



Printable Edition

Note: This resource includes all articles from the August 2012 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.

Fact and Figures: 16 States With High Rural Student Populations

Question: Rural students comprise more than 1/3 of all students in which 16 states?

Answer: Mississippi has a higher percentage of rural students than any other state (54.7%) and is followed by Vermont (54.6%), Maine (52.7%), North Carolina (47.2%), South Dakota (42.5%), South Carolina (40.0%), Alabama (39.7%), Tennessee (38.7%), North Dakota (38.6%), Kentucky (38.5%), West Virginia (37.6%), New Hampshire (35.8%), Arkansas (35.5%), Georgia (34.8%), Iowa (34.3%), and Montana (33.9%).

(Why Rural Matters, 2011–12. Data source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data, Public School Universe, 2008–09.)

A Life-Changing Experience: Global Fellows Travelogue, Part 2

Rural Global Teacher Fellows continued their travels in July and August. In Africa, Thailand, the Middle East, Europe, and Mexico, participants report warm welcomes and amazing experiences. Several Fellows worked in schools in their host countries and all commented on the eagerness of students to learn. Many Fellows made note of a wide range of measures to conserve water and energy, reduce pollution, and generally improve environmental sustainability in the places they visited.

The Rural Trust Global Fellows program awards up to 25 fellowships each year to teachers in rural and small town schools to support personal and professional development through international travel. Participants design summer learning experiences and develop interdisciplinary place-based learning curricula aligned with state and local content standards.

In the [July issue](#) of RPM, about half of the 2012 Fellows shared their travel experiences. This month we'll hear from the remaining participants.

Kathleen Overmyer, who teaches physical science at Ohio's Van Wert High School, has a keen interest in the relationships between wildlife and people.

Overmyer used her Fellowship to travel to the Baja Peninsula of



Global Fellows travel from rural American communities to points across the globe as part of their self-designed summer learning experiences.

Click on the photos for a larger image.

Mexico and to the Everglades National Park in south Florida. She notes that housing development and urbanization has had a major impact on the health of the Everglades ecosystem and has led to conflicts between wildlife and people. She even encountered two, apparently fearless, alligators that approached her boat.

In the Baja Peninsula, Overmyer visited Rancho San Gregorio, a desert cattle ranch, where the host family practiced water conservation measures and grew medicinal plants and their own vegetables.

She also traveled to the Sea of Cortez and the Vermillion Sea Research Station, which studies marine life in the area. She writes, "The biodiversity was amazing. I encountered pilot whales, a pod of 300–400 dolphins working together to herd fish, Bryde's whales, Sea lions, and Whale sharks! I was able to swim with the sea lions and whale sharks — what an amazing experience!"

Throughout her travels, Overmyer also attended lectures on using inquiry with students and plans to use the method with her own students.

Gary Johnson traveled to Ghana with the technology team for [EVCO](#) (Entire Village Computers Organization), an international organization that works to bridge the digital divide in Africa. His travels took him to seven rural schools that are developing computer labs. He met with principals, classroom teachers, IT teachers, and many students. He helped evaluate infrastructure and the potential in each school. He plans to create a global classroom at North Country Union High School in Newport, Vermont.

Math and fashion design might not seem an obvious pairing, but it's the creative combination that **Katie Hendrickson** explored in her travels to Paris, Belgium, and Italy. Hendrickson teaches pre-Algebra to middle school students in Athens, Ohio.

Hendrickson describes the kind of serendipity that graces the experience of many Fellows: "I rented a room in an apartment in Paris, and my host happened to be a writer who has profiled many people in the fashion industry. Every day over breakfast we talked about designers ... and she gave me tips on places to visit and people to contact. She was such a valuable source of information and it was completely coincidental that I happened to be staying with her!"

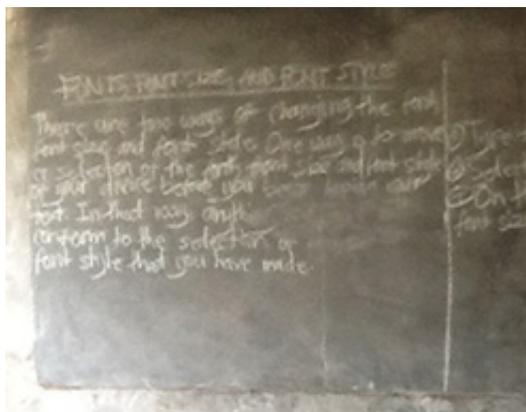
Nina Daye was one of several Global Fellows who noted the many ways that their host countries use sustainable practices. Daye teaches AP Environmental Science, physics, and forensics at Orange High School in Hillsborough, North Carolina and traveled to Germany. "There are many more infrastructures that decrease the carbon footprint of the society," she writes. Those include bike lanes, rail systems, wind turbines, and barns and other buildings equipped with photovoltaic solar panels.

She also notes that the guesthouse in which she stayed had been run by members of the same family for more than 600 years.

Meridith Reddick teaches Spanish at Oakland High School in Illinois and spent several weeks in Mexico where she attended Spanish-language immersion school in Guanajuato. She notes that the city has experienced a three-year drought and that her host family collected water from their washing machine and showers as well as in buckets on those rare occasions when rain



Overmyer swimming with a whale shark in Mexico.



A classroom in rural Ghana, where a teacher had written instructions for changing a computer font on the blackboard.



Katie Hendrickson, near the lace museum on the island of Murano in the Venetian Lagoon.

occurs.

You can read more about Reddick's experiences at blog at <http://2mexico4thetitans.blogspot.com>.

Carol Trickler, who teaches at Coalmont Elementary, was interested in learning more about the earliest European settlers in her Grundy County, Tennessee community. So she traveled to Holland, Wales, England, Scotland, and Ireland. Along her way she visited Plymouth, England, where the Mayflower set sail to the American colonies and Cobb, Ireland, home of 15-year-old Annie Moore, who brought her two younger brothers to the United States and was the first person registered at Ellis Island immigration station in New York in 1892.

Jennie Young traveled to Bangkok, Thailand, from Mendon, Missouri, where she teaches at Northwestern R-I Elementary School. As a volunteer with Cross Cultural Solutions, a program that coordinates volunteers in twelve countries, she worked with teachers and students. Young writes, "It was easy to embrace the culture which is based on the word "Sanuk," meaning fun!" Young also had opportunities to participate in lectures and discussions about a variety of international issues, including religion.

Leigh Rath, who teaches chemistry and physics at Harris County High School in Hamilton, Georgia, used her Fellowship to explore plate tectonics in the Ecuadorian Sierra and the Aeolian Islands and Sicily in Italy. She describes a lava flow in Sicily surrounded by a vineyard and expresses amazement at the ability of people to live with such uncertainty.

Ann Blackman traveled to Egypt where she visited schools in Giza, Cairo, Damanhour, Sohag, and Hurgurda. She participated in conjunction with [Global Footprints](#), an international program that works to support teachers and young people "explore global and social issues" and increase understanding of "the connection between their lives and the lives of others around the world."

Blackman observes striking similarities between curriculum in Egyptian schools and the Common Core Curriculum being adopted at Scott's Branch Middle School in Summerton, South Carolina, where she teaches English and Language Arts. She even notes that teachers in South Carolina and Egypt attend the same kinds of professional development workshops.

Blackman also visited many historical sites, including the Great Pyramids in Giza.

Sharmon Hagler traveled to Germany, Poland, and Israel through the [Holocaust and Jewish Resistance Teachers' Program](#). "I still struggle to describe this tour as I simply cannot find adjectives to adequately describe the journey," she writes. "I do become a little frustrated and angry when asked how I enjoyed my 'vacation.' Vacation it definitely was not!"

Hagler's travels took her to the killing camps of Bergen-Belsen, Sachsenhausen, Ravensbrueck, Auschwitz, Birkenau, Belze, and Treblinka, the ghettos in Krakow and Warsaw, and the 1936 Olympic Stadium in Berlin. She also visited Schindler's factory in Krakow; Christian historical sites in Jerusalem and Masada, Israel; and locations important to the founding of the nation of Israel in Haifa and Jerusalem.

"Walking past the piles of thousand pairs of shoes at Yad



Nina Daye in Schwarzwald (Black Forest), Germany in one of the least disturbed parts of the ecosystem.



Meredith Reddick in Guanajuato, Mexico.



Kilt Rock, Inishowen, Scotland.

Vashem or the mausoleum at Majdanek containing the ashes of thousands and thousands of murdered Jews, Poles, and others, or standing in the railroad track at Auschwitz leaves no doubt that the Holocaust occurred," Hagler writes. "It is this story that I will share with my students. I strongly feel a study of the Holocaust will empower my students to develop the skills to accept others who are different and stand up for injustices. My life has been forever changed."

The Rules We Play By

There's a list on the wall in Mr. Miller's classroom. It says, "I promise to respect you. I value your opinion. I know that we can accomplish great things. I expect you to complete your work on time."

Across the county the list on Mr. Cook's classroom wall says, "No running: three checks. No loud laughter: two checks. Late homework: not accepted."

Mr. Miller's list communicates high expectations for himself and his students as well as his intentions to hold everyone to those expectations. Mr. Cook's list communicates low expectations that students will misbehave and it makes clear that he will punish those who do.

These two simple examples of classroom rules illustrate the way policy works. They also demonstrate how policy governs practice and molds outcomes.

Mr. Miller's students are likely to rise to his high academic expectations and learn something about getting along with others. Mr. Cook's students are likely to mess up (since children naturally run and laugh), and when they do his policies will put them on a road to academic failure; his students are likely to approach their classroom learning experiences feeling defeated and angry.

"Policy is the concrete manifestation of the vision, mission, and intentions of an organization," says Jerry Johnson, co-author of *Why Rural Matters* and consultant to the Rural Trust. "Intentions mean nothing until you create a structure to implement them. You can tell what an organization believes in by reading their policies. Policies formalize and codify intentions."

Policy is the body of formalized rules and laws that govern an organization. Policy encompasses everything from federal statutes to the bylaws of an organization to the rules of an individual classroom.

Policies also have teeth, enforcement mechanisms that are more than guidelines and separate from cultural expectations.

Policy as context and tool

By creating rules and setting parameters, policy affects behavior and shapes what most people think is possible and acceptable. There are many ways this happens in education.

For example, a school funding law that provides more money for schools attended primarily by affluent students than for schools with poorer students, augments learning opportunities



Local floating markets in Bangkok, Thailand.



Leigh Rath on the road to the summit of Mt. Etna in Sicily, Italy.



Ann Blackman at the Great Pyramids in Giza, Egypt.



for students with relatively more resources to start with and diminishes opportunities for students whose circumstances create more learning challenges.

Sharmon Hagler at the Ghetto Uprising Memorial in Warsaw, Poland.

The policy shapes the behavior of teachers, making them more likely to gravitate to schools with more resources where they have a greater likelihood for success. It shapes the expectations of many students, causing them to think they earned or deserve what the school offers — for better or worse. And, the policy creates an attitude in the general public that resources are fairly allocated and that the abilities and attitudes of students are the main causes of their academic outcomes, despite the actual inequity.

Likewise, a funding law that hurts smaller schools may reflect indifference or ignorance on the part of policymakers or it may reflect the intent to accomplish something — like the fiscal asphyxiation of schools of certain sizes.

The same kinds of reasoning apply to other policies. A district decision to hire a social worker instead of a school police officer is a budgetary policy decision that creates a different set of expectations, behaviors, and likely outcomes for teachers as well as for students.

A district policy that mandates drill-and-test curriculum for all students scoring below thresholds on standardized tests will effectively block communities and teachers from using other curricular tools — like place-based learning or hands-on and project-based approaches — that could be more effective in engaging students and helping them succeed.

In this example, policy is a near-guarantee that lower-scoring students will not have access to the richer learning opportunities provided to other students, and the policy will push teachers who don't enjoy following a scripted curriculum into classrooms where they can exercise more personal agency and pedagogical judgment. The outcome for students might be higher scores on paper, at least temporarily, but students are much more likely to miss out on the kinds of learning experiences that make a positive, long-term difference in their lives.

While funding, discipline, and the uses of testing are obvious examples of far-reaching educational policies, there are many others, including teacher certification and evaluation, curriculum standards, assessment practices, and charter authorization, to name a few.

In most cases policies have a profound effect on practice. "Policy is the context in which practice occurs and to a large extent governs what's possible," says Amanda Adler, Rural Trust consultant and editor of Rural School Funding News.

Yet the intent of policy is often masked. Advocates of a specific policy don't always come clean about their hoped-for outcomes, and it can be hard for other people to discern what the underlying goals are.

Even the most carefully crafted policies cannot anticipate all outcomes, nor please everyone, so effective organizations usually have provisions for ongoing review and revision of policies. "Policy is a pretty blunt instrument," says Page McCullough, Field Services Manager for the Rural Trust. "Making policy is often a messy process because it requires compromise; people rarely get everything they want and there are usually losers as well as winners."

Yet it is exactly these characteristics of policy that make broad public involvement in policymaking so important.

Policy as affordance

Policy is also a way to increase the likelihood that certain behaviors will occur. In this way, policy is an affordance, meaning that it is something in the environment that signals possibilities for action. In much the same way that a knob signals turning, policy signals behavior.

For these reasons, policy has the potential to change people's collective minds. It makes specific behaviors or conditions more common and therefore more acceptable.

This characteristic can work for good or ill. For example, if policy directly or indirectly denies healthy food to certain groups of children, society will increasingly see child malnutrition or even starvation as inevitable. But if policy provides many ways for all children to have nutritious meals, society will see child health and well-being as an achievable and supportable goal.

In public contexts and democratic organizations, policy has a chicken-and-egg quality: participants both influence and are influenced by policy decisions and implementation.

A rural voice in policy debate

It has been decades since American public education has been the subject of as much fierce debate and policy action as is the case currently. Nearly everything from teaching to resource allocation, student data tracking to parent

involvement; and a wide range of privatization initiatives are up for grabs. These issues add up to much more than professional debates about educational methodologies. They cut to core values about the purpose and role of public education in democracy and the role of the public in determining what education is and who it answers to.

In upcoming issues, *RPM* will explore key aspects of public policy — how policy is made, the roles of research, organizing and advocacy, and legal action in influencing policy decisions, and most importantly, why rural children and their schools and communities must be represented in policymaking contexts.

Budget Sequestration: Tougher Times Ahead for Rural Schools?

Nearly \$5 billion dollars will be cut from federal education programs if Congress and the Administration don't reach a budget agreement by the end of this year. The cuts will disproportionately affect funds distributed through formula grants — grants for which districts do not have to compete — for programs for low-income students and students with disabilities.

Mandatory budget cuts = sequestration

The potential \$4.8 billion in cuts to federal education programs are part of a larger \$1.2 trillion cut to federal spending that will begin going into effect January 2, 2013 failing a budget agreement prior to that date.

These mandatory across-the-board cuts to federal spending (some programs are exempted) are termed sequestration. Sequestration of \$1.2 trillion was written into the Budget Control Act of 2011. Its threat, sometimes referred to as the "fiscal cliff," was intended to force Republicans and Democrats, Congress and the President, to reach a balanced budget after having failed to do so as part of the regular budgetary process.

The budget impasse is part of a larger political fight over how to address the federal budget deficit. Republicans have so far refused to consider any measures to raise taxes and insisted on renewing tax breaks, including those for the very wealthy, set to expire at the end of this year. Democrats have insisted on a combination of spending cuts and tax increases and on allowing tax breaks for the wealthiest to sunset as scheduled in current law.

When no budget was reached, Congress passed the Budget Control Act, which authorized the bi-partisan Joint Select Committee, aka the "Congressional Super Committee," to work out a budget. If the Committee failed to reach a budget agreement, the law mandated \$1.2 trillion in cuts (sequestration), split equally between defense and non-defense programs. Sequestration was widely viewed as a catastrophic threat to incentivize an agreement.

However, the Super Committee adjourned without reaching a budget agreement, punting the issue back to Congress and the President to come up with a budget by January 2.

Many Capitol Hill watchers have expected that much of the budget debate is political maneuvering in advance of the Presidential election and that little will happen until the election outcomes are clear.

Potential Defense Cuts Dominating Media Attention

Much media coverage of sequestration has been focused on potential cuts to military spending. This attention to Defense cuts has to do with a variety of factors, including the many D.C. area jobs that are connected to the military; the possibility that sequestration would affect some \$200 billion in private contracts; the reality that politicians in both parties want to seem strong on defense, especially in an election year; and a partisan fight over whether a law requiring a 60-day notice for layoffs for certain federal employees applies to the sequester or to employees of defense contractors. That 60-day notice falls on November 2, four days before the election.

Education cuts disproportionately affect low-income students

Relatively less attention has been given to the potential impact of sequestration on non-defense programs. Nevertheless, in July, the U.S. Senate held hearings on the impact of sequestration on federal education spending. Also in July, the National Education Association (NEA) released analysis detailing how much various education programs would be cut by sequestration.

The \$4.8 billion in federal education cuts, should sequestration occur, will affect four programs: Title I of the Elementary and Secondary Education Act (ESEA), which provides funding for very low-income students; Title II of ESEA (teacher quality); IDEA, Part B, which provides funding for students with disabilities (Special Education); and Career, Tech, and Adult Education programs.

These programs also include Head Start, Before and After School programs, Impact Aid, Education for Homeless Children programs, Rural Education Achievement Program (REAP), federal work study, and grants for School

Improvement (SIGs), English Language Learners, and TRIO (services to support disadvantaged students from middle school through college) among others.

The cuts would go into effect in July, 2013 and apply to the 2013–14 school year. They would take spending back to 2002 levels in several programs, despite an increase in both the number of students served and the costs of implementation.

According to the NEA analysis, these cuts would affect 9.35 million students and eliminate upwards of 80,000 jobs.

The problem with cuts to formula programs

One of the most significant, yet under-reported aspects of the potential education budget cuts is that they so heavily affect formula programs.

Formula programs are those that provide funding to districts based on the number of students who qualify for the services the program provides. They are designed to ensure extra support for students with significant educational challenges. The exact amount of funding is determined through formulas that consider a variety of factors. In formula grants, districts are not forced to compete against each other for funding.

For these reasons formula grants are especially important to districts that are small, high-poverty, low-wealth, and/or rural because these districts are the least likely to have the existing funds and staffing capacity to write competitive grants, and their smaller student numbers, more scattered locations, and widely diverse circumstances also make them less able to “win” in a competitive context. Formula grants provide access to federal education support for all students, regardless of where they happen to live.

It is important to note that many of the Department’s competitive grant programs, including Race to the Top and Investing in Innovation (i3), are not part of the Discretionary Budget and, therefore, not subject to sequestration.

It is also important to note that many federal formula grants, including Title I, use formulas that discriminate against smaller, higher-poverty school districts. You can read more about problems with Title I funding at the [Formula Fairness Campaign](#).

For these reasons, sequestration could mean especially dire consequences for the poorest children in the poorest school districts, those with the fewest resources and the least access to educational opportunity.

Read more:

General coverage

- www.washingtonpost.com/blogs/2chambers/post/what-is-the-sequester-video/2012/07/17/gJQAnZXvrW_blog.html

NEA analysis

- www.nea.org/home/52527.htm

State breakdown of potential cuts:

- www.nea.org/home/52610.htm

Senate Hearings on Impact of Sequestration on Education

- www.appropriations.senate.gov/ht-labor.cfm?method=hearings.view&id=99c3c031-214a-4ae7-8545-f8f08cfdc40d

RTTT-D Competition and Small High-Poverty Districts

The federal Race to the Top program is now in its third round and this year’s competition includes a program aimed exclusively at school districts (Local Education Associations/LEAs). The competitive grant program is focused on classroom level reform efforts that personalize education for all students and emphasize the relationship between educators and students. Applicants must file an online Intent to Apply by August 30.

Rural Provisions

The Race to the Top-Districts (RTTT-D) program includes several provisions for rural LEAs. On one hand, rural

districts are given separate Absolute Priority status from non-rural districts. On the other hand, only districts with 2,000 students may apply directly. Those with fewer students must apply in consortia of at least 10 districts. This means smaller rural districts must establish partnerships, align goals, and coordinate the efforts of multiple districts in addition to writing the grant. This provision has drawn critique from several organizations including the [National School Boards Association](#).

Further, RTTT-D includes a Competitive Preference Priority for applicants that “integrate public and private resources to augment schools’ core resources.” The isolation of many rural communities defines a lack of access to public and private resources, especially in high-poverty rural places.

Generally, rural districts are at a disadvantage in competitive grant situations because they are smaller and have fewer financial resources, giving them less ability to hire grant writers or assign staff to grant and development activities.

RTTT-D requirements and award information

In order for LEAs to apply for RTTT-D, at least 40% of all participating students must be from low-income families, based on eligibility for free or reduced-price lunches.

Other RTTT-D requirements emphasize core Administration goals embedded in previous initiatives. For example, LEAs must have teacher evaluation systems in place that track teachers to individual students and track individual students from pre-K through 12th grade and beyond; and districts must measure student progress against college- and career-ready standards.

The RTTT-D program will award 15–25 grants totaling \$555 million. Grant amounts are determined by the number of students served in the application, with \$5 to \$10 million available for applicants serving 2,000 to 5,000 students and up to \$40 million for applicants serving more than 25,000 students.

Grant applications are due on October 30. Awards will be announced in December.

Read more:

- http://schoolboardnews.nsba.org/2012/08/nsba-shows-how-race-to-the-top-hurts-small-districts/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+boardbuzz+%28BoardBuzz%3A+NSBA%27s+Daily+Weblog%29

Race to the Top website:

- <http://www2.ed.gov/programs/racetothetop/index.html>

Race to the Top District homepage:

- <http://www2.ed.gov/programs/racetothetop-district/index.html>

RTTT-D FAQs:

- <http://www2.ed.gov/programs/racetothetop-district/faqs.pdf>

Alabama Schools Not Allowed to Check Immigration Status

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

One of the more controversial elements of Alabama’s sweeping immigration law, passed last year, was the requirement that schools check the immigration status of all new students and their parents and report a tally of the number of students whose families lacked immigration or citizenship documents.

That provision along with several others was immediately challenged in federal court and an injunction was issued barring enforcement of the school provision until a determination was made on its legality.

Last week the U.S. Court of Appeals for the 11th Circuit issued three decisions on immigration laws in Alabama and Georgia. In those decisions, the Court held that schools could not be required to demand documents from students or their families.

Alabama’s immigration law is widely considered the most far-reaching in the country and is the only law that attempted to engage schools in determining the immigration status of residents.

Read more:

- www.nytimes.com/2012/08/22/us/appeals-court-limits-alabamas-immigration-law.html
- www.nytimes.com/2012/08/21/us/alabama-court-gives-mixed-rulings-on-immigration-checks.html

School Discipline Policy

DOJ Investigation Finds Mississippi County Court, Police Department and Youth Services Operating School-to-Prison Pipeline

The U.S. Department of Justice (DOJ) has accused three Mississippi agencies of operating a school-to-prison pipeline and warned them to begin “meaningful negotiations” with DOJ within 60 days or face a federal lawsuit.

An investigation that began in December found that Meridian, Mississippi students were being arrested without adequate assessment of probable cause, were denied due process in youth court and probation actions, and were exposed to other violations of their constitutional rights. In a letter to the Lauderdale County Youth Court, the Meridian Police Department, and the Mississippi Division of Youth Services, a division of the state Department of Human Services, the DOJ outlines its findings and states that a pattern of serious deprivation of constitutional rights and irreparable harm to children exists in Meridian.

According to DOJ documents, Meridian Police Department personnel follow a policy of automatically arresting all students referred to them by the Meridian Public School district. The Youth Court then places the students on probation without following constitutionally-required due process procedures.

Many students were subsequently incarcerated for “probation violation” at the next minor school disciplinary offense, including such minor offenses as dress code violations, defiance, and flatulence. Under the terms of the probation, all school suspensions had to be served in the juvenile detention center.

The DOJ investigation found that African-American children and children with disabilities were disproportionately affected by the violations. The letter notes that students in the Meridian school district are expelled and suspended for longer than ten days at a rate almost seven times the rate for Mississippi schools generally.

During the investigation, DOJ held a number of meetings with community members as well as affected families and other stakeholders, but it was denied access to Youth Court staff and records. DOJ noted that the refusal of the Youth Court to cooperate contributed to their intention to access the court system to resolve the problems in the event a collaborative approach does not work in the next 60 days.

The eastern Mississippi community has been the target of a number of reform efforts on behalf of students, including a previous DOJ investigation that led to the closure of the youth treatment center, which was shut down earlier this year.

Read more:

- www.cnn.com/2012/08/10/us/mississippi-juvenile-justice/index.html?hpt=hp_c2
- www.jacksonadvocateonline.com/?p=9989

Read the Department of Justice Press Release with a link to the Letter of Findings here:

- www.justice.gov/opa/pr/2012/August/12-crt-993.html

Op-ed advocating that positive discipline be considered in teacher and principal evaluations:

- www.clarionledger.com/article/20120814/OPINION01/208140331/Merit-pay-Discipline-dictates-learning?odyssey=mod%7Cnewswell%7Ctext%7COpinion%7Cp

Rural School Funding News

New Ruling Is Good News for At-Risk Preschoolers in North Carolina

Plaintiff districts in the state's school funding case known as *Leandro* succeeded in court this month when a three-judge panel of the North Carolina Court of Appeals agreed that the state cannot create barriers that would prevent eligible preschoolers from enrolling in a pre-kindergarten program. The unanimous verdict upheld last year's ruling by Superior Court Judge Howard Manning who ordered that every eligible child be served.

The school districts returned to Manning's court after last year's session when the state legislature cut the budget substantially, capped the number of children who could attend, and imposed copayments on families wishing to enroll their children. As a result, last year's enrollment of 24,000 was down significantly from previous years. Statewide, around 67,000 children are considered "at-risk" and eligible for a state pre-k program. Public schools often provide the only available pre-k slots in many small and rural counties.

After Manning ruled the budget cuts were unconstitutional, the legislature appealed the decision, saying that the pre-k program was not a necessary remedy to provide a sound, basic education, and that the judge had overstepped his authority by mandating statewide pre-k. But the Court of Appeals pointed out that it was the State that had initially made the decision to implement pre-k to meet the demands of *Leandro*:

"Under *Leandro II*, the State has a duty to prepare all 'at-risk' students to avail themselves of an opportunity to obtain a sound basic education. Pre-kindergarten is the method in which the State has decided to effectuate its duty, and the State has not produced or developed any alternative plan or method."

The *Leandro* case guarantees a "sound, basic education" for all North Carolina students. In a 2000 decision, Judge Manning ruled that the constitutional mandate includes pre-kindergarten education for all "at-risk" children. This ruling was hailed nationally for specifically citing the importance of early childhood education. The state responded by implementing the More at Four programs. You can read previous *RSFN* coverage [here](#).

Notably, the Court of Appeals also pointed out that, for the Legislature, the process of carrying out its constitutional duty is not static. "What is required of the state to provide as 'a sound basic education' in the 21st century was not the same as it was in the 19th century, nor will it be the same as it will be in the 22nd century," the ruling states. "It would be unwise for the courts to attempt to lock the legislative and executive branches into a solution to a problem that no longer works, or addresses a problem that no longer exists."

Staff members for legislative leadership say they are likely to file an appeal to the North Carolina Supreme Court.

Read more:

- www.newsobserver.com/2012/08/21/2282524/court-lifts-cap-on-poor-children.html#storylink=cpy
- <http://www2.journalnow.com/news/2012/aug/22/wsmet01-appeals-court-upholds-ruling-on-pre-k-stop-ar-2538237/>
- www.heraldsun.com/view/full_story/19937296/article-Advocates-pleased-by-pre-K-ruling

Op-ed on the ruling:

- www.charlotteobserver.com/2012/08/21/3469241/fix-pre-k-without-another-loss.html

Read the opinion here:

- <http://appellate.nccourts.org/opinions/?c=2&pdf=MjAxMi8xMS0xNTQ1LTEucGRm>

Proposed Georgia Constitutional Amendment on Charters Highlights Debate Over Funding

Pitched legislative debate over charter schools in the Peach State has resulted in a constitutional ballot question being placed on this November's ballot, and voters are already hearing strong rhetoric from both supporters and those who oppose the measure.

The amendment question on the ballot will read "Shall the Constitution of Georgia be amended to allow state or local approval of public charter schools upon the request of local communities," but many claim that wording is misleading since both the state and local districts can already approve charter schools.

State Education Superintendent John Barge broke party lines when he announced his opposition to the amendment earlier this month, saying in a prepared statement:

"I cannot support the creation of a new and costly state bureaucracy that takes away local control of schools and unnecessarily duplicates the good work already being done by local districts, the Georgia Department of Education, and the state Board of Education. What's more, this constitutional amendment would direct taxpayer dollars into the pockets of out-of-state, for-profit charter school companies whose schools perform no better than traditional public schools and locally approved charter schools (and worse, in some cases)."

Barge went on to say that that "until all public school students are in school for 180 days, until essential services such as student transportation and student support can return to effective levels, and until teachers regain jobs with full pay for a full school year, we should not direct one more dollar away from Georgia's local school districts — much less an additional \$430 million in state funds, the cost of adding seven new state charter schools per year over the next five years."

In response, Gov. Nathan Deal released a statement that said Barge "no longer believes parents should have public school options for their children." Policy watchers have noted that several for-profit charter management organizations have made significant donations to a number of lawmakers who support the amendment.

Cuts to Georgia's public schools have totaled over \$4 billion in the last four years, and some districts have shortened the school year by as much as 20 days. Over 4,000 teaching positions have been lost in the state.

The impetus for the proposed amendment began in May 2011 when Georgia's Supreme Court effectively shuttered the State Charter School Commission, which was an independent chartering authority in the state. The court held that the state constitution did not permit entities other than state and local boards of education to establish and run public schools.

The real issue at hand in the debate over the Commission, however, was funding. As in most states, Georgia school districts can approve charter schools and, when they do, charters receive local as well as state and federal funding. If a district does not approve a charter, the charter can appeal to Georgia's State Board of Education, which can also approve charters; state charters receive state and federal, but not local, dollars.

Georgia's Charter School Commission was formed in 2008 when charter supporters in the state claimed that too many charters were being denied by districts and that charters could not operate with only state funds. The Commission began approving schools and directing districts to allocate local dollars to charter school students. Seven school systems sued to have the state law that created the Charter Schools Commission declared unconstitutional. The amendment would have the effect of restarting the Commission.

Current state-approved charter schools received a boost during this year's legislative session when lawmakers almost doubled the amount of state money they will receive per-pupil, a move they characterized as 'bringing parity' to charter schools. That supplemental money will go to state-approved schools no matter what voters decide this fall.

According to analysis by the Georgia Department of Education, some charter schools could get as much as two and a half times the amount of state funding that traditional public schools receive. Currently, per-capita funding for students in virtual schools is nearly twice as much as public school funding, according to an analysis by Georgia State Superintendents Association.

Current polling data shows the amendment will likely pass.

Read more:

- www.ajc.com/news/charter-school-debate-ramps-1494447.html
- <http://onlineathens.com/local-news/2012-08-09/charter-amendment-threat-public-schools-reformers-say>
- <http://onlineathens.com/local-news/2012-08-12/special-charter-schools-get-more-state-money-new-formula>
- www.ajc.com/news/georgia-politics-elections/barge-comes-out-against-1499266.html
- www.ajc.com/news/governor-plugs-charter-school-1504802.html

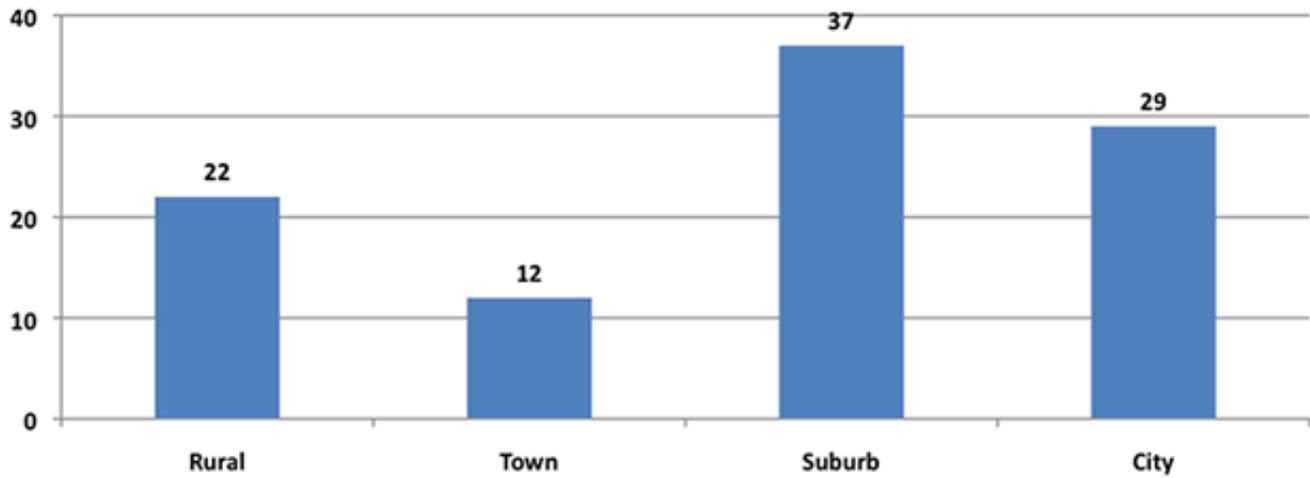
Op-ed on the constitutional amendment:

- <http://onlineathens.com/opinion/2012-08-20/yarbrough-charter-school-advocates-running-scared>



AP and IB Credits Earned by Locale, 2009-10

Percentage of Advanced Placement/International Baccalaureate Mathematics credits earned by high school students, 2009-10



Source: U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, National Assessment of Educational Progress (NAEP), 2009 High School Transcript Study (HSTS).