HIGHLIGHTS FROM APRIL 2011

WEST VIRGINIA STATE BOARD APPROVES “COMMON GROUND” PARTNERSHIP — The West Virginia State Board of Education approved a multi-organization partnership that will leverage military and military-education resources to support student achievement. The Common Ground: Education and Military Partnership joins the board, the state education department, the Department of Defense Joint forces in West Virginia, the West Virginia Wing of the Civil Air Patrol, Operation Military Kids, and the West Virginia Congress of Parents and Teachers as a unit designed to help students stay in school and succeed. The agreement includes provision of career information resources to schools statewide, career counseling and tutoring to help increase the graduation rate, mentoring, and information about and access to free academic and assessment services such as the Armed Services Vocational Aptitude battery and March2Success. The partnership name and many of its provisions originated with the 2010 NASBE study group, Common Ground: Education and the Military Meeting the Needs of Students. State board Chair Priscilla Haden, who was a member of the study group, said, “Our hope is that students and parents will take advantage of the mentoring, training, and scholarship opportunities provided through the members of the Common Ground Program.” Source: West Virginia Department of Education media release (4/13/11)

COLORADO PARENTS MUST BE NOTIFIED WHEN SCHOOL EMPLOYEES ARE ARRESTED — A measure approved by the Colorado State Board of Education requires schools to notify parents whenever a staff member is arrested. Schools must tell parents within 24 hours whenever a current or former school employee whose job requires contact with children is arrested for a felony, drug crime (except for a misdemeanor marijuana exemption clause), any crime of violence, some sexual crimes, and some violations involving children. If the employee is responsible for transporting children, parents will also be notified if they are arrested for drunken driving. The rule will take effect May 30, but it contains no enforcement clause. Opponents of the rule, including the Colorado Association of School Boards and the Colorado Association of School Executives, argue that the state board does not have the authority to pass the regulation. The regulation was introduced by board Chair Bob Schaffer in response to incidents in Fort Collins schools in 2009 in which two licensed educators were arrested for sexual assault on multiple children and felony contributing to the delinquency of a minor for providing alcohol to two students. Source: ednewscolorado.org (4/14/11), Coloradoan.com (4/15/11)

NEW HAWAII STATE BOARD APPROVED AND SWORN IN — The new, nine-member Hawaii State Board of Education was approved en masse by the state Senate and sworn in on the same day last week. The board of gubernatorial appointees replaces the elected panel that had been in place since 1966. Voters chose to move to an appointed board in the wake of a 2009-10 cut by 17 school days due to budget problems. Board
member Wesley Lo admitted there will be a “steep learning curve” for board members, whose backgrounds range from corporate CEOs to community leaders. “Our goal is simply to leave education better than we found it,” said board Chair Don Horner. The board’s first meeting will be April 26. Source: Honolulu Star-Advertiser (4/15/11)

GEORGIA BOARD ELIMINATES SINGLE GRADUATION TEST IN FAVOR OF END-OF-COURSE EXAMS — The Georgia State Board of Education voted to eliminate the Georgia High School Graduation Test (GHSGT) as a requirement for receiving a diploma. These changes will be phased in starting with the 2011-2012 freshman class. After full implementation, schools will rely on the eight end-of-course examinations in mandatory core classes as evidence of achievement for graduation. The board also increased the amount that these exams count toward a student’s final grade from 15 percent to 20 percent starting with next year’s freshman class. Current high school students will still have the option of taking the graduation test or substituting a passing end-of-course test score for the equivalent section on the graduation test. However, all students must still pass the state writing test, a section of the GHSGT, in order to graduate. Source: Atlanta Journal-Constitution (4/13/11)

U.S. SUPREME COURT UPHOLDS ARIZONA EDUCATION TAX CREDIT — In a 5-4 decision, the U.S. Supreme Court rejected citizens’ right to challenge a disputed Arizona education tax credit that plaintiffs claimed could be used to fund religious schools, thus violating the Constitution’s Establishment Clause, and dismissed the case. In Arizona, individuals can donate up to $500 to a school tuition scholarship organization and take a dollar-for-dollar tax credit off taxes owed to the state. Each year, residents give almost $50 million to these organizations, and almost two-thirds of the money received is directed to pay for tuition at religious schools. The plaintiffs claimed that the tax credit unconstitutionally provides a state subsidy for religious institutions. However, the Supreme Court ruled taxpayers do not even have legal standing to bring this type of case to court. Typically, plaintiffs who object to how the government spends tax revenue do not have standing in court because they have not suffered a direct injury. However, in 1968’s Flast v. Cohen decision the Court made an exception for religious spending. Nonetheless, Justice Anthony Kennedy wrote in the majority opinion that a tax credit is distinctly different from a direct legislative appropriation because “private bank accounts (and uses of them) cannot be equated with the Arizona State Treasury.” Therefore, the plaintiffs have no legal right to file suit and the tax credit stands. In the dissenting opinion, Justice Elena Kagan wrote that “taxpayers experience the same injury for standing whether government subsidization of religion takes the form of a cash grant or a tax measure.” It is unclear how this ruling will impact separation of church and state cases in the future, but Arizona citizens will still be able get a tax break for donating to tuition scholarship organizations, regardless. Sources: New York Times (4/4/11) and NPR.com (4/4/11)

UNPRECEDENTED LEVEL OF STATE SCHOOL CHIEF TURNOVER CONTINUES — With the announcement by New York state Education Commissioner David Steiner that he will step down this summer, the number of chief state school officers who are or will be new in 2011 has reached 24. Steiner himself has only been on the job for two years, but during that time he led the state through “an amazing array of reforms,” Merryl Tisch, the chancellor of the State Board of Regents said in a statement. “As commissioner, he has delivered,” Tisch added, including heading up the state’s successful application for a federal Race to the Top grant. That Steiner announced his resignation on the same day that embattled New York City schools Chancellor Cathleen Black stepped down from her position was, Steiner said, just a “bizarre coincidence.” Source: New York Times (4/7/11)