New era in education

States starting to implement new federal law that gives them more responsibility to improve school performance

by Tim Anderson (tanderson@csg.org)

W hen the Every Student Succeeds Act got signed into law late last year with bipartisan congressional support, many state education leaders were quick to laud its passage and what it would mean for local control over schools. Phil Pavlov, chair of the Michigan Senate Education Committee, said it opened the possibility for states to set their own policies, “without constant fear of federal intrusion and repercussions.”

In Ohio, Sen. Peggy Lehner hailed the start of a new era in U.S. education policy. “[H]e is the most significant education reform bill in the past 14 years,” the chair of the state Senate Education Committee said, and would provide “new tools to advance the education of the children of Ohio.”

But as both Pavlov and Lehner noted, that additional flexibility will come with greater responsibility for states. As the new law becomes fully implemented, the federal government will take a step back in some key areas of education policy and rely on states to step up.

“That means finding ways to strengthen schools that really need our help,” says Chris Minnich, executive director of the Council of Chief State School Officers. “Five or seven years from now, it’s going to be really important, for the credibility of states, to show that our lower-performing schools have improved. Congress has trusted the states to get this right, and we have a window to do that.”

Whereas the old federal education law was quite prescriptive on how to turn around schools where student performance lagged, the new one leaves these decisions to states and local school districts.

But one primary goal remains the same: making a quality education available to all young people.

No Child Left Behind Act. (The original Elementary and Secondary Education Act of 1965 was a civil rights law.)

One important legacy of No Child Left Behind, though, was requiring more accountability and transparency — demanding that states assess students; report the results; measure school performance; and break down performance data for various subgroups of students (for example, the economically disadvantaged and major racial and ethnic groups).

Those parts of NCLB remain intact under the Every Student Succeeds Act; the big changes are in how states can use that information.

“Under the old federal education law, schools that did not meet “adequate yearly progress” (based on measures such as graduation rates and test scores) had to take a series of steps to improve.

“It was very much one-size-fits-all,” says Laura Pinsonneau, director of the Wisconsin Department of Public Instruction’s Office of Educational Accountability.

“So for example, every school identified for improvement at level one [due to a lack of “adequate yearly progress”] had to do the same thing. At level two, they had to do the same thing, regardless of the depth of the challenges at each school.”

That is no longer true under the new federal education law.

For starters, the Every Student Succeeds Act creates three distinct categories of schools that require state or local intervention.

One category is for schools with graduation rates at or below 67 percent or that are performing in the bottom 5 percent of all schools within the state (based on accountability indicators developed by the state itself).

% of total K-12 revenue from federal, state and local sources (2012-13)

<table>
<thead>
<tr>
<th>State</th>
<th>Federal</th>
<th>State</th>
<th>Local</th>
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</thead>
<tbody>
<tr>
<td>Illinois</td>
<td>4.8%</td>
<td>26.1%</td>
<td>69.1%</td>
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<tr>
<td>Indiana</td>
<td>4.7%</td>
<td>19.5%</td>
<td>75.8%</td>
</tr>
<tr>
<td>Iowa</td>
<td>4.1%</td>
<td>13.1%</td>
<td>82.8%</td>
</tr>
<tr>
<td>Kansas</td>
<td>4.0%</td>
<td>20.3%</td>
<td>75.7%</td>
</tr>
<tr>
<td>Michigan</td>
<td>4.9%</td>
<td>21.4%</td>
<td>73.7%</td>
</tr>
<tr>
<td>Minnesota</td>
<td>5.3%</td>
<td>30.7%</td>
<td>64.0%</td>
</tr>
<tr>
<td>Nebraska</td>
<td>5.0%</td>
<td>20.2%</td>
<td>74.8%</td>
</tr>
<tr>
<td>North Dakota</td>
<td>4.4%</td>
<td>32.0%</td>
<td>63.6%</td>
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<tr>
<td>Ohio</td>
<td>4.4%</td>
<td>20.3%</td>
<td>75.3%</td>
</tr>
<tr>
<td>South Dakota</td>
<td>3.8%</td>
<td>31.2%</td>
<td>65.0%</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>3.7%</td>
<td>16.3%</td>
<td>79.9%</td>
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Most of the provisions in the Every Student Succeeds Act will begin to take effect in the 2017-18 school year. The new federal education law gives states much more discretion on how to intervene in schools in need of improvement due to poor student performance.
### Education

**New Iowa law will hold local career and technical education programs to a higher standard**

Career and technical education programs in Iowa schools will be held to a higher set of standards under legislation passed this spring.

CTE programs use work-based learning to prepare students for life after high school, whether that is entering the workforce or attending college. Iowa’s standards hadn’t undergone a major revision since 1989, allowing each school district to evolve CTE programs at its own pace.

Over time, pockets of high-quality CTE programs took root across the state, and state officials became concerned that students did not have equal access to high-quality programming, says Jeremy Varner, administrator of the Iowa Department of Education’s Division of Community Colleges and Workforce Preparation.

To ensure equity among CTE programs, the Iowa Legislature established the Secondary CTE Task Force in 2013. After studying the issue for two years, the task force issued five recommended changes to the state’s CTE policies, which were then translated into legislation (HF 2392) that was adopted this year.

The legislation calls on CTE programs in Iowa to:
- align their courses and other offerings with needs of students, employers and the state’s economy;
- integrate career guidance into a student’s educational experience;
- teach students about the workforce at an earlier age;
- expand student access to work-based learning; and
- create regional partnerships among education stakeholders.

Schools will be required to provide students with access to an electronic, vendor-provided career information and decision-making system that they can use to explore options that match their interests.

All 8th-grade students will design an individualized academic and career plan that will be used to direct their coursework in grades 9–12. Districts must designate a team comprised of a school counselor, a CTE teacher and a work-based learning coordinator to help each student successfully complete his or her plan.

This team is also required to consult regularly with representatives of employers, state and local workforce systems and centers, higher-education institutions, and postsecondary training programs to ensure that the school’s CTE offerings are relevant and align with the labor and workforce needs of the region and state.

Rep. Mary Ann Hanusa, who sponsored HF 2392, hopes these measures will expose students to different kinds of job opportunities.

“There is a middle-skills workforce shortage in Iowa,” says Hanusa. “We had been hearing from businesses across the state that they simply did not have the employees that they needed.”

Middle-skills jobs, such as construction or manufacturing, require education beyond high school but not a four-year degree. According to a 2014 study by the National Skills Coalition, middle-skills jobs accounted for 57 percent of Iowa’s labor market, but only 50 percent of the state’s workers were trained to that level.

### Midwest-Canada Relations

**U.S., Canada look to expand preclearance program from airports to other travel modes**

Fourteen years after a binational agreement between Canada and the United States led to the use of preclearance facilities at select airports, a legislative push is on to expand the program to other modes of travel between the two countries.

These facilities allow people traveling to the United States (U.S. citizens and residents, as well as foreign nationals) to clear U.S. immigration and customs from their departure point rather than their arrival point. They currently operate at eight Canadian airports.

The two countries have already signed an agreement to allow for preclearance at select land, rail and marine facilities (for example, passengers traveling from Canada accessed border facilities under the U.S. Customs and Border Protection’s air preclearance program are in Canada, including in Alberta, Manitoba and Ontario).

In fiscal year 2014, preclearance intercepted more than 10,000 inadmissible travelers before they departed from foreign soil.

Also in FY 2014, the U.S. Customs and Border Protection program processed more than 16 million U.S.-bound travelers at preclearance locations.

Bilateral agreements between the United States and foreign countries provide reimbursement for the host country for most costs associated with preclearance services.

For preclearance to be expanded, however, legislation must first be passed in the United States and Canada. On the U.S. side, the Promoting Travel, Commerce, and National Security Act (S. 2612 and H.R. 4657) was introduced earlier this year.

Thus far, this legislation has gone nowhere in the U.S. Congress despite little or no opposition to it, says Daniel Ujczo, an international trade and transportation specialist.

According to the Border Policy Research Institute, based at Western Washington University, expanding preclearance would save international travelers considerable time as they enter the United States — for example, 20 to 30 minutes for those on a ferry from British Columbia to Washington state or close to 15 minutes for those on an Amtrak train from Vancouver.

Similar time savings would extend to the Midwest as well. According to the U.S. Bureau of Transportation Statistics, more than 15,000 rail passengers traveling from Canada accessed border facilities in Detroit and Port Huron, Mich., in 2015. Meanwhile, another initiative to ease cross-border travel recently got a boost with U.S. implementation of the Known Employer pilot program, which provides preauthorization to businesses that often move employees between facilities or that need additional workers.

For the program, Ujczo says, “allows [companies] to avoid having to keep submitting the same information and decision-making system that they can use to explore options that match their interests.”

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### Facts, figures on preclearance

- Eight of the 15 international airports with preclearance facilities under the U.S. Customs and Border Protection’s air preclearance program are in Canada, including in Alberta, Manitoba and Ontario.
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Wisconsin offering new grants to farmers to lead initiatives that curb nutrient runoff

Inspired by some of the farmer-led projects being done in neighboring Iowa and looking for new ways to improve water quality, legislators in Wisconsin are providing financial assistance to groups of agricultural producers that collaborate on new conservation initiatives.

The Producer Led Watershed Protection Grants Program was included in the state’s current budget (adopted in 2015), which provides $250,000 annually, with individual grants capped at $20,000. Participating producers must provide a 1:1 funding match.

Under the program, farmers work with nutrient-management specialists in a single watershed. Each grant application must define a method to reduce nutrients entering the watershed, have at least five farmers who agree to participate, and describe how to measure the project’s impact.

“Projects are based on agriculture producers voluntarily developing and implementing nonpoint runoff abatement projects, which are not only good for the watershed, but also good for the producers’ bottom line,” Wisconsin Sen. Sheila Harsdorf says.

According to Wisconsin Rep. Amy Loudenbeck, this producer-led grant program was developed after discussions throughout the state on how farmer-to-farmer communication could promote positive change in agriculture and water quality.

In order to encourage producers to implement new conservation measures, financial incentives can be included in the grant to help them move forward with a variety of strategies — for example, using nutrients more efficiently, planting cover crops, better measuring runoff, improving crop diversity, or installing agricultural drains and filter strips.

Fourteen grants were awarded during the first round of applications, with most of these projects being a collaboration between farmers and either a county land conservation department or a University of Wisconsin extension office. Many of the projects will include field days and conferences for outreach. Their first progress reports will be due in spring 2017, and Wisconsin is now accepting the second round of applications for the matching grant program.

This new initiative in Wisconsin is just one of many examples of how states in the Midwest are trying to reduce nitrogen and phosphorus runoff into the region’s rivers and lakes.

According to the U.S. Geological Survey, across the watersheds that feed the Mississippi River, agriculture contributes up to 70 percent of the nitrogen and phosphorus that end up in the river and, ultimately, the Gulf of Mexico. (Other contributors include urban lawns, industrial and sewage discharges, failing septic systems and even places such as golf courses.)

These excess nutrients have resulted in drinking water contamination and aquatic dead zones, giving rise to human health issues and legal challenges.

As a result, the U.S. Department of Agriculture has been providing cost shares to farmers who implement conservation planting or cover crops to decrease nutrient runoff — yet these practices have been adopted in less than 30 percent of the Midwest’s crop acreage.

States, then, are looking for other ways to curb nutrient runoff. Iowa is building shallow wetlands to filter runoff water before it hits the rivers, while also providing cost-share programs to farmers who use cover crops or reduce tillage. Minnesota is requiring buffers between farmed ground and bodies of water, and Ohio is restricting manure and fertilizer applications during periods of expected runoff due to rain or snow.

Source: U.S. Department of Agriculture, Natural Resources Conservation Service

In 2015, the last year for which the U.S. Centers for Disease Control and Prevention has compiled data, 47,055 individuals died of a drug overdose. Opioid-related overdose deaths — from prescription pain killers or heroin — accounted for 61 percent of the total that year. In the Midwest, opioid death rates in 2014 were higher than the national rate in three states: Michigan, Ohio and Wisconsin.

Opioid overdose deaths are becoming all too familiar, even if the epidemic hasn’t spread yet to the state in which you live.

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Besides law enforcement strategies, many states are adopting a public health approach known as “harm reduction” — a set of practical policies and ideas aimed at reducing negative consequences of drug use.

For example, prescription drug monitoring programs, now in place in all 11 states in the Midwest, require prescribers of controlled substances to report their prescriptions to a state database. States differ in their requirements to check the PDMPs. Indiana and Minnesota require checks only for opioid treatment, workers’ compensation and pain clinic prescribers. In Wisconsin, prescribers are not required to check for other opioid use before issuing a prescription. The strictest mandate, which Ohio has adopted, requires all prescribers to query the PDMP when initially prescribing and then again at three-month intervals.

All Midwestern states except Kansas have adopted laws to increase access to naloxone, a fast-acting antidote taken via injection or nasal spray, to a person suffering from an overdose. Four of the states allow possession of naloxone without a prescription by people who might live with drug users or be users themselves. And six states in the region — Illinois, Michigan, Minnesota, North Dakota, Ohio and Wisconsin — have “good Samaritan” laws that encourage individuals to seek medical help for those with a drug overdose. Under these statutes, the person reporting the overdose (as well as the individual suffering from it) does not face criminal charges related to drug possession.

One of the more controversial strategies is the use of syringe exchange programs. Only two Midwestern states (Indiana and Illinois) explicitly allow exchanges. Michigan, Minnesota, Ohio and Wisconsin have removed barriers to the operation of exchanges by decriminalising possession of syringes and drug paraphernalia or by allowing prevention of blood-borne disease.

Indiana’s law was passed after an explosion of HIV cases related to sharing needles in the town of Austin. “Our legislation was based on overwhelming research supporting syringe exchange as a highly effective harm-reduction measure,” says Indiana Rep. Ed Clere. “Anecdotally, we hear that more addicts seek treatment through the exchanges than through other social services, that police are less likely to be accidentally stuck by used needles and that visits to emergency rooms have decreased.”

Health & Human Services

Opieate overdose deaths (per 100,000 population) in Midwest, 2014

Source: U.S. Centers for Disease Control and Prevention

Brief written by Carolyn Orr, staff liaison to the Midwestern Legislative Conference Agriculture and Natural Resources Committee. She can be reached at corr@arl.us. The committee’s co-chairs are North Dakota Sen. Don Schaible and Iowa Sen. Mary Jo Wilhelm.
Nebraska becomes first Midwest state to offer ‘school readiness’ tax credits to child care providers, workers
by Jon Davis (jdhavis@csg.org)

Starting in 2017, the state of Nebraska will begin offering up to $5 million in tiered tax credits annually to early-childhood programs and their employees — the first Midwestern state, and just the second U.S. state, to do so.

Under the School Readiness Tax Credit Act (LB 889, passed earlier this year), which is linked to a quality rating and improvement system created three years ago by the unicameral legislature, providers receive incentives based on their quality rating, while eligible employees can claim credits based on education levels, training and work history.

Nebraska’s child care facilities are rated on a five-step scale. A credit of $250 per enrolled child kicks in at the third step, followed by one of $500 per child at the fourth and $750 per child for facilities that meet the state’s highest quality rating (the fifth step).

Eligible employers, meanwhile, will be able to claim credits ranging from $500 to $1,500.

The credits will be available through 2021 — a sunset date that the bill’s chief sponsor, Sen. Heath Mello, says will provide legislators with enough data to evaluate the program for potential renewal.

Nebraska’s LB 889 is modeled after Louisiana’s more expansive school readiness tax credits, which also include refundable tax credits for parents who send children to facilities participating in the state’s quality-system and for employers that help provide child care (either by having centers of their own or providing financial assistance to workers).

In discussions with fellow legislators, Mello says, “we strategically focused” on just two of the four credits (those for child care facilities and workers) that seemed most likely to have an immediate impact because of Nebraska’s existing “Step Up to Quality” program. This quality-rating system for child care facilities and early-education programs was established in 2013 by the unicameral legislature.

Tax credits tied to quality, experience

Geoffrey Nagel, president and CEO of the Chicago-based Erikson Institute, a graduate school focused on child development, says tax credits like these are “one of the most efficient steps to take to infuse money into a state’s early-childhood education system.”

More and more, states are recognizing the importance of families and young children having access to quality child care. Yet the current business model for these centers makes widespread access to quality difficult — these facilities need a certain staff-child ratio, Nagle says, but also need to keep fees relatively affordable.

While the federal Child Care and Development Block Grant program helps, state tax credits can be a small but crucial step in the right direction to redress the low wages and subsequent high turnover in child care facilities.

But to work, he says, credits for employers must be paired with a quality rating system (most states now have systems in place to rate child care facilities; see sidebar).

According to Nagle, the credits for individual employers should be based on their own education levels, not on the quality of the child care center where they happen to work. (Louisiana, for example, requires only that individuals work at a center that participates in the state’s quality rating program.)

“That’s critical, or you’re going to create a system where the haves have everything and the have-nots have nothing,” says Nagle, who helped bring about Louisiana’s tax credit law (Act 394, passed in 2007).

Susan Bland and Louise Stoney, authors of a 2011 paper on tax credits for early care and education, also endorse them as an effective targeted tool. While not a panacea, “credits should be considered in any mix of strategies that are under consideration for improving the quality of [early care and education] and making high-quality ECE more affordable,” they wrote.

Now that Nebraska has approved “school readiness” tax credits, Nagle hopes more states join the effort.

He adds that lawmakers should take a more comprehensive approach to early-childhood development, starting with help for expectant mothers all the way through pre-kindergarten or child care programs for 4-year-olds.

“Not one’s doing it comprehensively ‘all in’ with the kind of investments they need to make,” Nagle says.

And whether it is these tax credits, home visit programs for new parents or prenatal nutrition help for mothers-to-be, the returns won’t necessarily show up for 10 or 15 years.

“Any investment in human capital is a long-term investment,” Nagle says.

This article was written as part of this year’s Midwestern Legislative Conference Chair’s Initiative of Wisconsin Rep. JoAnn Scimami. This initiative is focused on state policies that strengthen families, improve early-childhood opportunities, and yield better longer-term outcomes.
Compacts are valuable tool in protecting invaluable resource: water
by Jon Davis (jdavis@csg.org)

When Charles Fishman, author of the acclaimed book “The Big Thirst,” praised the Great Lakes compact this summer at the Midwestern Legislative Conference Annual Meeting, he also called for Kansas and Nebraska to lead an effort to create a similar interstate agreement to protect the Ogallala Aquifer.

But what are compacts and how do they work? How well do they work? And how could they help the Midwest preserve and protect its water resources?

“In my mind’s eye, the Great Lakes compact is a great place to start. It’s a pretty important instrument,” says Todd Jarvis, an Oregon State University professor and global expert on water management and conflict. The Council of State Governments’ National Center for Interstate Compacts defines compacts as “contracts between two or more states creating an agreement on a particular policy issue, adopting a certain standard or cooperating on regional or national matters.”

Currently, there are more than 200 active interstate compacts; the CSG center counts 38 water compacts. For any compact, it recommends that the document clearly spell out how the governing body is created, staffed and named, as well as how votes are distributed and how frequently it meets (those meetings should be open to the public).

When it comes to water compacts, Jarvis suggests they include a designated time to revisit or re-determine the terms and conditions of the compact.

“Things change — climate change, pollution, land use, etc.,” he says. “So a compact developed in the 1920s probably has great importance to the legal issues, but little connection to new realities. This is especially important for groundwater, as every time a pump is turned on, some groundwater is mined from the aquifer.”

Water compacts governing groundwater also need to define a post-depletion use of the aquifer storage space, whether it be for “manufactured” water such as treated storm water that is injected underground for later recovery, or “waste” such as carbon sequestration. One area that Jarvis says doesn’t get enough attention during the drafting process is how to address conflicts in science, whether they arise over a genuine dispute of facts or as a function of “dueling experts.”

One promising alternative to the “dueling experts” scenario, he adds, is “scientific mediation,” — a conflict resolution process that has stakeholders themselves work on coming to a consensus based on the scientific information.

Finally, though there is little discussion on the role of business in drafting legal instruments such as compacts, Jarvis says the private sector should have a place at the table. “Everything has a connection to water, whether it be corn to computer chips,” notes Jarvis, adding that including many stakeholders at the start of the process will improve the compact’s chances of success.

As for the Great Lakes compact, the first big test of how it would be implemented came earlier this year, when eight states and two Canadian provinces considered the city of Waukesha’s proposal to divert Lake Michigan water. The region’s state governors approved the Wisconsin town’s plan (unanimously consent was needed), though with some changes — for example, reducing the average amount of water diverted every day and scaling back the water service area. Waukesha will use Lake Michigan for its drinking water and then return what it doesn’t use to the basin.

“‘The regional process [for considering the Waukesha diversion] was quite functional, regardless of what you think of the outcome,’” Peter Annin, author of the “The Great Lakes Water Wars,” said during a presentation this summer to CSG’s Great Lakes Legislative Caucus.

He noted, too, that language of the interstate agreement prevents most diversions outside the Great Lakes basin. Waukesha was able to seek an exception to the diversion ban because it lies in a county that “straddles” the basin.

Jarvis, though, has one suggestion: expand the regional compact to include protecting and preserving groundwater.

“Why do you think all the bottled water companies are hoovering around? You’ve got a gold mine,” he says.

Capital Closeup is an ongoing series of articles focusing on institutional issues in state governments and legislatures. Previous articles are available at www.csgmidwest.org.
New federal education law maintains testing and accountability requirements

For these underperforming schools, each state will approve and then monitor progress being made under locally developed improvement plans. If these schools continue to flounder after four years, the state must intervene in whatever way it sees fit, so long as its strategy is “evidence-based.” That could mean new state policies that help schools recruit effective teachers, or that expand student access to high-quality preschool. Or it could result in states deciding to change the school’s instructional model, replace its staff or convert it to a charter school.

The decision-making is left to states, and similar flexibility is provided with regard to the two other categories of schools requiring intervention plans.

The second category is for schools with one or more groups of students (racial or ethnic minorities, for example, or those from low-income families) who are underperforming. These schools are subject to improvement plans created by and overseen by local districts.

The third category is for schools with one or more groups of students who are severely underperforming. In these cases, local improvement plans must address “resource inequities” that may be causing gaps in achievement.

States must intervene in some way if schools in this third category fail to improve the performance of their struggling groups of students.

### Comparing, contrasting old and new federal education laws and their impact on states

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<th>Policy area</th>
<th>No Child Left Behind Act</th>
<th>Every Student Succeeds Act</th>
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<tbody>
<tr>
<td>How to test students</td>
<td>- States were required to assess students’ reading and math skills in grades three through eighth, as well as once in high school. Science tests also had to be given at three different grade levels. The results of these test results were then broken down by school and various student subgroups: gender, major racial and ethnic groups, economically disadvantaged, limited English skills, and disabled.</td>
<td>- Many of the NCLB’s testing requirements remain in place. However, the new federal law provides some new alternatives to standardized statewide assessments. First, states can assess their high school students through the use of nationally-recognized college-entrance exams such as the ACT or SAT. Second, up to seven states will have the chance to experiment with alternative testing systems — for example, competency- or performance-based assessments.</td>
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<td>How to hold schools accountable</td>
<td>- States had to develop accountability plans and issue annual report cards that included information on student achievement (test scores and graduation rates, for example) and teacher quality. Every school then had to show “adequate yearly progress” in meeting state goals on test scores, graduation rates and other academic indicators for all students and for each subgroup of students. The NCLB called for all students to be proficient in reading and math by 2014.</td>
<td>- Accountability plans and report cards are still required under the new law, and states have to set performance goals for all subgroups of students. To measure school quality, states must use four indicators in their accountability systems, including graduation rates for high schools and student proficiency on statewide assessments. In evaluating the performance of schools, though, states have some leeway in determining the weight given to student test scores.</td>
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<td>How to identify and intervene in schools in need of improvement</td>
<td>- Schools that did not make “adequate yearly progress” for two consecutive years were identified as needing improvement. States were required to intervene and provide additional academic support for these schools’ students, who also had the option of transferring to another local public school. For schools that continued to fail to make adequate yearly progress, the federal law established more-severe consequences in ensuing years — for example, replacing school staff, closing the school and reopening it as a charter, or having the state take over operations.</td>
<td>- “Adequate yearly progress” has been removed from the new federal education law, and state leaders have traded it for providing more flexibility. Schools in need of improvement, though, must still be identified — based on low graduation rates (67 percent or lower), poor overall performance (rating in the bottom 5 percent of schools according to the state’s accountability plan), or lagging performance levels among one or more student subgroups. The types of interventions for these schools will be left largely to the discretion of states and their local districts.</td>
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<td>How to set academic standards</td>
<td>- In the content areas of math, reading and science, states had to develop “Challenging” academic standards at all grade levels. Forty-two states (including all but Indiana, Minnesota, Nebraska and Vermont) have since adopted the Common Core State Standards. Learning goals for what a student should know and be able to do at the end of each grade in the subjects of math and English language arts/literacy.</td>
<td>- Along with requiring academic standards in math, reading and science at all grade levels, the new federal education law calls on states to align these learning goals with entrance requirements for credit-bearing coursework in their higher-education systems and with their career and technical education standards. Statewide assessments of students will be tied to these standards. In addition, the U.S. Department of Education is barred from forcing or encouraging states (through grants or waivers) to adopt Common Core or any other set of academic standards.</td>
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<td>How to ensure quality teachers</td>
<td>- Every instructor had to be “highly qualified” to teach in the core subject areas of English, reading and language arts, math, science, history, and government, geography, economics, the arts and foreign language. And under waivers granted under the NCLB, states had to create or improve their teacher-evaluation systems.</td>
<td>- There is no longer a “highly qualified” requirement. However, states must track if minority- and low-income students are being disproportionately taught by ineffective, inexperienced or out-of-field teachers. Federal funds will be available to help address these inequities. States can also seek federal dollars to develop teacher-evaluation systems, which would then have to include measures of student achievement as one of many indicators of teacher effectiveness.</td>
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Sources: U.S. Department of Education, Education Week, Association for Supervision and Curriculum Development, and Education Trust
States will identify underperforming schools, monitor the implementation of locally driven improvement plans, and, if necessary, intervene with “evidence-based” strategies of their own choosing.

Wisconsin, for instance, delivered a 14-page response to the U.S. Department of Education’s proposed rules on state accountability and implementation plans. In it, the Wisconsin Department of Public Instruction raises concerns that those rules, if finalized, would prove to be “overly prescriptive” and “burdensome” — in areas ranging from how a state can calculate graduation rates, to how it tests and scores students, to how it assesses schools on annual report cards.

“The proposed regulations could have a significant impact,” Pinsonneault says.

Five years ago, Wisconsin developed a new accountability system, one that moved away from the “adequate yearly progress” model and that reflected the additional flexibility provided to states via federal waivers under the No Child Left Behind Act.

Wisconsin’s new accountability index uses multiple measures to gauge the performance of a school, including its success in closing achievement gaps, improving student test scores in reading and math, and keeping students on track to graduate and getting them prepared for postsecondary success.

Based on these indicators, Wisconsin schools are then placed into one of five categories that determine whether they get rewards for high performance or additional support to address deficiencies in student achievement.

In many ways, this approach seems in line with the goal of Every Student Succeeds — to move away from a “one-size-fits-all” approach to evaluating school performance.

But the devil could be in the details of the new federal regulations, and whether they conflict with the accountability plans that Wisconsin and other states have put in place with the help of previous federal waivers.

What states already know is that they must develop new accountability plans and then issue annual report cards on school performance.

These plans must include goals for all subgroups of students and use four different indicators for evaluating the performance of schools. States will get leeway in determining those indicators and how much weight is given to each. However, student test scores on statewide assessments and graduation rates must be part of how states evaluate their schools.

These performance measures, in turn, will determine which schools require intervention plans.

“This is a huge opportunity for states to take a lead role in changing the pathway for kids’ lives, for those stuck in low-performing schools,” Minnich says. “What do we do now for the kids who need our help the most?”

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**Evolving relationship of states and federal government on K-12 education policy**

**1800s: State Constitutions Ensure Public Education for All**

States have always had the primary responsibility for providing education, as evidenced by the inclusion of education clauses in U.S. state constitutions. But as early as 1867, a U.S. Department of Education had been created; its function at that time was to help states collect information on schools and teaching.

**Early 1900s: Federal Funds Targeted for Vocational Training**

The federal government became more involved in K-12 education in the first part of the 20th century, when it began funding programs that provided agricultural, home economics and industrial training to high school students.

**1958: Improving Education Seen as National Security Imperative**

The Cold War and the Soviet Union’s launch of Sputnik led to a change in the federal government’s role in education. With passage of the National Defense Education Act, the U.S. Congress provided funding to improve K-12 instruction in science, math and foreign language.


Seven years later, the federal government deepened its involvement in education, this time with a law that offered grants to school districts serving low-income students and that funded special-education centers. The Elementary and Secondary Education Act of 1965 also provided money for states to improve the quality of elementary and secondary education. Fifty years later, the U.S. Department of Education became a cabinet-level agency.

**2002: More Demanded of States Under No Child Left Behind Act**

The federal government began requiring states to establish academic standards, test third- through eighth-graders in math and reading, and report the results for various population subsets — for example, low-income, minority and special-education students. The No Child Left Behind Act also established sanctions and actions for schools that did not make “adequate yearly progress.”

**2015: States Given More Flexibility and Responsibility**

The Every Student Succeeds Act, signed into law in late 2015, still requires testing and data reporting on different subsets of students. However, it provides more flexibility for states in how they assess students and intervene to help low-performing schools. States are currently developing new accountability plans required under the federal law.

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**% of fourth-graders scoring below basic level on National Assessment of Educational Progress (2015)**

<table>
<thead>
<tr>
<th>State</th>
<th>Math Low-income*</th>
<th>Math Not low-income*</th>
<th>Reading Low-income*</th>
<th>Reading Not low-income*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illinois</td>
<td>34%</td>
<td>9%</td>
<td>46%</td>
<td>14%</td>
</tr>
<tr>
<td>Indiana</td>
<td>16%</td>
<td>5%</td>
<td>36%</td>
<td>14%</td>
</tr>
<tr>
<td>Iowa</td>
<td>27%</td>
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<td>26%</td>
<td>7%</td>
<td>46%</td>
<td>16%</td>
</tr>
<tr>
<td>Michigan</td>
<td>36%</td>
<td>10%</td>
<td>50%</td>
<td>24%</td>
</tr>
<tr>
<td>Minnesota</td>
<td>24%</td>
<td>5%</td>
<td>48%</td>
<td>16%</td>
</tr>
<tr>
<td>Nebraska</td>
<td>25%</td>
<td>5%</td>
<td>40%</td>
<td>14%</td>
</tr>
<tr>
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<td>23%</td>
<td>7%</td>
<td>41%</td>
<td>20%</td>
</tr>
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<td>Ohio</td>
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<td>5%</td>
<td>41%</td>
<td>14%</td>
</tr>
<tr>
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</tr>
<tr>
<td>Wisconsin</td>
<td>30%</td>
<td>8%</td>
<td>47%</td>
<td>16%</td>
</tr>
</tbody>
</table>

* Based on students’ eligibility for free or reduced-price school lunches.

Source: U.S. Department of Education
Minnesota Sen. David Hann

Minority leader came to office wanting to return more decisions to local governments, and 14 years later, that commitment remains

by Katelyn Tye (ktye@csg.org)

David Hann has been interested in politics for most of his life, but it was a concern for his children’s education that pushed him to run for elected office. He felt the state school system should assist families, parents and an elected school board in educating children, but that communities weren’t being given enough control over the curriculum taught in their schools.

After serving three terms on his district’s school board, the father of four realized the changes he wanted to make were really under the purview of the Minnesota Legislature. Hann ran for the state Senate in 2002 and, after winning, set his sights on finding ways to return local authority to school districts.

His next victory came a year later, when the Legislature voted to repeal the state’s curriculum standards, called the “Profile of Learning.” Hann says the standards were driven by the federal government, and were an example of the top-down power structure that provoked him to run for elected office in the first place.

“We’ve had a tendency over the years to centralize government decision-making so that now we make decisions in Washington [D.C.] and in state capitals that shouldn’t be made there,” he says.

“We need to understand that our form of government relies on citizens governing themselves, meaning you don’t make decisions at a higher level that can be made at a lower level.”

With the lone exceptions of 2011 and 2012, Democrats have controlled the Minnesota Senate since Hann was first elected. He was elected minority leader by fellow members of the Republican caucus in 2014, a role he pursued with one goal in mind — build a majority that will put Minnesota on track for stronger economic growth.

“I’ve learned that to really accomplish anything of significance [in the Legislature], you have to have a majority,” Hann says. “There have been some reforms that I think have been helpful, but there’s still more to be done.”

With just six seats between his caucus and majority control of the Minnesota Senate, Hann is feeling optimistic. In a recent interview with CSW Midwest, the former businessman reflected on his legislative career to date and what he hopes to accomplish if his party reclaims the majority in November.

Q: Aside from repealing the Profile of Learning, what other policy accomplishments are you most proud of?

A: When [Senate Republicans] came into the majority a few years ago, the Health and Human Services budget was expected to grow by about 17 percent, because Minnesota has built-in inflationary growth in most of its budgets. In the state Legislature, we start with a spending projection, make some assumptions about inflation, and just multiply those numbers out. Every year you come back, and because of those inflationary models, your spending has grown, even though there’s been no affirmative decision to do that. This is something that anybody who has worked on a budget in a private-sector organization knows you typically don’t do.

We tried to roll back some of those assumptions so that it would require the Legislature going forward to ask, “Are these the things we want to do? What are they going to cost?”

We also tried to implement some innovative methods of dealing with the health care system.

Q: How does your experience working in the private sector compare to a career in the Legislature?

A: It’s very different. People think government should be like a business and it really isn’t. You have, in our case, 67 state senators and 134 state representatives, all of whom are accountable to the people who elect them. You can’t command your colleagues to do certain things, so there’s a lot of effort to persuade, reason and debate among ourselves to try and reach agreement.

It’s an unusual structure, but one that was designed by some very wise people when our country was formed. I think it serves the interests of the public well by providing not only the opportunity for people’s voices to be heard, but also for there to be debate about the wisdom of those things. It can be very frustrating because of the inefficiency of this process, but I do think it’s the best way to do it.

Q: How would you like to see the state’s governance structure change?

A: I think there needs to be some restraint on the part of elected officials because the temptation is to legislate on things that really could be taken care of by lower-level jurisdictions. There’s no question that one of the biggest problems we have in our country is that the federal government is doing things it was never intended to do.

Part of it is respecting the authority of other levels of government and not usurping their decision-making. I think that would be a big step in the right direction in trying to restore some accountability in what we do. I think the interests of the public are better served if there is willingness on the part of elected officials to respect those boundaries and not expand the scope of what we’re called to do.

Q: If the Senate Republicans gain a majority, what reforms would you like to see first?

A: We want to try to do whatever we can to restore the ability of the state to make decisions on health care. We’ve seen double-digit growth on insurance premiums, and [they] are driving insurers out of the state — all being driven by federal policy. We are trying to mitigate that.

We also have a very burdensome tax and regulatory structure that we need to modify. We are one of the least business-friendly states in the country, and we need to become more competitive with our neighboring states.

Q: As a leader in your caucus, what advice do you give to newly elected legislators?

A: They need to take as much time as they can to listen to what their constituents say and need.

Also, I encourage people to become very well-versed in at least one policy area. If they find something to develop an expertise in, they can be of help to other caucus members when we take on legislation related to that particular issue.
FirstPerson

A FORUM FOR LEGISLATORS AND CONSTITUTIONAL OFFICERS

A win for local governments

Michigan lawmaker says legalizing sports betting could provide needed funds for municipalities, schools, without raising taxes

by Michigan Rep. Robert Kosowski (roberthkosowski@house.mi.gov)

For years, the decline of funding to our local municipalities has been a highly debated and passionate topic among legislators and stakeholders in Michigan. Over the past 12 fiscal years, cuts to statutory revenue sharing have left our state’s cities, townships and counties with a $7.5 billion revenue-sharing reduction.

This has to stop.

When this formula is underfunded, Michigan’s entire economy and its residents end up suffering. There are fewer police officers and firefighters on our streets, street and sidewalk repairs are postponed, and recreation and library programs are reduced or completely eliminated.

Of course, one of the first things people start talking about when raising revenues is where the extra funding will come from. Often, the answer is to raise taxes. However, I have another solution to raise the extra money needed to ensure our local communities are fully funded.

It’s a simple answer, and it is actually already happening in other states — the legalization of sports betting.

An alternative to higher taxes

Why would we continue to further tax our residents, when this solution is literally right in front of us?

Currently, I have two bills introduced that deal with sports gambling and simulcast horse racing. HB 4669 and 4670 would both amend the Michigan Gaming and Control Act and allow casinos to accept wagers on sporting events and simulcast horse races.

It is my intent to amend these two bills, and not only allow a percentage of the money generated from Michigan’s casinos to fund the increase in state shared revenues, but also continue funding the School Aid Fund as in current statute.

These bills would work in tandem with a bill I recently introduced, HB 5719, that would be the mechanism by which the local municipalities would qualify for the extra funding.

HB 4669 and 4670 were given a committee hearing last October. In committee, both the CEO and head of business development from William Hill US testified. (William Hill US is the leading sports betting company in the world.) These representatives estimated that, based on models they have in Nevada, if Michigan were to legalize sports betting, it could generate total sports betting activity of at least $5 billion.

Federal law bans sports betting in most states — at least for now

Looking to tap into a potential source of revenue, lawmakers in some states have shown an increased interest in legalizing sports betting. Standing in the way of these efforts, however, is a 1992 federal law that bans such betting in states.

The Professional and Amateur Sports Protection Act allows sports betting in only four states. Nevada, Delaware, Oregon and Montana were granted exemptions and grandfathered into the legislation because they had previously operated sports betting in some form.

This federal law also set a 1993 deadline by which states with legalized casino gambling could license sports betting in order to obtain an exemption as well, but no state was able to do so.

New Jersey passed a law in 2012 to legalize sports gambling, but lost a lawsuit brought by major professional sports leagues and the National Collegiate Athletic Association, which claimed the state statute violated federal law.

After legislators in New Jersey partially repealed the state law two years later, the sports organizations sued again, and a three-judge panel of the U.S. Third Circuit Court of Appeals ruled for the plaintiffs. In 2015, however, the court agreed to rehear a challenge to the decision, this time before the full court. The case was heard in February, but as of early August decision, a decision had not been made.

The hopes of state legislators that any laws they pass legalizing sports betting would ever take effect appear to rest on the result of this New Jersey case.

Though it would not be binding outside of its specific judicial circuit, a legal win by New Jersey could spur the U.S. Congress to revisit the issue of sports betting, as well as encourage more states to pass their own betting legislation and challenge the federal law.

A boon to schools, local governments

This translates to approximately $300 million in revenue annually. That’s at least $300 million per year that could go back into both our schools and our local municipalities for more programs and services.

Sports betting is already happening in Michigan — people are already gambling, but they are just doing it through an illegal bookmaker.

Why shouldn’t we have the state regulating it to ensure it is a safe process, and also be able to capture the funding? Right now, the only people benefiting from sports betting are the illegal bookmakers.

And it isn’t only the state that would benefit — by legalizing this process, we could be creating tourist destinations throughout our state.

For example, casinos in Detroit, Petoskey and Mount Pleasant could prosper immensely from these new attractions. And it wouldn’t just be the casinos — there would be a trickle-down effect that could help revive restaurants, hotels and shopping areas in and around the casinos.

The bottom line is this: Through the years, our cities, townships and counties have taken a devastating hit on property tax cuts and revenue-sharing shifts. Our local municipalities are not being adequately funded, and we need to figure out a way to get them the money that they have been owed for the past 12 years.

Why is it that a person can play the lottery legally in Michigan, yet betting on sports is illegal? People play the three- or four-digit lottery games every day, yet they cannot bet on their favorite sports team. And now, we are making it even easier by allowing people to play the lottery online.

HB 4669 and 4670 would both provide the answer we are looking for. It is a way to adequately fund local communities without raising taxes. It is my hope that HB 5719, along with the amended versions of HB 4669 and 4670, will gain bipartisan support and make their way swiftly through the legislative process.

Rep. Robert Kosowski serves as Democratic minority whip in the Michigan House. He is a 2013 graduate of CSG Midwest’s Bowhay Institute for Legislative Leadership Development.

Submissions welcome

This page is designed to be a forum for legislators and constitutional officers. The opinions expressed on this page do not reflect those of the Council of State Governments or the Midwest Legislative Conference. Responses to any FirstPerson article are welcome, as are pieces written on other topics. For more information, contact Tim Anderson at 630.925.1922 or tanderson@csg.org.
National program brings together top officials from 3 branches of government

Midwest’s state legislators, other rising leaders take part in CSG’s Toll program

The Council of State Governments runs five leadership programs for state officials: one national and one in each of CSG’s four regions. Toll Fellows is CSG’s national program for officials in all three branches of state government. The Bowhay Institute for Legislative Leadership Development, or BILLD, is for state legislators from the Midwest in their first four years of service. BILLD and Toll Fellows are selected through a competitive application process. Nearly a quarter of the top leadership posts in the Midwest’s 21 state legislative chambers are held by BILLD graduates. Toll alumni have achieved great success, including serving as governors, secretaries of state, chief justices, legislative leaders and as members of the U.S. Congress.

Carrying on a tradition that dates back to 1935, The Council of State Governments has released its publication “The Book of the States.” This year’s volume (available online at the CSG Knowledge Center) includes 157 in-depth tables, charts and figures illustrating how state government operates.

The 2016 edition also includes 30 articles from state leaders, noted scholars and CSG’s in-house policy experts that analyze and report on the transformations taking place in state government.

These articles cover topics such as trends in interstate relations, voter registration practices, the use of big data to manage performance in state government, the role of attorneys general in implementing 21st century policing, and state regulation of hydraulic fracturing.

In all, CSG staff mined more than 500 sources to obtain the information shared in “The Book of the States.”

This year’s volume has chapters devoted to state constitutions; federalism; each of the three branches of state government; elections; state finance; and state management, administration and demographics. The book’s charts and tables provide relevant, accurate and timely information and comparisons for all 56 U.S. states, commonwealths and territories.

Midwest’s Toll Fellows Class for 2016

CSG and legislative leadership

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CSG hosting ‘e-Cademy’ on Medicaid, contraception

A new initiative in Illinois to improve access to long-acting reversible contraception will be highlighted in an upcoming CSG eCademy Webcast.

These forms of contraception, known as “LARCs,” are highly effective forms of birth control. For example, a five-year Colorado pilot program documented a 48 percent reduction in the state’s teen birth and abortion rates.

The Council of State Governments’ e-Cademy session will focus on Medicaid policies related to LARCs. It will begin at 1 p.m. Central Time on Tuesday, Oct. 4. CSG holds free, bimonthly e-Cademies on a variety of issues of interest to state legislators. Registration can be completed at www.csg.org/events/webinar.

The Council of State Governments was founded in 1933 as a national, nonpartisan organization to assist and advance state government. The headquarters office, in Lexington, Ky., is responsible for a variety of national programs and services, including research, reference publications, innovations transfer, suggested state legislation and interstate consulting services. The Midwest Office supports several groups of state officials, including the Midwestern Legislative Conference, an association of all legislators in 11 states: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin. The Canadian provinces of Alberta, Manitoba, Ontario and Saskatchewan are MIC affiliate members.
Bipartisan, binational group of lawmakers will lead Great Lakes Legislative Caucus

Thirteen legislators from the eight U.S. states and two Canadian provinces that share the Great Lakes have been tapped to lead a bipartisan group committed to protecting and restoring the largest freshwater system in the world.

The Great Lakes Legislative Caucus Executive Committee includes two officers: Wisconsin Rep. Cory Mason, chair; and Michigan Sen. Darwin Booher, vice chair. The 13-member group was selected in July by caucus members who attended the group’s annual meeting.

Through its mix of programming, advocacy and activities, the caucus provides a forum for the regional exchange of ideas and information on important Great Lakes issues. Its goal is to strengthen the role of state and provincial legislators in the Great Lakes policymaking process.

The caucus has advocated for federal funding of the Great Lakes Restoration Initiative, an improved Great Lakes Water Quality Agreement, and an expedited timeline for a federal study recommending how to keep Asian carp from entering the lakes via the Chicago Area Waterway System. Its members were also at the forefront of a legislative push to ban plastic microbeads in personal care products; these microbeads are a major pollutant in the Great Lakes.

As part of its services for members, the caucus maintains a legislative tracker that monitors bills being considered in state capitol and Washington, D.C. (available at www.greatlakeslegislators.org) and regularly holds Great Lakes policy meetings and training sessions for lawmakers.

Membership in the caucus is free and open to all state and provincial legislators in the 10 Great Lakes states and provinces. CSG Midwest provides staff support to the caucus, which is funded in part by the Joyce Foundation.

Members of Great Lakes Legislative Caucus Executive Committee

Wisconsin Rep. Cory Mason, caucus chair
Michigan Sen. Darwin Booher, caucus vice chair
Illinois Rep. Robin Gabel
Indiana Sen. Ed Charbonneau

Michigan Rep. David Maturen
Minnesota Sen. Ann Rest
Minnesota Rep. Jennifer Schultz
New York Assembyman Peter Lawrence

Ohio Rep. Dan Ramos
Ontario Speaker Dave Levac
Pennsylvania Rep. Curt Sonney
Quebec MNA Guy Ouellette

Wisconsin Rep. Nick Milroy

GREAT LAKES LEGISLATIVE CAUCUS

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Pennsylvania Rep. Curt Sonney
Quebec MNA Guy Ouellette

Wisconsin Rep. Nick Milroy

CALENDAR

UPCOMING MIDWESTERN LEGISLATIVE CONFERENCE AND THE COUNCIL OF STATE GOVERNMENTS EVENTS

MIDWEST INTERSTATE PASSENGER RAIL COMMISSION MEETING
September 28-29, 2016
St. Louis, Missouri
Contact: Laura Kliwer (lkliwer@csg.org) 630.925.1922 www.miprc.org

MIDWESTERN RADIOACTIVE MATERIALS TRANSPORTATION COMMITTEE MEETING
November 30-December 1, 2016
St. Louis, Missouri
Contact: Lisa Janairo (ljanairo@csg.org) 920.458.5910 www.csgmidwest.org

CSG NATIONAL CONFERENCE
December 8-11, 2016
Colonial Williamsburg, Virginia
Contact: Kelley Arnold (karnold@csg.org) 859.244.8000 www.csg.org

72ND ANNUAL MEETING OF THE MIDWESTERN LEGISLATIVE CONFERENCE
July 9-12, 2017
Des Moines, Iowa
Contact: Gail Meyer (gmeyer@csg.org) 630.925.1922 www.csgmidwest.org

23ND ANNUAL BOWHAY INSTITUTE FOR LEGISLATIVE LEADERSHIP DEVELOPMENT (BILLD)
August 11-15, 2017
Minneapolis, Minnesota
Contact: Laura Tomaka (ltomaka@csg.org) 630.925.1922 www.csgmidwest.org

GREAT LAKES LEGISLATIVE CAUCUS MEETING
September 22-23, 2017
Toronto, Ontario
Contact: Lisa Janairo (ljanairo@csg.org) 920.458.5910 www.greatlakeslegislators.org
Minnesota now requires sexual-assault training for college students

Starting this fall in Minnesota, college students will be required to complete training on preventing and reducing the prevalence of sexual assault. The mandate is part of a comprehensive law on sexual-assault prevention (SF 5) passed by legislators last year.

In addition to requiring students to complete training within 10 business days of their first semester, the law expands the rights of victims, creates a new option to report cases online, and ensures that each school has a walk-in location staffed with trained advocates.

According to the Minneapolis Star Tribune, each campus must now collect data on sexual-assault cases, as well as report how many incidents were investigated and the number that resulted in disciplinary proceedings.

In a national survey done in 2015 by the Kaiser Family Foundation and the Stateline Midwestern Office, a U.S. district judge ruled that university students would be required to complete training within 10 business days of their first semester, if they had taken the class at any other university in the state. The law went into effect on August 30, 2016.

Judges move to block recent voter-ID laws in three Midwest states

Recent court rulings have put the future of three Midwestern states’ laws on voter registration and identification in doubt.

In North Dakota, a U.S. district judge blocked the state from enforcing a 2013 law that eliminated options for people to vote if they did not have proper identification. According to The Bismarck Tribune, North Dakota has required voters to provide identification (a driver’s license, a tribal ID or long-term-care certificate, for example) for the past 12 years. However, voters who lacked the proper ID could still cast ballots by signing a sworn affidavit — until the 2013 law took effect. The lawsuit against North Dakota was filed by seven members of the Turtle Mountain Band of Chippewa Indians.

In Wisconsin, two rulings made it unclear as of August how the state’s voter-ID law would be enforced in this fall’s general election. If one decision remains in place through November, for example, people without a valid ID could still vote if they sign statements at the polls saying they could not easily get one, the Milwaukee Journal Sentinel reports.

Lastly, state court rulings have at least temporarily negated a 2013 law in Kansas requiring proof of citizenship when registering to vote.

Illinois sets new rules to govern police use of cell phone tracking devices

Law enforcement in Illinois has new guidelines to follow when they use so-called “stingray devices,” which help track criminal suspects and enable the collection of information from their phone calls and text messages.

These devices trick phones in a particular area into thinking they are connecting to a cell phone tower operated by a service provider. As a result, they can be a powerful tool in helping police nab suspects. But at the same time, these cell phone simulators are collecting information from the phones of innocent people who happen to be in the same area.

According to the American Civil Liberties Union, stingray devices are known to be in use in at least five Midwestern states: Illinois, Indiana, Michigan, Minnesota and Wisconsin.

Under Illinois’ SB 2343, within 24 hours after using the stingray device, police must remove all information from anyone who is not a target of the investigation. The law, too, prohibits law enforcement from using data not first authorized by a judge, the Chicago Tribune reports.

Two years ago, Illinois passed a law (SB 2808) requiring law enforcement to obtain warrants before using location tracking devices. According to the ACLU, Indiana and Minnesota also require police to obtain warrants.

Michigan emerges as economic leader in first part of 2016

Michigan had the strongest economic growth in the Midwest between the last three months of last year and the first quarter of 2016, recently released federal data show.

Total gross domestic product in the state rose by 2.6 percent over that period, with increases in durable-goods manufacturing leading the way. According to the U.S. Bureau of Economic Analysis, only six U.S. states outpaced Michigan in GDP growth.

GDP growth also increased in five other Midwestern states, with rates ranging from 2.0 percent in Kansas to 0.2 percent in Minnesota. On the flip side, economic activity declined in Illinois, Iowa, Nebraska, North Dakota and South Dakota.

North Dakota’s drop in GDP was by far the highest in the nation, -11.4 percent, and changes in that state’s economy (due in large part to a decline in oil production) have created fiscal challenges for state leaders. In August, the legislature met in special session to close a projected $370 million budget shortfall. According to The Bismarck Tribune, legislators made agency cuts of 2.5 percent, tapped into a budget stabilization fund, and authorized a contingency transfer of up to $100 million in profits from the state-owned bank.