students to take modified or alternative exit exams, while eight allow for students to earn alternative diplomas, although those are not always equivalent to regular degrees.

On the Fence

Some states haven’t decided whether to use the common-core tests for exit-exam purposes. In California, for example, schools Superintendent Tom Torlakson recently issued recommendations to the state legislature this fall on how those exams should be used.

Students in the class of 2015 and beyond in Washington state will have to pass five exams—including three end-of-course ones—to graduate, while students in previous classes must pass three, including one end-of-course, said state department spokesman Nathan Olsen. State legislators are to decide next year whether students must also pass the two Smarter Balanced tests to graduate. The CEE study reports that 14 states allow students to take modified or alternative exit exams, while eight allow for students to earn alternative diplomas, although those are not always equivalent to regular degrees.

Coverage of the implementation of the Common Core State Standards and the potential state-level variations are supported in part by a grant from the Q2 Foundation, at www.ge.com/q2foundation.

High School Graduation Test) to pass the exit exam (the Georgia High School Graduation Test) to graduate. However, they will still be required to pass the state’s
High Court Hearing Nears in Affirmative Action Case

CONTINUED FROM PAGE 1

of the court’s new term, and for now is the only education case on the docket.

It involves Abigail Fisher, a white applicant who was denied admission to the University of Texas at Austin in 2008 under the university’s holistic review program. That program may take race into account for the quarter of places in UT-Austin’s entering freshman class not filled by the Texas law that guarantees admission to high school students who finish in the top 10 percent of their graduating classes.

Lawyers for Ms. Fisher say that but for the consideration of race, she would have been admitted. They say that the Texas program should be struck down under the 14th Amendment’s equal-protection clause because it fails the requirement for a narrowly tailored and non-disparate racial classification set forth in the Supreme Court’s 2003 decision in Grutter v. Bollinger. That 5-4 decision involved the University of Michigan law school, and the majority opinion by then-Justice Sandra Day O’Connor expressed a desire for all use of affirmative action in education to end within 25 years.

Opponents of race considerations would be happy to speed up that end point. “The mood of the country concerning racial issues has changed over the last 10 years,” said Edward Blum, the founder of the Project on Fair Representation, that is behind Ms. Fisher’s case. “To argue today that children of successful minority parents need affirmative action to be admitted to elite colleges and universities just seems to ring hollow, is not giving interviews.

Diversity Within Groups

The University of Texas and other state higher-education institutions were barred from considering race in admissions in 1996 by the U.S. Court of Appeals for the 5th District, in New Orleans, in a decision known as Hopwood v. Texas. That led state lawmakers to adopt a Top Ten Percent plan, which has aided the admission of Hispanics from the Rio Grande Valley, for example, and black students from urban systems in and around Dallas, Houston, and other cities.

But after the Supreme Court’s Grutter decision upheld the use of race in holistic admissions plans, UT-Austin restored a racial component to its program. Race was added as a factor in UT-Austin’s “personal achievement index,” a mix of leadership qualities, extracurricular activities, work and service experience, and special circumstances. That index, known as the TAI, and a separate academic index are used on a matrix to grant admission to applicants who don’t get in through the Top Ten Percent plan.

No goals or racial quotas are established. But, while a federal judge described the university’s use of race as “a factor of a factor of a factor,” all sides acknowledge that in an individual case, race can be the determining factor. (The university insists that Ms. Fisher did not have her high school grades accepted even if she had received the highest AP score.)

In the Supreme Court brief, UT says its selectivity is hindered by the Top Ten Percent plan, and its use of race is designed to bolster racial diversity in a broad sense, including within minority groups, such as by attracting better-credentialed black and Hispanic students than under the auto-

matic plan. Black and Hispanic students admitted through the holistic program, such as those African-American or Hispanic child of successful professionals in Dallas, have “great potential for serving as a bridge in promoting cross-racial understanding, as well as education programs in general, and at the University of Texas at Austin in particular, discriminate against Asian-American applicants by deeming them overrepresented relative to their demographics in the population and thus less worthy of admission than applicants of underrepresented races.”

Asian American Legal Foundation:

The majority-minority class, thanks almost entirely to the impact of its race-neutral Ten Percent Plan. It is precisely this type of institution that has benefitted from, and should continue to benefit the most from, implementing race-neutral alternatives.”

Pacific Legal Foundation, Center for Equal Opportunity, and other groups:

So long as universities are allowed to weigh race, there will always be a small minority-minority class, thanks almost entirely to the impact of its race-neutral Ten Percent Plan. It is precisely this type of institution that has benefitted from, and should continue to benefit the most from, implementing race-neutral alternatives.”

Ade Meloy, the general counsel of the University Law Center, in Washington, and former American Council on Education head, said “diversity not only contributes to the thriving citizens of a democratic nation.”

The College Board, the National School Boards Association, and other education groups:

“... diversity not only contributes to the development of citizenship traits, transmission of cultural norms, and growth of interpersonal and social skills that students will need to be productive and thriving citizens of a democratic nation.”

The case will be decided by just eight members of the Supreme Court. Justice Elena Kagan is recused because she had some involvement in the litigation as the U.S. solicitor general early in the Obama administration.

More significantly, the author of the Grutter opinion, Justice O’Connor, is retired, and her replacement, Justice Samuel A. Alito Jr., is much more skeptical of race-based government policies. So is Chief Justice John G. Roberts Jr., who was part of the Grutter court but wrote the court’s opinion in the 2007 case of Parents Involved in Community Schools v. Seattle School District, which sharply limited the ways K-12 schools may consider race.

“These shifts in personnel sometimes have enormous consequences,” said Pamela Harris, a visiting professor at Georgetown University Law Center, in Washington, and a former director of its Supreme Court Institute. “I think this is an issue the chief justice really and desperately cares about.”

“I think he would prefer to go broad,” with a decision barring consideration of race, she added.

Most of the briefs aim their arguments squarely at Justice Kennedy, with UT and Mr. Fisher’s side mentioning him 20 times each. “We know from Justice Kennedy’s inquiries in the Parents Involved case that he will wander why a race-neutral alternative like the Top Ten Percent plan is not enough to satisfy the university’s diversity needs, said Mr. Negrón of the NAAPA. “We know that’s the kind of question he will be asking.”

From briefs on behalf of the UNIVERSITY OF TEXAS AT AUSTIN:

U.S. Solicitor General Donald B. Verrilli Jr.:

“The nation’s interests in a range of areas—including military readiness, national security, public health, federal law enforcement, global competitiveness, and education—will be more readily achieved if the pathways to professional success are visibly open to all segments of American society.”

Teach For America:

“History and research show that students from all backgrounds are best served when their classmates and schools are led by a diverse staff of teachers and principals. Yet without a diverse pipeline of graduates from the nation’s leading colleges and universities, our schools will struggle to recruit the heterogeneous cadre of leaders they badly need.”

To argue today that children of successful minority parents need affirmative action to be admitted to elite universities just seems to ring hollow.”

EDWARD BLUM

Project on Fair Representation

“... diversity not only contributes to the development of citizenship traits, transmission of cultural norms, and growth of interpersonal and social skills that students will need to be productive and thriving citizens of a democratic nation.”

To change the rules now would be highly disruptive to higher education.”

ADA MELLOY

American Council on Education

www.edweek.org/go/school_law

Current and former federal civil rights officials (most of whom served in Republican administrations):

“The University of Texas at Austin is already a remarkably racially diverse institution and has just entered its first majority-minority class, thanks almost entirely to the impact of its race-neutral Ten Percent Plan. It is precisely this type of institution that has benefitted from, and should continue to benefit the most from, implementing race-neutral alternatives.”

FRIENDS OF THE COURT

If Supreme Court cases were decided by the sheer weight of friend-of-the-court briefs, the University of Texas at Austin would easily prevail in Fisher v. University of Texas at Austin, a case involving its race-conscious admissions plan. More than 70 such briefs have been filed before the U.S. Supreme Court on the university’s side, while 17 amicus briefs were filed on student Abigail Fisher’s side. Among the highlights:

From briefs on behalf of ABIGAIL FISHER:


... diversity not only contributes to the thriving citizens of a democratic nation.”

The College Board, the National School Boards Association, and other education groups:

“... diversity not only contributes to the development of citizenship traits, transmission of cultural norms, and growth of interpersonal and social skills that students will need to be productive and thriving citizens of a democratic nation.”

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“... diversity not only contributes to the development of citizenship traits, transmission of cultural norms, and growth of interpersonal and social skills that students will need to be productive and thriving citizens of a democratic nation.”

The College Board, the National School Boards Association, and other education groups:

“... diversity not only contributes to the development of citizenship traits, transmission of cultural norms, and growth of interpersonal and social skills that students will need to be productive and thriving citizens of a democratic nation.”

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Writers Reflect on Chicago Strike

On Teacher Buy-In: Lessons From Ohio

By Stephen Dyer

While the Chicago teachers’ strike was a terrible thing for everyone involved, I think if folks in Chicago had taken a lesson from our experience in Ohio, especially on teacher compensation, it could have been avoided.

In 2009, I was the lead legislator on a comprehensive, statewide education reform plan that dealt with teacher compensation, accountability, and a brand-new school funding system. I learned much during the development of that plan. But most importantly, I learned that many well-meaning education reformers make three basic mistakes that lead to all kinds of headaches when trying to implement the reform. Many reformers move too fast, too unilaterally, and too confidently. As a result, they alienate people who could be their greatest allies: teachers.

If reforms listen to teachers and seriously include them in the discussion over the changes in their profession, they can become the reformers’ greatest allies.

STEPHEN DYER is an education policy fellow at Innovation Ohio, a think tank in Columbus. He chaired the subcommittee of the Ohio House of Representatives that developed the 2009 education reform plan, which earned the state the 2010 Frank Newman Award from the Education Commission of the States for “bold, innovative, nonpartisan” education reform. Follow him on Twitter @StephenODyer.
Engineering Good Math Tests

By Hugh Burkhardt

Arrow math tests don’t evolve directly down real standards because accountability and high-stakes principals and teachers to teach the test. Conversely, well-engineered tests of the math we actually want students to study and learn raise standards. It may not surprise you that high-performing countries such as Singapore have better mathematics—as defined in the Common Core State Standards—on their tests than the United States. Surprisingly, good tests are less expensive in real terms.

There are worrying signs that the actual common core assessments will be too close to “business as usual,” albeit computerized. If so, most U.S. students and future citizens will be condemned to further mediocrity in mathematics.

The need for better tests is accepted by business, industry, and government. In 2009, President Barack Obama called on “our nation’s governors and state education chiefs to develop standards and assessments that don’t simply measure whether students can fill in a bubble on a test, but whether they possess 21st-century skills like problem-solving and critical thinking, entrepreneurship, and creativity.”

Since then, the states have led the development of common standards in mathematics that embody this broader vision, and two consortia of states, the Smarter Balanced Assessment Consortium, or SBAC, and the Partnership for Assessment of Readiness for College and Careers, or PARCC, have been funded to develop assessments aligned with the standards. Much progress has been made.

Everyone accepts that, when used as the landmark of accountability, tests are not “just” measurement, but should reflect the efforts of school employees and dominate what is taught in classrooms. The SBAC “content specification” for the common-core math assessment (which I helped write) features problem-solving and modeling with mathematics, reasoning, and critiques of reasoning, alongside the concepts and skills needed to make these possible.

Crucially, it also includes many examples of assessment tasks that show how these principles have been realized in math examinations in the United States and around the world. Examples are harder to misinterpret than descriptions. Teachers, students, and citizens understand that items on the tests represent the types of tasks students must learn to do.

The feedback to SBAC on this content specification has been overwhelmingly positive. So what is the problem? A strong undercurrent of fear appears to be pulling the system back to the familiar. This is a test of our courage—a test our test-makers may fail.

There is growing concern that test implementation will be a third-rate realization of the common core—that the design and “engineering” will not be good enough. The problems seem to be caused by a mixture of fear and lack of experience and by a decision-making structure unsuitable for innovation. Standard-setting directors are fearful of cost and litigation if their well-tested systems, however controversial, are suddenly changed. High-quality examinations that cover the common core and meet international standards are outside their experience and their zone of comfort.

In high-performing countries, mathematics curriculum experts have fine-tuned major problems and sources of change. High-quality examinations that cover the common core and meet international standards are outside their experience and their zone of comfort.

Unionization, poverty, and measurable student outcomes are so deeply interconnected that focusing solely on union influences on student outcomes misses the central obstacle facing public schools, teachers’ unions, and political leadership: poverty.

The current education reform debate, then, captured by the Chicago strike, represents a self-defeating problem of focusing on the trees (solutions and policies) without considering the forest (problems, goals). The solution means stepping back and addressing the forest, for example, considering the following:

1. What is the broad purpose of universal public education?
2. What are the influences of unions across the United States, and what are the essential roles unionization should serve in public education as a force for democracy and equity?
3. What is the proper relationship between teacher autonomy and teacher accountability?
4. Who is designing and mandating education policy? What is their experience and expertise in education?

The education reform debate remains a regrettable failure of ideology over evidence. The Chicago teachers’ strike shows that political leaders are starting with solutions without defining the problems, and then promoting those solutions without grounding them in the wealth of evidence available to them.

HUGH BURKWARDT has, since 1982, led a series of assessment projects with test providers in the United States and the United Kingdom who sought to align their mathematics tests with learning goals. He is based at the University of Pennsylvania’s Shill Center in England, where he works with the Mathematics Assessment Project (MAP) of the Mathematics Assessment Resource Service, and the University of California, Berkeley. He founded the International Society for Design and Development in Education and chairs the advisory board of its e-journal, Educational Designer.
Constructivist Learning Needs Further Study

To the Editor:

I listened on a Sept. 19, 2012, Education Week-hosted webinar sponsored and presented by Cambium Learning/Voyager Vice President Stefan Kuik (“Using IRT & Data-Driven Strategies in the Common-Core Era”). I am very appreciative of Mr. Kuik’s acknowledgment that targeted interventions are vital for the success of our schools. He is right on this point. I am concerned, however, that Cambium Learning has applied early reading instruction to reading intervention for middle and high school students.

Has Mr. Kuik read the National Reading Panel report? I acknowledge that more phonics and decoding instruction was not found effective beyond grade 4, yet Mr. Kuik suggested that middle school students struggle with reading because they cannot process multi-syllabic words. He also dismissed “constructivist” approaches to reading improvement without demonstrating an understanding of what constructivist approaches are all about. (He inferred that explicit phonics instruction is not involved or recommended—this is not correct.)

It is time for public discussion on what constructivist learning is and is not. The depth and breadth of misunderstanding of constructivist learning, as demonstrated by Mr. Kuik, is impeding progress in American education.

Want to know why schools are struggling? Because reading theory is flawed—and reading researchers are dismissing our “latent trait” called “test-taking ability.” Test results had little to do with instruction. Depending on the scale and the test, a “month” of instruction may mean little more than one or two additional correct items. In the literature, I have found little or no empirical support for taking the raw score for a given grade and transforming raw scores into months and years. There is no evidence to show that in changes raw scores correlate with months of instruction, much less effectiveness of instruction. Items on achievement tests are supposed to represent aspects of the state’s educational standards. If we look at raw scores, we cannot answer what it means educationally that a student got two or three more items correct. Which of the standards do those additional items represent? What can the student taught by an “irreplaceable” teacher do that one taught by an average teacher cannot do? Moreover, each specific state standard is represented on the typical test by too few items to be a statistically meaningful sample of mastery of that domain of knowledge. If the pattern of correct items is highly similar in students taught by an “irreplaceable” teacher, how do we distinguish that result from coaching? The uncertainties of achievement testing are so great that we must question their uses, especially when the language in which results are reported is highly misleading.

Murray Levine

Distinguished Service Professor Emeritus
Department of Psychology
State University of New York at Buffalo
Buffalo, N.Y.

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Letters to the Editor:

The article “Principals Criticized on Teacher-Retention Decisions” (Aug. 8, 2012) contains the following statement about results issued in a report by Mr. C, formerly The New Teacher Project. Of the teachers studied, the group identified a subset of about 20 percent as “irreplaceable” because their students made two or three more months’ worth of academic progress compared [with] those taught with the average teacher in the district. The statement is fundamentally flawed and represents a common misunderstanding fostered by the testing industry, which prefers to report results in months and years of achievement when all they have is the number of items scored as correct on a particular test: the raw score.

We do not know what an achievement test measures. A person’s score on a test of general mental ability and the person’s score on an achievement test, which is supposed to reflect what is taught by an average teacher do, are almost interchangeable. A person scoring high on one test will also score high on the other test, even though the content of the two tests is quite different. A Texas research recently reported that the pattern of results from three achievement tests was best explained by a “latent trait” called “test-taking ability,” test results had little to do with instruction. On the scale and the test, a “month” of instruction may mean little more than one or two additional correct items. In the literature, I have found little or no empirical support for taking the raw score for a given grade and transforming raw scores into months and years. There is no evidence to show that in changes raw scores correlate with months of instruction, much less effectiveness of instruction. Items on achievement tests are supposed to represent aspects of the state’s educational standards. If we look at raw scores, we cannot answer what it means educationally that a student got two or three more items correct. Which of the standards do those additional items represent? What can the student taught by an “irreplaceable” teacher do that one taught by an average teacher cannot do? Moreover, each specific state standard is represented on the typical test by too few items to be a statistically meaningful sample of mastery of that domain of knowledge. If the pattern of correct items is highly similar in students taught by an “irreplaceable” teacher, how do we distinguish that result from coaching? The uncertainties of achievement testing are so great that we must question their uses, especially when the language in which results are reported is highly misleading.

Rhonda Stone

Massage Development Specialist
Next Right Systems
Shelton, Wash.
Writers Reflect On Chicago Strike

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The Strike and Minority Students

By KAMAU BOBB

The Chicago Teachers Union strike highlights the disproportionate dependence black and Hispanic children have on public education in the nation's major urban centers. It is clear that the trauma to the city and to the approximately 350,000 students and 26,000 teachers seeking their wages should be tied to students’ performance on standardized exams likely does not resonate with children.

A fundamental issue for national leaders in industry, education, and public policy is that the U.S. workforce will not be sufficiently well educated to compete with its international counterparts. So, where does that leave the child in Chicago whose teachers and public servants have walked out on her?

It leaves her as a representative of a generation of mostly poor black and Hispanic children who are at the center of a critical juncture for education. If we continue down this path of social neglect, she is and will continue to be, as the late Harvard professor Derrick Bell wrote, a target of mostly poor black and Hispanic students, a majority of whom are children of the poor and working poor.

The consequences of public bickering, budget reductions, and ever-changing political and educational policies are borne by children and families least resilient amid these forces. According to the U.S. Census, the state of Illinois is 78 percent white, 15 percent black, and 8 percent Hispanic—proportions almost identical to those for the United States as a whole. The Chicago public school system, however, is made up of nearly 9 percent white students and 42 percent and 44 percent black and Hispanic students, respectively. Additionally, 87 percent of all students in the Chicago public schools are classified as low-income. Of the approximately 404,000 students in the public education system in Chicago (including students in charter schools, which were not affected by the strike), only slightly more than 35,500 are white.

So what does the strike say to the students themselves? One possibility is that their teachers are fighting to ensure that they get the best education possible. Another possibility is that they feel abandoned. The nuances of the argument over whether teachers’ wages should be tied to students’ performance on standardized exams likely does not resonate with children.

The Strike Is Over, Not the Relationship

By ANDREA KAYNE KAUFMAN

As a professor in a graduate educational leadership program in Chicago, I work with students who are mostly full-time teachers seeking their master’s degrees and licensure to be school administrators. One course I teach this quarter is called Home, School, Community Relations: Transforming Conflict-Stakeholders Into Strategic Partners.

True and lasting education reform should eschew zero-sum politics and bring diverse stakeholders together with their unique experiences, perspectives, and interests. Education is multilayered and complex: No one group is to blame for education failure. We all need to take responsibility and work together as constructive problem-solvers without blame or retribution.

ANDREA KAYNE KAUFMAN is an associate professor of educational leadership at DePaul University in Chicago.

The Rise of the Tech-Powered Teacher

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experiences with fellow students and amazing teachers. I set up Khan Academy as a nonprofit so that it could be free to act as an institution that puts learners and teachers first, rather than a business that has a fiduciary responsibility to maximize shareholder value. Like most schools, Khan Academy has no owners. I hope that it develops as an institution that leverages its reach with students, parents, and teachers to move the education conversation forward constructively. We do not just want to talk about possibilities, but also to take an active role in the building and testing of ideas alongside educators. Of course, Khan Academy remains a work in progress. We are proud of what we have accomplished, but we think we have just begun to scratch the surface of what we want to be.

As I write, we are working with researchers and educators to become more interactive, community-driven, international, and exploration-based. We recently launched our computer science platform, which emphasizes programming as a creative art. We are leveraging this platform to create interactive virtual labs with simulations of projectiles, pendulums, and the solar system. New interactive features that allow users to ask and answer each other’s questions have also recently increased the sense of online community. We know that providing a way for users to teach one another helps them learn more deeply; after all, the best way to learn something well is to explain it to others.

We are in the midst of a major restructurining of the site’s architecture to better integrate the video and interactive experience.

This will include exercises and tools for teachers and students to program interactive simulations. Our goal over the next year is to create a platform on which any educator can create his or her own “academy.” You will also start to see thousands of pieces of content redone in the world’s major languages so that we can begin to reach those most in need. And all of this is being designed with the intent of supercharging the possibilities in the classroom and empowering teachers to push differentiation and exploration with students to an all-time high.

Because of this social mission and the millions of students and thousands of teachers using the site, we have been blessed with an incredible amount of goodwill from learners and educators alike. That said, we are a very small organization at a very early stage of development. Our mission statement—“a free, world-class education for anyone, anywhere”—is an aspiration that we will continue to strive for in the decades to come.

Khan Academy is not a silver bullet; no one solution can tackle a very complex and nuanced problem. But we are optimistic that we can continue to work with amazing educators to help test the boundaries of what is possible.
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TOP SCHOOL JOBS
Building your Professional Network: Part I

In today’s job market, networking is vital to the success of achieving your career goals. Networking can be as formal as attending a networking reception and handing out your business cards, or as informal as talking with a friend’s dad at a backyard barbecue.

In any case, networking is about effectively communicating who you are, the career path you are pursuing and the skill sets you have to offer a school district. Then, ask your networking contacts to share this information with those who have hiring authority and/or relay news back to you regarding teaching/coaching/leadership opportunities within school districts that are hiring.

Identify Your Contacts
Make a list of people to develop your network and add names to your list with every new contact. Below is a list of suggestions regarding who should be included on your networking list:

• Family and friends, especially those that are connected to the field of education
• References - 4 to 6 people who have agreed to talk to potential school administrators about your skills and accomplishments as an educator
• Professionals your references suggest you connect with—ask them for at least 2 names they think you should contact
• Professors, coaches, former employers, members of community organizations and anyone they recommend
• School district volunteers who may be willing and able to help you make a connection with those who have hiring authority
• Members of professional associations (Kappa Delta Pi, Association of American Educators, American Federation of Teachers, National Education Association, etc.)
• Community service agencies (especially ones connected to education)
• Alumni contacts
• Credible networking/job search groups (LinkedIn, Twitter, Pinterest, etc.)

Next week we’ll take a look at some methods for reaching out to your network contacts.
—Douglas Reichenberger
Director of Alumni Career Services
Malone University, OH, on behalf of AAEE

For more from the Career Corner Blog, visit http://blogs.edweek.org/topschooljobs/career-corner

The opinions expressed are strictly those of the author and do not reflect the opinions or endorsement of Editorial Projects in Education.
The Rise of the Tech-Powered Teacher

By Salman Khan

Best known for our collection of education videos, Khan Academy covers every subject from algebra to art history for grades K-12. A significant piece of Khan Academy, however, is the interactive exercises that allow students to practice math and get feedback at their own pace, while giving teachers data on student progress. Over the past few years, our team has had the privilege of working directly with some of the teachers who use Khan Academy with their students. As we talk with teachers and observe them in their classrooms, one theme becomes absolutely clear: More than anything, teachers want all of their students to reach their potential. Teachers have high expectations for their students, and they work hard to help them succeed. But teachers are in a tough position.

Each fall, students enter their classrooms with a range of abilities, motivation levels, and incoming knowledge. Each student has different needs. Some are ready for grade-level content, while others have not fully mastered the prerequisites. Still others have already learned the grade-level material and are ready to move on to more advanced concepts. Ideally, teachers would like to meet all those needs simultaneously, but it is only humanly possible for them to teach one lesson at a time. We’ve met teachers who have undertaken heroic efforts to meet each student’s needs, including one teacher who creates five different homework assignments each night so students can work at their own levels. This is impressive, but, without question, taxing.

There is no silver bullet, but we consistently find that when used appropriately, technology can enable teachers to lead differentiated and interactive classrooms. When teachers have real-time data and a clear understanding of every child’s needs, they can use their precious classroom time more effectively and flexibly. When students are learning at a pace and level appropriate to their individual needs, they are less likely to disengage or act up.

Since tools like Khan Academy generate unlimited challenges on any topic (with academic hints and relevant and related videos for students to continue pursuing an issue), teachers do not need to create and grade several different worksheets for their students. Instead, they can use that time to do more meaningful work, like dispelling struggling students’ misconceptions or designing engaging explorations for their students. This approach can also serve as a helpful classroom-management tool, providing all students with useful practice while their teacher works closely with selected students. In this way, technology can actually increase the amount of quality teacher-student interaction.

The team here at Khan Academy has been actively working with incredible researchers and teachers—several of whom are staff members—to explore how to leverage technology to create deeper classroom experiences. The initial results have been promising, but there is still a long way to go. There is no one solution that would be appropriate for all contexts.

Early on, I heard from some teachers who were using Khan Academy videos to reframe their classrooms: Students would learn the content at night and practice it the next day during class. Since then, we have often been associated with the idea of the “flipped classroom,” even though the concept was actually conceived by others before Khan Academy existed. Since those early days, we have seen the tools of Khan Academy used in many different ways that, we believe, go beyond this model.

To us, where or when students use the resources is not the most important part of any model. Instead, we want to build tools that enable students to master topics at their own pace and increase interactivity and creativity in physical environments. Of course, we know that reaching that goal will not happen overnight. Teachers looking to push the envelope are constrained by state mandates and tests that don’t give much weight to student or teacher creativity. In addition, many schools and students still have limited access to technology. But the big picture reveals that the ball is moving forward. And based on the incredible educators we have had the privilege to work with while piloting and designing our tools for their classrooms, I am optimistic that it is moving in the right direction.

In discussions about bringing technology into the classroom, I sometimes hear people say that virtual resources will replace physical instruction. I think this idea is absolutely wrong. Technology will never replace teachers; in fact, it will make teachers even more important. Technology will give teachers valuable real-time data to diagnose students’ weak points and design appropriate interventions. It will enable teachers to more quickly gauge students’ comprehension of new topics so they can adjust their lesson plans on the spot. Virtual tools may have the potential to provide educational materials to children who have access to nothing else—say, in a remote village in India—but they will never be a substitute for rich

Salman Khan shares his thoughts on redefining education in a Q&A on the BookMarks blog.
www.edweek.org/go/bookmarks

Salman Khan is the founder of Khan Academy, a nonprofit based in Mountain View, Calif., with the mission of providing free, high-quality education worldwide. His first book, The One World Schoolhouse: Education Reimagined (Twelve), is being published this week.

“Technology can actually increase the amount of quality teacher-student interaction in a classroom.”