



## Printable Edition

**Note:** This resource includes all articles from the October 2011 Rural Policy Matters newsletter. For the latest content updates, please check the [issue index](#) for this edition.

*Editor's note: Links are free and current at time of posting, but may require registration or expire over time.*

## Facts and Figures About States With Highest State Funding for Rural Schools

**Question:** Which five states spend the highest percentage of state education funds on rural schools?

**Answer:** Maine spends the highest percentage of its education budget on rural schools at (58.7%). Maine is followed by South Dakota (57.6%), Vermont (54.9%), North Carolina (49.6%), and Mississippi (47.8%). These states also have a high percentage of rural students. The U.S. average spent on rural students is 20.5%.

## Global Teacher Fellowships Alter Lives of Participants

Kelly Welsh Ellis knew high school students in her 20th Century World History class in Thetford, Vermont weren't gaining a clear understanding of what happened in Cambodia in the 1970s.

The class addresses genocide as one of the defining characteristics of the 20th century. It includes units on Cambodia, where in 1975, communist guerillas known as the Khmer Rouge took control of the country under the dictator Pol Pot. Over the next four years as many as three million people — including people who could not perform manual labor as expected, dissenters and most intellectuals and teachers — were starved, worked to death, or executed in sites that came to be known as "killing fields."

"Genocide is a difficult thing for students to grapple with. And, I didn't really understand how it could have happened in this particular culture either," says Welsh Ellis. "I also wanted to try to understand how cultures recover from something like this in their history."

### Getting to know a place from inside

So when Welsh Ellis learned about a program that sends American and Swedish teachers to Cambodia to work with Cambodian teachers, she knew she was interested. "[Teachers Across Borders](#) (TAB) enables teachers to work with and support teachers working in countries where the educational system is fragile," explains Welsh Ellis.

TAB offered a great opportunity, but it is a voluntary program and the costs for teachers to participate are high. That's when Welsh Ellis learned about the Global Teacher's Fund (now the [Rural Trust Global Teacher Fellowship](#)), which offers rural teachers grants up to \$5,000 (\$10,000 for teams of two or more) to travel and study something of personal interest.

"The Global Teacher Fellowship made it possible for me to go to Cambodia with TAB. It is such an amazing thing that I got to do," says Welsh Ellis.

Welsh Ellis is one of the teachers who received Global Fellowship grants in 2011. The grant allowed her to spend two weeks helping conduct professional development for Cambodian teachers in the city of Siem Reap.

"The unit I taught was genocide," explains Welsh Ellis. "I know it seems odd that I would go there and teach genocide. But Cambodian textbooks only began including anything about this history last year, and trials of people

responsible have only recently begun. Cambodian teachers knew things that had happened, but people have not talked openly about it. And, teachers were not aware of genocide in other places.”

Kelly Welsh Ellis says she appreciates the opportunity to visit the capital city of Phnom Penh and the 12th century temples at Angkor Wat in Siem Reap. But the best thing about her experience, she says, was getting to know Cambodian people. “It was wonderful to get to know a place from the inside. You learn in a much deeper and more meaningful way. People opened up to me and really connected.”

That experience has translated to Welsh Ellis’s teaching. “This year my students are asking more thoughtful questions,” she says. “It’s clear that they are taking more in. They understand what genocide is. And, when we did a unit on colonialism, they were able on their own to make connections and see how a colonial past, a lack of opportunity for people to govern themselves, can weaken culture and make it more vulnerable.”

### **Immersion in American art forms**

Cara Valenti teaches choral music and piano at Northern Vance County High School in Henderson, North Carolina. When she applied for a Global Teacher Fellowship she wanted to learn a lot more about the musical cultures of her rural students, about 75% of whom are African American and about 25% of whom are white.

“When you study music in college, you usually study written music in the western tradition,” she says. “But my students come from much more varied musical cultures. I really wanted to learn more about their traditions and get inside musical cultures that I had not grown up in.”

Valenti, who is originally from New Jersey, saw a great opportunity at Traditional Song Week, part of Swannanoa Gathering at Warren Wilson College.

“This is something I could not have done without the Fellowship. It was a life-changing experience, personally and professionally,” she says.

The week-long Traditional Song workshop included three strands, Valenti explains. “African-American traditional gospel, spirituals, and praise hymns. Meeting house songs — old Baptist church songs and shaped note singing. And, what they called ‘choice,’ which is taking traditional music and shaping and molding it to your own purposes.”

Valenti says that what she learned and “the constant music-making — the community music-making — reminded me of what music is in culture.” It sparked her to re-structure her classes. “I learned so much about musical styles, how to set up so everyone knows when they can take the lead or when to add harmony. Now my students are interacting with each other much more, not just staring at printed music.”

The new approach gives students more opportunities to create and explore musically. “I really want my students to be able to enjoy music throughout their lives and to understand music as a form of community fellowship and sharing and story-telling.”

### **Fostering creativity in young children**

Kathy Tobin and Dawn Elliott have taught together at Eden Central School in Vermont for many years. They’ve set up “reading buddies” between Elliott’s fourth-graders and Tobin’s Kindergartners and figured out other ways to support cross-age learning experiences.

In recent years, both teachers have been concerned about what seems to be a trend. “Our students spend a lot of time watching t.v. and movies and playing video games,” says Tobin. “We really want them to use their imaginations more.”

So Tobin and Elliott began to think about ways to strengthen their students’ creative thinking. “When we saw a creativity workshop in Barcelona, Spain, we thought, ‘this is perfect,’” says Tobin.

“Our students don’t do a lot of traveling and neither do we,” says Elliott. “Going to another country would be a challenge for us, a risk. What a great way to show our students they can take risks, too.”

The pair applied for and received a Global Teacher Fellowship grant as a team.

“The workshop was an amazing experience that focuses on creative writing and drawing,” says Tobin. “We did all kinds of things that help open your mind and get you out of your comfort zone. Ideas were just flying at me.”

Elliott says the experience, which required both risk-taking and reflection, changed the ways she views herself and her work. “I did a lot of deep thinking about my life. It was very powerful.”

Tobin notes that the experience of being in another culture gave her insight into her students’ experience. “We didn’t understand the language, we didn’t know quite what to expect,” she says. “They handed me Euros and at first I

didn't what they were. Then I thought, 'this is what it's like for our kids.'"

Since returning to school, Tobin and Elliott have been learning Spanish with their students. "We are using our experience to bring Spain to our classroom — photos, food, music, dance, art, architecture," says Elliott. "The students are feeling our excitement; they're like sponges."

Tobin and Elliott are also doing with their students many of the kinds of things they did in Barcelona. For example, Tobin has adapted a workshop class, Windows and Doors of Barcelona. "Students go out and document windows and doors in our community. It gets the kids to look around them and be active in their learning. It's also a great way to do math with young children. They make comparisons of what they've found with our pictures of Barcelona. That helps them get a sense of another place. Who would have thought you could do so much with windows and doors?"

### **Framing the Concept of Resistance**

Like Kelly Welsh Ellis, Margret Atkinson was looking for ways to help her middle grade students in Zachary, Louisiana learn about genocide and, more specifically, to gain a better understanding of the concept of resistance. "When we study the Holocaust, students tend to think in terms of 'taking a shot at Hitler.' It's hard for them to understand the breadth of what was happening or to see the ways that people resisted."

Atkinson had done a variety of activities related to the Holocaust with her students. When she learned about the Global Fellowship program she knew she wanted to participate. "But the Holocaust is so heavy," Atkinson says. "I thought, 'why don't I do a project on Shakespeare?'"

Events, however, conspired otherwise. Almost immediately after learning of the grant, Atkinson was introduced to several people she had not known who work in the field, including several Holocaust survivors. A week before the deadline, she decided her application would focus on, not Shakespeare, but Holocaust resistance.

"The grant gave me an opportunity to go to many places and learn about how resistance had happened," says Atkinson. "I was able to go to LeChambon-sur-Lignon, France, where villagers hid Jews under the nose of the occupying Nazis, and to Sevana, Italy, where Hermann Wygoda, who helped people escape the Warsaw ghetto, had hidden. And I met Danish fisherman who risked their own lives ferrying Jews to safety in Sweden."

As she thought about how to translate that experience to her students she began to relate the concept of resistance to being an upstander. "The [Holocaust Museum Houston](#) has a poster that shows a triangle with victims in the center. At one corner is the word perpetrator, at another the word bystander, and at the top corner are the words rescuer/upstander. When people are being victimized, other people choose which role on the triangle they will play," says Atkinson. "Middle grade students can understand upstanding as it relates to bullying."

That shift is making a difference. This year Atkinson says that her students are better able to create their own constructs for understanding these issues. "They get the concepts of individual value and the value of the individual in standing up on behalf of others."

Atkinson is taking her experience beyond her classroom. She has made presentations at several events, including one at Barnes & Noble for National Bullying Prevention Month. And she has moved the school's PBIS committee (PBIS/Positive Behavior Interventions and Supports is a school disciplinary program that encourages appropriate behavior). "We are beginning to frame the concept of upstander within the PBIS context," she says.

### **Changing practice**

The Global Fellowship Program requires teachers to determine what they want to do and learn and how they will go about it. That experience of being responsible for their own learning proved inspiring. "We want to give our students the same kinds of active learning opportunities that we experienced," says Kathy Tobin.

The experience also proves invigorating. "I came back so pumped up. After you've been doing something a long time, you need new challenges," says Dawn Elliott, a sentiment echoed by Cara Valenti. "Teaching can be tiring. This experience refreshed me and reminded me of why I teach music."

Perhaps most importantly, the Fellowships were affirming. "Many people said they learned from me. That felt really good because I wasn't out there trying to teach anything," says Tobin. Echoing this sentiment Kelly Welsh Ellis says, "The experience really fueled my sense of the importance of what I teach in a wonderful way."

### **Upcoming Webinar/Rural Classroom: Importance of Cooperative Learning — Rural Trust Global Teacher Fellows' Perspective**

You can learn more about the experiences of the 2011 winners of Global Teacher Fellowships at the November 10th [webinar](#) sponsored by the Rural Trust.

Participation is limited so [sign up](#) now.

### **Apply to be a Global Fellow**

The Rural Trust is seeking applicants for the 2012 Global Teacher Fellowship. Deadline for Intent to Apply is December 15. You can learn more about the program at [www.globalteacherfellowship.ruraledu.org/](http://www.globalteacherfellowship.ruraledu.org/).

## **Apply for a Rural Trust Global Teacher Fellowship**

The Rural Trust's Global Teacher Fellowship program is now accepting applications for the Summer 2012 Fellowships.

The \$5,000 fellowships (\$10,000 for teams of two or more teachers) will be awarded to 25 teachers to support self-designed summer learning experiences and a two-day place-based learning institute in the fall.

Deadline to file Intent to Apply is December 15. Application deadline is January 15.

For more information go to [www.globalteacherfellowship.ruraledu.org/](http://www.globalteacherfellowship.ruraledu.org/).

## **Upcoming Webinar: Rural Classroom: Importance of Cooperative Learning**

Join us for **Rural Classroom: Importance of Cooperative Learning — Rural Trust Global Teacher Fellows' Perspective**, a special webinar set for November 10, 2011, from 5:00 to 6:00 pm EST.

Space is limited! Reserve your seat now at <https://www3.gotomeeting.com/register/866423294>.

After registering you will receive a confirmation email containing information about joining the Webinar.

## **Judge Suspends Portions of Alabama Immigration Law Affecting K-12 Education**

Earlier this month a federal judge temporarily blocked implementation of portions of Alabama's controversial new immigration law, including its K-12 education provisions, while the law is on appeal by the U.S. Department of Justice.

The blocked education provisions include a requirement that schools determine and report the legal status of all newly enrolling children and their parents. The law also required extensive school-level analysis of information related to students who are themselves or whose parents are undocumented.

HB 56, dubbed the *Beason-Hammon Alabama Taxpayer and Citizen Protection Act*, bars undocumented residents from holding employment, entering any contract, receiving any public service or benefit, and enrolling in public college, among other restrictions. It requires law enforcement officers to "detain any alien whose lawful immigration status cannot be verified;" requires all public employees to report known or suspected violations; imposes strict limitations on the ways that citizens can assist persons who are or could be reasonably thought to be undocumented; prohibits landlords from renting to "illegal aliens;" and, bars any public official or court from limiting or restricting enforcement of any of the law's provisions.

The U.S. Department of Justice and several civil rights organizations, churches, and advocacy groups challenged the law. On September 29th, a federal judge temporarily blocked some portions of the law, but allowed most of it, including the school provisions, to go into effect. The Justice Department appealed and on October 14th the 11th Circuit Court of Appeals issued an order blocking the school provisions and a provision requiring immigrants to carrying documentation at all times.

During the roughly two weeks the school reporting provisions were in effect, fluctuated significantly, with an overall absentee rate higher than usual.

### **A chilling effect?**

Proponents of the HB 56, including legislative backers, have been clear that the law's intent is to drive undocumented immigrants out of the state. But state officials have also said publicly that the law is not intended to block immigrant students, including undocumented children, from attending public elementary or secondary school.

This is an important point because the Supreme Court ruled in *Plyler v. Doe* in 1982 that schools could not take actions that had a “chilling effect” on the enrollment of undocumented children. To this point, HB 56 also prohibits the disclosure of personal information about students.

However, Section 2 of HB 56 justifies the need for the law largely on the basis of the impact of immigration on public education:

Section 2. The State of Alabama finds that illegal immigration is causing economic hardship and lawlessness in this state and that illegal immigration is encouraged when public agencies within this state provide public benefits without verifying immigration status. Because the costs incurred by school districts for the public elementary and secondary education of children who are aliens not lawfully present in the United States can adversely affect the availability of public education resources to students who are United States citizens or are aliens lawfully present in the United States, the State of Alabama determines that there is a compelling need for the State Board of Education to accurately measure and assess the population of students who are aliens not lawfully present in the United States, in order to forecast and plan for any impact that the presence such population may have on publicly funded education in this state...

Specifically, the law requires schools to determine whether any student enrolling for the first time was born outside the jurisdiction of the U.S. or is the child of “an alien not lawfully present” and qualifies for English as a Second Language or any other remedial program. Parents have 30 days to produce documentation.

School districts must report data to the State Board of Education, which must submit an annual public report to the Legislation. That report must include data, aggregated by public school, on the numbers of students who are U.S. citizens and the number of immigrant students who are “lawfully present” and the number who are believed to be “unlawfully present” as well as the number of students in each category participating in English as a Second Language Programs.

Further, the State Board report is required to “analyze and identify the effects upon the standard or quality of education provided to students who are citizens of the United States residing in Alabama that may have occurred, or are expected to occur in the future, as a consequence of the enrollment of students who are aliens not lawfully present in the United States.” The report must also “analyze and itemize the fiscal costs to the state and political subdivisions thereof of providing educational instruction, computers, textbooks and other supplies, free or discounted school meals, and extracurricular activities to students who are aliens not lawfully present in the United States.”

Finally, the law requires the State Board to “prepare and issue objective baseline criteria for identifying and assessing the other educational impacts on the quality of education provided to students who are citizens of the United States, due to the enrollment of aliens who are not lawfully present in the United states” and include these assessment in its annual report.

### **Reported Increase in Bullying**

A number of news media have reported a rise in hostility, including bullying in schools, toward persons of color, especially Latinos. The U.S. Department of Justice has established a hotline and email for residents to report threats or violence that seems related to the law.

Several public officials, including school administrators, have said that they have not seen an increase in the number of complaints. But critics of the law claim that victims are afraid to make reports out of fear that they, or their undocumented friends or relatives, will be targeted for detention by law enforcement.

### **Building a case against *Plyler***

Since the original *Plyler* ruling, courts have upheld the rights of undocumented children to public education, striking down provisions in several states that could have dampened participation in school.

But the New York Times reported earlier this month that Alabama’s law may be part of a larger effort to challenge *Plyler*. According to an October 27th NYT article by Campbell Robertson, much of Alabama’s law was written by Michael M. Hethmon, general counsel for the Immigration Reform Law Institute, an organization that works to restrict immigration.

According to the article, Hethmon stated that challenges to *Plyler* had not been successful because they lacked “evidence the court found missing in *Plyler*.” Robertson quotes Hethmon as saying that reliable information on the number of “illegal alien students... could be compared with other sorts of performance or resource allocation issues.”

For now, the K-12 education provisions of HB 56 are on hold while challenges to the law wend their way through the courts. It is anticipated that the law will eventually be reviewed by the U.S. Supreme Court.

*Read more:*

News coverage:

- <http://articles.latimes.com/2011/oct/16/opinion/la-ed-alabama-20111016>
- [www.nytimes.com/2011/09/29/us/alabama-immigration-law-upheld.html](http://www.nytimes.com/2011/09/29/us/alabama-immigration-law-upheld.html)
- [www.csmonitor.com/USA/2011/1006/Is-Alabama-immigration-law-creating-a-humanitarian-crisis](http://www.csmonitor.com/USA/2011/1006/Is-Alabama-immigration-law-creating-a-humanitarian-crisis)
- <http://www.nytimes.com/2011/10/28/us/alabama-immigration-laws-critics-question-target.html>
- <http://www.foxnews.com/us/2011/10/22/immigration-law-blamed-for-reported-bullying-hispanic-students-in-alabama/>
- [http://www.edweek.org/ew/articles/2011/10/14/462251uslabamaimmigrationlaw\\_ap.html?gs=Alabama](http://www.edweek.org/ew/articles/2011/10/14/462251uslabamaimmigrationlaw_ap.html?gs=Alabama)

Link to the full text of the immigration law:

- [http://blog.al.com/ht/2011/07/read\\_the\\_full\\_text\\_of\\_alabamas.html](http://blog.al.com/ht/2011/07/read_the_full_text_of_alabamas.html)

## Why Some High-Scoring i3 Rural Projects Did Not Receive Funding

There were many disappointed “near misses” among the applicants in the first round of Investing in Innovation, the U.S. Department of Education’s competitive grant program.

Overall, 212 proposals earned a score of at least 80 points (out of a possible 100). Those that were not funded have been dubbed “Tier 2” applicants, meaning they scored high, but not as high as those in Tier I who received funding.

One-hundred, or nearly half of these applicants who scored at least 80 points, claimed to include rural schools in their proposed project. Of those 100, 19 scored high enough to be among the Tier I applicants that actually received funding, and another five were found to be ineligible for funding for reasons not related to their proposal’s score. That left 76 applicants who claimed to want to serve rural areas, scored highly, but not quite highly enough to be among the final winners of the competition.

Among the Rural projects that *did* receive awards (see [Taking Advantage](#), a Rural Trust report on the issue), a disturbingly high percentage were not really authentically rural in origin, scope, or proposed work. They claimed rural activity in order to win bonus points. That may or may not be the case with the Tier 2 rural applicants.

Nonetheless, we wanted to know “why” these Tier 2 rural proposals did not make the grade. That is, on which of the seven criteria did they lose the most of the possible points they could have received? And what effect did an arcane “standardized scoring” system that adjusted the final points earned by a proposal based on how “easy” or “difficult” their reviewers scored other proposals?

So we asked the Department of Education to send us the five reviewers’ score sheets for each of these 76 proposals. The Department obliged us, but withheld the reviews from 17 proposals because the applicants claimed that public disclosure would violate a proprietary secret contained in the proposal and discussed by the reviewers. We decided that the 59 sets of reviews would give us substantial insight into the Tier 2 problem.

Of the 59, 38 are in the “Validation” grant category, larger projects eligible for up to \$15 million in federal funding and focused on large-scale evaluation of innovations with some existing evidence of effectiveness. The other 21 are “Development” projects, smaller (up to \$3 million) and focused on innovations for which there is little evidence of effectiveness but which are based on a plausible hypothesis that suggests they will be effective.

### Preliminary findings

We are analyzing the score sheets and will selectively read the review narratives in detail to gain insight into why these applicants failed. At this point, we can report several clear findings.

The two criteria that “cost” these proposals the most lost points were those for the “research evidence” supporting the validity of the proposed innovation, and the quality of the “evaluation plan” for the proposed project.

For Validation proposals, these two criteria were worth up to 30 of the 100 possible points (15 points each), but 40% of the points lost by these applicants were on these two criteria. For Development proposals, the damage was more severe from these two criteria. These two criteria combined for a potential 25 points (research up to 10 points, evaluation up to 15). But 69% of all the points lost by these applicants were on these two criteria.

In the case of the research criteria, Tier 2 rural applicants in the development category were awarded only 51% of the possible points. For the evaluation criteria, they were awarded only 43%. The paucity of rural education research and the lack of rural education expertise among the reviewers probably contributed to the low scores on these two criteria.

The effects of standardized scoring were mixed but had limited effect on the final grant making decisions.

Sixteen Validation projects were downgraded by standardization, while 22 were upgraded. The biggest loss was 12.3 points, probably enough to take EdVisions from success to failure in the funding competition. This is the clearest case of an impact of standardizing scores. The biggest gain from standardization was 14.3 points garnered by both Area Education Agency 11 and the Stanislaw County Office of Education, but neither was a big enough boost to move the proposal into the grant award level.

Eight Development proposals were downgraded by standardization, while 13 were upgraded. The biggest loss was only 2.7 points, and without the loss the project still would have fallen short of the points necessary to receive funding. The biggest gain was 12.3 points by the Northwest Service Cooperative, but it was not enough to put it in the grant winner's circle.

## **Investing in Innovation Round Two Rural Priority**

Applications are in for \$148.2 million in funding available in the second round of the Investing in Innovation (i3) competitive grant program and while it is too soon to reach any conclusions about how authentically rural proposals will do, it is clear that the new i3 guidelines are having an impact.

Of 488 applications submitted for the approximately 22 grants expected to be awarded, 99 claim to focus on the new "absolute priority" for proposed projects that hope to boost learning, graduation rates, and college enrollment rates in rural school districts.

"Rural" is defined as school districts eligible for either of the two categories of grants under the Rural Education Achievement Program (REAP). These are generally either small or low-income rural districts.

The rural applicants must also address one of the other four "absolute priorities" for projects addressing development of teachers and principals; science, technology, engineering and math; standards and assessments; and turning around failing schools.

In the first round of the i3 program, there was no priority given rural proposals. Instead, a so-called "competitive preference" for programs claiming to serve rural schools allowed projects with broader objectives to gain bonus scoring points. The result was an avalanche of proposals that offered token support for rural schools on the margin of projects with clearly other priorities. Very few of the 19 successful proposals claiming the "rural preference" were based on innovations that are expressly applicable in rural settings, were clearly focused on rural schools, and would serve high-needs rural schools.

By making "rural" an absolute priority, the Department hopes to get more high-quality proposals genuinely focused on rural schools.

However, applicants whose proposed project claims the rural priority can serve non-rural as well as rural schools. So it is possible to still see proposals that add a little rural salt to their non-rural meat.

The Education Department has tried to prevent this by providing guidance that requires applicants to explain how their project will serve the "unique challenges" of high-need students attending rural schools and to explain the applicant's "prior experience" working in rural schools. Further, readers who score these proposals will be instructed to consider the extent to which a proposal under the rural priority represents an "exceptional approach" to that priority.

If all those words have meaning, any sham rural projects should get filtered out.

## **Northeast Tennessee College and Career Ready Consortium Webinar**

Students in northeast Tennessee, like rural students in most regions, face challenges to college attendance that are unique to their experience and their rural locale. The Northeast Tennessee College and Career Ready Consortium (NETCO), in partnership with the [Niswonger Foundation](#), won an Investing in Innovation (i3) award and works to ensure that all students, especially those from under-represented populations, graduate from high school and are prepared to enter and graduate college or begin a career.

The fourth in a series of Rural Trust webinars on innovation in rural schools featured the work of the Consortium.

Fifteen school systems, all in northeast Tennessee, participate in NETCO, which serves 27,200 students in 29 high schools.

The Consortium works to increase both the rates at which students in the region attend, persist in, and succeed in college and are ready to begin a productive career.

The Consortium pursues this goal using several strategies, several of which focus on increasing the number and quality of courses available to students in all 29 schools. More specifically, the Consortium is partnering with colleges to expand dual enrollment. Its goal is to increase by 10% the number of students who graduate high school with at least one year's of post-secondary credit and by an additional 20% the number of students who finish high school with at least one-half year of post-secondary credit.

The Consortium is also expanding the number of courses available to students online. And, it has built a distance learning system that enables schools to "share" teachers. Already the Consortium has used distance learning to expand the number of foreign languages available to schools from one or two languages to five, including Mandarin Chinese, German, Latin, French, and Spanish. The distance learning system has proven helpful in providing professional development to teachers as well.

Finally, the Consortium is expanding the number of Advanced Placement classes available in the schools.

A coordinating body reviews course needs and resources in all the schools and plans ways to increase rigor and fill course needs gaps.

In addition, to increasing course offerings, the Consortium has hired nine college and career counselors. These counselors help coordinate between schools and post-secondary institutions in the region. They help create mentorships between college students and students in their home high schools. Counselors work with parents and students to assist in college and financial aid applications. And, they arrange college visits for students - along with their parents.

Overall, the Consortium aims to increase post-secondary enrollment rates from 70% to 80% and to increase first to second year college persistence rates by 15%.

Presenting the webinar were Scott M. Niswonger, President, Niswonger Foundation; Linda Irwin, NETCO Director; Dr. Vicki Kirk, Green County Director of Schools; and Dr. Dale Lynch, Hamblen County Director of Schools.

You can listen to the webinar audio and download the power point at <http://www.ruraledu.org/articles.php?id=2754>.

## **Formula Fairness Campaign Update**

The All Children Are Equal Act received an important boost this month when the Children's Defense Fund (CDF) listed "Funding Equity Among Schools, Districts, and States" as a CDF priority for the re-authorization of ESEA.

ESEA is the Elementary and Secondary Education Act, which, through its Title I program, provides school districts with federal funding to boost educational opportunity for very low-income children.

CDF notes: "ESEA reauthorization must include a revised Title I formula to eliminate current inequities caused by the use of number weighting and state average per pupil expenditure factors." CDF also prioritizes a "comparability" provision to ensure that school districts equalize state and local expenditures in Title I and non-Title I schools.

Earlier this month, the U.S. Senate's Health, Education, Labor and Pensions Committee passed a bill re-authorizing ESEA. The bill does not address the Title I formulas and faces an uncertain future in the Senate.

The Children's Defense Fund is a leading child welfare, civil rights, and anti-poverty organization and has long supported the need to eliminate number-weighting in the Title I funding formulas.

*Read more:*

- [www.formulafairness.com](http://www.formulafairness.com)
- [www.childrensdefense.org/policy-priorities/elementary-high-school-education/esea-watch.html](http://www.childrensdefense.org/policy-priorities/elementary-high-school-education/esea-watch.html)

## **School Discipline Policy**

## **Colorado Task Force Recommends End to Zero Tolerance; New Study Details Disparity in Discipline Rates Across Country**

*Across the country community groups and others concerned about young people have begun to push back against the growing trend for schools to use severe and punitive discipline in response to non-violent student misbehavior. Many rural community residents have identified school discipline practices, especially harsh punishments that push students out of school, as a major concern. This series highlights some of the issues in the national conversation about school discipline.*

A multidisciplinary task force in Colorado has finished drafting legislative reforms of the state's school discipline laws that would eliminate "zero tolerance" policies and reduce the availability of suspensions and expulsions as punishment for students.

The 16-member Legislative Task Force to Study School Discipline was formed in July. Six are legislators who voted to advance the proposed legislation to the Legislative Council for review. If approved by that body, the bill could be introduced in next year's session. Other members include both prosecuting and defense attorneys, educators, parent group representatives and representatives of community organizations.

Members of the Task Force have said that zero tolerance policies, established in the wake of the school shootings at Columbine High School in 1999, have forced administrators to expel students without consideration of the individual student's character or circumstances. Under the proposal, expulsion would still be mandatory for possession of a weapon at school.

One of the two legislators spearheading Task Force efforts called for a cultural change in schools around discipline in order to restore principles of age- and developmentally-appropriate consequences for younger students and standardize the use of restorative justice and conflict resolution strategies for older students.

Some of the more controversial portions of the draft bill include mandatory training requirements for staff and school resource officers as well as additional reporting requirements that would force districts to publicize their disciplinary actions. The Legislative Council will review the bill next month.

### **Report details disparate use of exclusionary discipline**

In a new school discipline report released this month, the Colorado-based National Education Policy Center (NEPC) highlights the racial disparity present in the use of exclusionary tactics such as suspension and expulsion and confirms the negative outcomes, including diminished educational opportunity, for students receiving these punishments. Using the most recent Office of Civil Rights data, NEPC found, among other disparities, that black males in middle school were suspended at rates almost three times as high as those of white students. Notably, one of the recommendations mirrors a strategy found in the Colorado legislative proposal: better reporting of data on school discipline removals.

*Read more:*

Local coverage:

- [www.denverpost.com/news/ci\\_19143540](http://www.denverpost.com/news/ci_19143540)
- [www.dailycamera.com/state-west-news/ci\\_19145282](http://www.dailycamera.com/state-west-news/ci_19145282)

Background on discipline policy reform process:

- [www.chieftain.com/news/local/too-harsh-penalties-sparked-discipline-debate/article\\_d61ad4e4-b8d8-11e0-9619-001cc4c002e0.html](http://www.chieftain.com/news/local/too-harsh-penalties-sparked-discipline-debate/article_d61ad4e4-b8d8-11e0-9619-001cc4c002e0.html)
- [www.chieftain.com/news/local/discipline-belongs-with-schools-pueblo-judge-says/article\\_c2f7da8-ddd4-11e0-9ee4-001cc4c002e0.html](http://www.chieftain.com/news/local/discipline-belongs-with-schools-pueblo-judge-says/article_c2f7da8-ddd4-11e0-9ee4-001cc4c002e0.html)

Website of the Legislative Task Force to Study School Discipline, which includes a link to the draft bill:

- [www.colorado.gov/LCS/SchoolDisciplineTF](http://www.colorado.gov/LCS/SchoolDisciplineTF)

Coverage of NEPC Report:

- <http://coloradoindependent.com/101665/minority-students-disciplined-at-higher-rate-than-whites>
- [www.disabilityscoop.com/2011/10/06/minority-suspended-more-often/14186/](http://www.disabilityscoop.com/2011/10/06/minority-suspended-more-often/14186/)

Read the report here:

- <http://nepc.colorado.edu/publication/discipline-policies>

### **Texas Faces New School Finance Litigation**

This month, a new school funding lawsuit was filed in Travis County Court, supported by over 250 districts in the state. Plaintiffs in the Texas Taxpayer and Student Fairness Coalition (TTSFC) include rural, suburban, and city districts. The lawsuit has been anticipated for some time. (See last year's *RSFN* coverage here: [www.ruraledu.org/articles.php?id=2586](http://www.ruraledu.org/articles.php?id=2586).)

Although the districts were poised to bring this action last year, they delayed to give the Texas Legislature another chance to overhaul the system, which did not happen. Some legislators have said that the legal action will likely prompt legislative action in the next session.

The plaintiffs contend that the current funding system, adopted in 2006 as a temporary remedy to the previous funding lawsuit, is inequitable. After the previous court decision was announced, Texas legislators reduced property taxes and implemented a new business tax. But the revenue from the new tax has never been enough to replace the property revenue for districts.

The temporary system, still in place, contains a 'hold harmless' clause that guarantees that student revenue does not drop below 2005-06 levels. Because property taxes bring higher returns in higher-wealth districts, the guarantee has kept their state revenue stream much higher than for plaintiff districts. In contrast, most low-wealth Texas districts have lower school funding now than at the time of the lawsuit, even if their tax rates are high. Currently there is a revenue gap among Texas districts of as much as \$7,000 per student.

TTSFC lawyers are asking the court to declare the system unconstitutional and in violation of the state's equal protection clause. The previous decision states that Texas school districts must have "substantially equal access to similar revenue per pupil at similar levels of effort."

The non-profit Equity Center has organized the coalition of districts wanting to join in the litigation. Their action will eventually be accompanied by a coordinating lawsuit that will be focused on adequacy issues. Equity Center has been involved in all of Texas' school finance suits since its founding in 1982.

*Read more:*

Coverage on lawsuit:

- [www.statesman.com/news/texas-politics/local-districts-join-fight-against-school-finance-system-1883293.html](http://www.statesman.com/news/texas-politics/local-districts-join-fight-against-school-finance-system-1883293.html)
- [www.texastribune.org/texas-education/public-education/texas-among-many-states-facing-school-funding-laws/](http://www.texastribune.org/texas-education/public-education/texas-among-many-states-facing-school-funding-laws/)
- [www.mysanantonio.com/news/education/article/Schools-sue-state-over-funding-2213035.php](http://www.mysanantonio.com/news/education/article/Schools-sue-state-over-funding-2213035.php)
- [www.brownsvilleherald.com/articles/state-132278-sue-austin.html](http://www.brownsvilleherald.com/articles/state-132278-sue-austin.html)

Equity Center website:

- [www.equitycenter.org/](http://www.equitycenter.org/)

Editorials on school finance reform in the state:

- [www.mysanantonio.com/news/article/Texas-has-standardized-tests-but-not-2217496.php](http://www.mysanantonio.com/news/article/Texas-has-standardized-tests-but-not-2217496.php)
- <http://lubbockonline.com/editorials/2011-10-23/our-view-states-school-funding-flawed-lawsuit-may-offer-route-repair>

### **Alaska Rural Districts' Case Decided**

A settlement has been reached in the *Kasayulie* school facilities lawsuit that was brought in 1997 by rural school districts that were unable to build needed schools or maintain aging facilities under the state's funding system. Legal claims pointed out that the districts lacked enough taxable local property to raise funding and that rural areas lack local governmental systems that provide mechanisms for imposing local taxes. By contrast, the state's urban municipalities were able to levy taxes for facilities and receive reimbursement for part of the building costs from the state. The lawsuit also charged that the system was unconstitutional and discriminatory because many of the students in plaintiff districts are Alaska Natives. *Kasayulie* districts received favorable decisions in 1999 and 2001.

After those Superior Court decisions, additional capital funding was allocated to rural school construction needs. But

the case remained open because the Alaska Legislature had not implemented a permanent legislative fix for the districts and because the parties were waiting for the valuation of land held in trust for the benefit of Alaska schools. (See additional background from *RSFN* here: [www.ruraledu.org/articles.php?id=2418](http://www.ruraledu.org/articles.php?id=2418))

Last year, legislators implemented a new formula that provides rural districts with facility funding support that is equitable to what urban districts receive.

The settlement agreement also includes a commitment from Alaska Governor Sean Parnell to introduce legislation to fund five priority school construction projects in rural districts.

Representatives from Citizens for the Educational Advancement of Alaska's Children, the organization that represented the rural districts in the legal action, commended the commitment of new state executive leadership to resolving the case. Named plaintiff Willie Kasayulie, father of five, called the settlement "a long time coming." Another lawsuit in the state, *Moore v. Alaska*, brought to resolve funding adequacy problems for rural districts, continues separately.

*Read more:*

Local coverage

- [http://newsminer.com/view/full\\_story/15893929/article-Alaska-reaches-settlement-over-rural-schools?-instance=home\\_news\\_window\\_left\\_bullets](http://newsminer.com/view/full_story/15893929/article-Alaska-reaches-settlement-over-rural-schools?-instance=home_news_window_left_bullets)
- [www.adn.com/2011/10/04/2104026/state-settles-historic-lawsuit.html](http://www.adn.com/2011/10/04/2104026/state-settles-historic-lawsuit.html)

Read the settlement here:

- [www.alaskadispatch.com/sites/default/files/Kasayulie%20settlement.pdf](http://www.alaskadispatch.com/sites/default/files/Kasayulie%20settlement.pdf)

## New Finance Lawsuit in Montana

The Montana Quality Education Coalition (MQEC) is going back to court to try to rescue \$8 million in school funding that they allege was illegally cut from the state's education budget this year. Schools in Montana are guaranteed to receive an inflationary increase in state funds. The main biennial school-funding bill passed by the legislature this year included a 1% increase for this year and 2.43% for next year, for a total of 3.43% as directed by law. However, the bill also included contingency language so that some education funding relied on another piece of legislation that was ultimately vetoed by Governor Brian Schweitzer. As a result of the veto, the final allocation for schools was \$8 million short of the inflationary increase. The lawsuit contends that the contingent nature of the required original funding bill violates state law.

Montana legislators say that they created the contingency language to ensure that tourism dollars as well as oil and gas revenues would be used for school funding, a plan opposed by Governor Schweitzer, who called the tourism dollars too unstable.

The sources of school funding for Montana's schools have been a source of controversy and disagreement among education groups, politicians, and other state agencies. Oil and gas revenues, part of land trust funds that are largely dedicated to K-12 education, can fluctuate widely with economic conditions. In addition, school officials point out that surpluses that are gained in these revenues are not always distributed to schools during the funding biennium and that legislators set a funding amount for schools that does not increase when additional monies come in.

MQEC let the *Columbia Falls* school finance lawsuit effort that succeeded in securing additional education funding following the 2004 court victory, but funding has not been maintained as the economy declined. MQEC is made up of school districts and educational organizations from throughout Montana, including the Montana School Boards Association, School Administrators of Montana, the Montana Rural Education Association and the Indian Impact Schools of Montana.

*Read more:*

Local coverage:

- [http://missoulian.com/news/state-and-regional/article\\_49f16d3e-e4ca-11e0-bc35-001cc4c03286.html](http://missoulian.com/news/state-and-regional/article_49f16d3e-e4ca-11e0-bc35-001cc4c03286.html)
- [www.flatheadnewsgroup.com/whitefishpilot/article\\_46b826f0-fa76-11e0-a17b-001cc4c002e0.html](http://www.flatheadnewsgroup.com/whitefishpilot/article_46b826f0-fa76-11e0-a17b-001cc4c002e0.html)

MQEC's website maintains many of the legal documents filed in the earlier lawsuit, as well as additional local coverage of recent developments:

- [www.mqec.org/](http://www.mqec.org/)

Editorial on using various revenue sources for school funding system in the state:

- [http://billingsgazette.com/news/opinion/editorial/gazette-opinion/article\\_c4ca829c-4429-59ec-a60d-939d26a88003.html](http://billingsgazette.com/news/opinion/editorial/gazette-opinion/article_c4ca829c-4429-59ec-a60d-939d26a88003.html)

## Rural New Jersey Districts Head Back to Court

Sixteen rural school districts in the Garden State are seeking a court order, similar to one secured by urban districts last year, requiring recent school be restored. The sixteen rural districts, known as *Bacon* districts, so named for the lead plaintiff in the case, are primarily in the southern portion of the state.

*Bacon* districts are distinct from the *Abbott* lawsuit plaintiffs, which are the group of urban districts that have waged a long and successful battle in New Jersey courts for special needs funding to adequately educate their students, most of whom are low-income and members of minority groups. The *Abbott* districts brought their last legal action this spring after Governor Chris Christie vetoed the 2010 state budget that would have provided full education funding under the School Funding Reform Act (SFRA).

The *Bacon* districts have been battling since 1997 for supports and funding similar to those of the *Abbott* districts. According to Frederick Jacob, the plaintiffs' lawyer, *Bacon* districts were too small to be eligible to participate in *Abbott* lawsuit when it was filed in the early '80s.

In 2006, the *Bacon* districts secured a ruling that they were also 'special needs' districts and as a result of their poverty levels, faced circumstances as challenging as the *Abbott* districts and were "no less deserving." However, a court-ordered needs assessment was delayed 42 months until 2009. In the meantime, a new school funding formula, the SFRA, designed to direct additional funding to New Jersey districts based on poverty levels, had been enacted.

Ultimately, the needs assessment conducted by the Commissioner of Education found that the SFRA would take care of constitutional deprivations, and that additional funding was not indicated because the plaintiffs were not in need due to one of the following: 1) the district should have been doing more with current funding; 2) the district should be consolidated; or 3) the districts were doing well with current funding and would only benefit from SFRA changes.

The assessment ignored the court's order to consider the unique set of circumstances that distinguished rural districts from *Abbott* districts. It also acknowledged that the SFRA would not support the delivery of educational services in the smallest of the *Bacon* districts.

The current suit seeks an emergency order for full funding of the SFRA. The *Abbott* districts argued that restoration should be made for all districts. But the Supreme Court declined to extend the ruling and only ordered restoration of the \$447 million that had been cut from *Abbott* district's SFRA allocations, which forced this separate action. A hearing is expected before the end of the year. The SFRA has been strongly criticized by Governor Christie and his Commissioner of Education Chris Cerf.

*Read more:*

National coverage about the case:

- <http://online.wsj.com/article/SB10001424052970204422404576597423012412048.html>

Local coverage here:

- [www.pressofatlanticcity.com/news/breaking/poor-rural-schools-ask-court-to-order-state-to-provide/article\\_6d36ba92-e975-11e0-9d34-001cc4c03286.html](http://www.pressofatlanticcity.com/news/breaking/poor-rural-schools-ask-court-to-order-state-to-provide/article_6d36ba92-e975-11e0-9d34-001cc4c03286.html) and here: [www.njspotlight.com/stories/11/0928/0025/](http://www.njspotlight.com/stories/11/0928/0025/)

Editorial refuting Governor Christie's assertions about the current funding formula:

- [www.washingtonpost.com/blogs/answer-sheet/post/5-myths-about-gov-chris-christies-ed-reform-in-new-jersey/2011/09/29/gIAh6MZ8K\\_blog.html](http://www.washingtonpost.com/blogs/answer-sheet/post/5-myths-about-gov-chris-christies-ed-reform-in-new-jersey/2011/09/29/gIAh6MZ8K_blog.html)

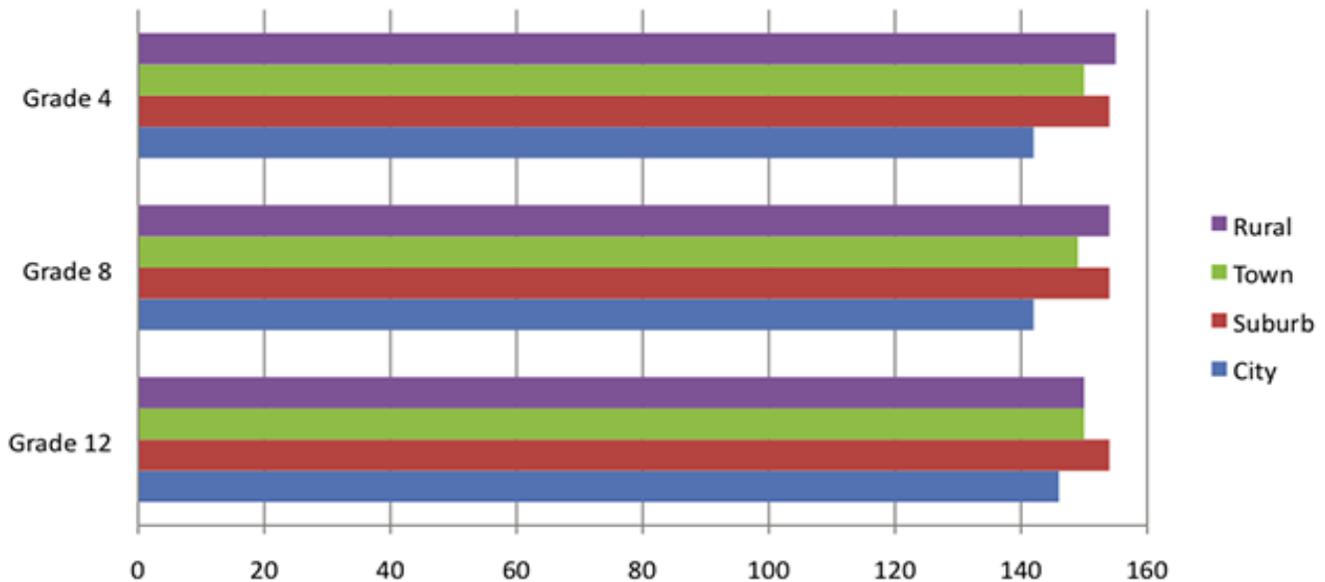
Read the *Bacon* pleadings here:

- [www.njspotlight.com/assets/11/0927/2247](http://www.njspotlight.com/assets/11/0927/2247)



# Average Scores in NAEP Science (2009) at Grades 4, 8, and 12, By School Locale

Average scores in NAEP science (2009) at grades 4, 8, and 12, by school locale



SOURCE: U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, National Assessment of Educational Progress (NAEP), 2009 Science Assessment.

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