



SREB

Legislative Report

Final legislative and budget actions

Arkansas (<http://www.arkleg.state.ar.us/>)

The Arkansas State Legislature adjourned its regular session in late April, and then reconvened in late May for a special legislative session to consider items including bond funding, the date of state primary elections, and state government reorganization. During the regular session, legislators approved a \$5.2 billion general fund budget for 2015-16, up 3 percent over the original 2014-15 budget. General funds for public schools increase 1.9 percent to \$2.2 billion. The budget funds higher education at the 2014-15 level of \$733.6 million. Four-year institutions receive \$588.1 million in funds, while two-year institutions receive \$111.9 million. Technical colleges receive \$33.5 million.

House Bill 1241 prohibits the state Board of Education from renewing its participation in the Partnership for Assessment of Readiness for College and Careers consortium or from entering a state testing contract of more than one year in length after 2015-16. The board must also consider any recommendations made by the Governor's Council on Common Core Review before entering into a contract for the 2016-17 school year. In addition, the legislation prohibits either the board or the state Department of Education from providing a student's individually identifiable data to the federal Department of Education or any of its partners without express written consent from the student's parent or guardian.

House Bill 1377 allows a school district to petition the state Board of Education for any or all of the waivers granted an open-enrollment charter school that draws students from the district. The board may grant some or all of the requested waivers, and each will be valid for the same length of time as the charter school waiver.

Senate Bill 366 allows a teacher in grades seven through 12 to voluntarily give up their planning period to teach another class and receive additional compensation. If, in taking on another class, a teacher exceeds the maximum number of students allowed per day, further additional compensation is provided for doing so. The bill specifies that neither the school district nor the teacher will

be in violation of the Standards for Accreditation of Arkansas Public Schools and School Districts if the teacher exceeds the maximum allowed students per day. However, the bill does not permit class sizes to exceed the maximum allowed by law.

House Bill 1183 requires each public high school and public charter high school in the state to offer a computer science course beginning with the 2015-16 school year, and creates the Computer Science and Technology in Public School Task Force to recommend strategies to meet workforce needs in the state. The budget allocates \$5 million in general funds for the initiative.

Other legislation

HB 1581 creates the Legislative Task Force on the Realignment of Higher Education to study redundancies in the system, determine mechanisms available to increase financial efficiency, and increase postsecondary institutional accountability to and communication with the General Assembly.

SB 681 waives the qualifications to serve as Commissioner of Education as long as a deputy commissioner meets the requirements (exception: the commissioner must be a person of good moral character, a recognized leader in education, and qualified technically and by experience to head the department).

Georgia (<http://www.legis.ga.gov/>)

The General Assembly adjourned its legislative session with the passage of a \$19.3 billion general fund budget for 2015-16, a 5 percent increase over the originally approved 2014-15 budget. General funding for the Quality Basic Education formula increases 5.8 percent to \$9.4 billion. General funds for the Accel dual enrollment program almost triple to \$28.9 million.

The University System of Georgia receives a 5.1 percent increase in general funds to just over \$2 billion. The budget appropriates \$339.9 million to the Technical College System of Georgia, up 2.4 percent. The Board of Regents approved tuition increases of 2.5 percent to 9 percent for 2015-16 for in-state undergraduates. The Technical College System will not increase tuition.

The state's prekindergarten program operates with \$321.3 million in lottery funds, up 2.9 percent. Lottery funding for HOPE Scholarships to public colleges and universities totals \$463.4 million, up 3.8 percent. The HOPE Grant program for students at technical colleges remains funded at the 2014-15 level, with \$109.1 million. Award amounts for both programs rise 3 percent.

The Legislature passed Senate Resolution 287, which would amend the constitution to allow the Legislature to create an Opportunity School District (OSD) — a statewide school district through which the state would take control of persistently low-performing public schools. The amendment will go on the ballot for voter approval in the 2016 general election.

If voters approve the amendment, Senate Bill 133 creates the OSD under the Governor's Office of Student Achievement. The governor will appoint a superintendent, subject to confirmation by the Senate, who will run the OSD and annually report to the General Assembly. The district may select up to 20 schools for entry per year, with no more than 100 schools in the OSD at any time. The OSD superintendent will have the final authority to select the schools and the intervention model used at each school, though the selection process must include a public hearing for community input. The superintendent may waive Board of Education rules, regulations, and other requirements for OSD schools, with the goal of improving student performance.

Senate Bill 2 creates an opportunity for high school students who have completed their core requirements for grades nine and 10 and have been accepted to a nonprofit postsecondary institution to receive dual credit. The State Board of the Technical College System of Georgia will annually identify eligible fields of study, limited to areas of critical need. Previously, postsecondary courses had to match a high school requirement to count toward a high school diploma. Senate Bill 2 allows courses to count toward a high school diploma without a corresponding class, if the student completes a program in an eligible field.

Other legislation

HB 91 eliminates the Georgia High School Graduation Test and permits former students who did not pass the test to petition their local board of education for a high school diploma based on the other graduation requirements in effect when they entered ninth grade.

SB 156 authorizes the State Charter Schools Commission to establish a State Charter Schools Foundation to actively search for supplemental revenue, property and services to support the Commission and state charter schools.

Kentucky (<http://www.lrc.ky.gov/>)

The General Assembly concluded its legislative session after approving legislation to combat heroin abuse, prevent dating violence, and to maintain revenues for road construction and maintenance by establishing a minimum per-gallon state fuel tax rate. Legislators approved House Bill 510 to amend the 2014-16 biennial budget, primarily to distribute tobacco settlement funds — including \$8.7 million in each year of the biennium for the Early Childhood Development Program and \$1.1 million in each year for Early Childhood Development Scholarships. The budget amendments also permit the state Department of Education to request up to \$10 million in additional Support Educational Excellence in Kentucky (SEEK) school finance formula funding for 2014-15 if the original appropriation is not enough to fully fund the formula.

Legislators approved House Bill 298 to provide \$132.5 million in bond funding for a medical research center at the University of Kentucky. The legislation also provides \$5.5 million in general funds for debt service to support the bonds.

Senate Bill 119 requires the state Department of Education to develop and maintain a list of approved child abuse recognition training programs; all administrative staff and instructional personnel employed by school districts are required to complete one of the training programs by January 31, 2017. In addition, the bill allows the state commissioner of education to waive the requirement that a school district provide, in a school year, 1,062 instructional hours by June 5 if the commissioner determines the district is not able to do so as a result of instructional days missed due to an emergency.

Other legislation

HB 234 establishes a statewide early care and education program rating system; the bill prohibits the rating system from being used for compliance or in a punitive manner.

HB 260 modifies provisions governing the endowment trust fund for student financial assistance to remove references to the Kentucky Educational Savings Plan Trust.

SB 39 requires each local board of education to identify the best available severe weather safe zones in each school, in consultation with local and state safety officials.

SB 201 clarifies that a public school may not charge tuition to a student who is permitted to enroll in school prior to meeting the minimum age requirement for enrollment.

Maryland (<http://mgaleg.maryland.gov/>)

The General Assembly concluded its regular session with the passage of a \$16.4 billion general fund budget for 2015-16, up 2.1 percent from the originally approved 2014-15 budget. General fund state aid to K-12 education is up 0.6 percent to \$5.9 billion, including \$2.7 billion in basic formula funding through the foundation program (up 1.2 percent) and \$1.3 billion (up 4.3 percent) in aid to school districts with larger numbers of economically-disadvantaged students. State support for school district employee benefits declines 11 percent to \$787.2 million; the decline is due to 2012 legislation that gradually transfers responsibility for school system employee retirement costs from the state to school systems.

The budget allocates \$136.2 million to fully fund the Geographic Cost of Education Index (GCEI), which provides additional funding to school systems whose educational costs are above the state average. However, half of that amount is provided at the discretion of the Governor, who subsequently chose to direct the discretionary \$68.1 million toward state pension liabilities. Senate Bill 183 stipulates that if GCEI is not fully funded in 2015-16, its funding becomes mandatory beginning with the 2016-17 budget. In addition, contingency language in the budget redirects an additional \$4 million in Cigarette Restitution Funds to GCEI from the Aid to Nonpublic Schools Textbook and Technology Program.

State funding for the Maryland Higher Education Commission (MHEC) is down 1.2 percent to \$457.7 million; this includes \$239.4 million in state aid to community colleges (down 1.4 percent), \$58.9 million for community college employee benefits (down 1.6 percent), and \$42.8 million in state aid to nonpublic colleges (down 3.6 percent).

Funding to state colleges and universities is up 4.6 percent to \$1.4 billion. Tuition for full-time, in-state undergraduate students at most state universities will increase 5 percent in 2015-16; undergraduate students at the University of Maryland, Baltimore County, will see a 7 percent increase.

Senate Bill 595, the Public Charter School Improvement Act of 2015, allows greater operating flexibility for a charter school that has been in existence for five or more years with a demonstrated history of sound fiscal management and above-average student achievement. The school and local school district may come to an agreement that provides the school with exemptions from requirements related to textbooks, instructional programs, curriculum, professional development, scheduling, the establishment of school community councils or school improvement plans, class sizes, or staffing ratios. Under the Act, an application to establish a charter school must include a plan for a rigorous program of instruction that includes an equivalent method for satisfying any requirements from which the applicant intends to seek a waiver.

The Public Charter School Improvement Act also prohibits a school district from granting a charter to a fully online school; allows for the weighting of charter school admission lotteries to favor students eligible for free and reduced price meals, students with disabilities, LEP students, homeless students and siblings of students already enrolled at that charter school; allows a certain number of student spaces in a charter school to be set aside for students in a specific geographic area; and allows for contingent approval of charters by school districts.

As a means to eliminate possible duplication between local, state and federally mandated student assessments, the General Assembly approved House Bill 452, establishing the Commission to Review Maryland's Use of Assessments and Testing in Public Schools. The Commission's report, due by July 1, 2016, will include recommendations for improving the administration of mandatory assessments and the best methods for providing adequate time both for administering assessments and for instruction. In addition, the bill requires the state Department of Education to assess how much time is spent in each grade statewide, and in each school system, on administering local, state and federally mandated student assessments.

To help with the facilities needs of school districts experiencing rapid growth or student overcrowding, the Legislature approved Senate Bill 490, establishing the Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms. The bill requires the governor to provide \$20 million in the state's capital budget annually, beginning in 2015-16, to fund program grants.

Following the lead of several other states that have focused on protecting student data, legislators approved House Bill 298, the Student Data Privacy Act of 2015. The legislation prohibits providers of educational digital applications and services from using the student data they gather to engage in targeted advertising, create profiles of students for non-educational purposes, or sell or otherwise disclose student information for non-educational purposes.

To encourage more high school graduates from low-income families to attend and complete college, the General Assembly passed House Bill 779 and Senate Bill 816, establishing the Maryland Higher Education Outreach and College Access Pilot Program. Under the program, MHEC will provide grants to nonprofit organizations that provide college outreach services to students from low-income families and will subsequently determine whether the program can increase the rates at which these students attend and succeed in college.

In response to nationwide concerns over sexual assaults on college campuses, the General Assembly approved House Bill 571. The governing body of each institution of higher education within the state must adopt written policies on sexual assault that prohibit an institution from retaliating against a student who files a sexual assault complaint or serves as a witness in a sexual assault investigation, and that pursue formalized agreements with local law enforcement agencies and with organizations that provide services to victims of sexual assault. The bill also requires each institution to administer a sexual assault campus climate survey every two years, beginning in 2016, and to report the survey results to MHEC.

Other legislation

HB 278 establishes the Task Force to Study the Implementation of a Dyslexia Education Program.

HB 375 replaces, within the state Department of Education, the Maryland School-Based Health Center Policy Advisory Council with the Maryland Council on Advancement of School-Based Health Centers, and requires the council to make recommendation for improving the health and education outcomes of students served by the centers.

HB 672 and SB 496, the Maryland Education Export Act of 2015, authorize Maryland's participation in the State Authorization Reciprocity Agreement (SARA), which establishes national standards for interstate online education course and program offerings.

HB 941 establishes the Task Force to Study Exemptions from Higher Education Ethics Requirements and Procurement Rules to Facilitate Technology Transfer.

HB 947, Laury's Law, mandates that the Professional Standards and Teacher Education Board require, by July 2016, a school counselor seeking renewal of his or her certificate to obtain the knowledge and skills necessary to respond to the social, emotional and personal development of students, to recognize the indicators of mental illness and behavioral distress in students, and to identify professional resources to help students in crisis.

SB 635 requires the state Board of Education, the Professional Standards and Teacher Education Board and at least two local school districts to develop an alternative teacher certification program for areas experiencing critical teacher shortages if those organizations determine such a program is appropriate.

Mississippi (<http://www.legislature.ms.gov/>)

The Legislature adjourned after passing a \$6.2 billion state budget for 2015-16, a 3.1 percent increase over the original 2014-15 budget. General funds increase 4 percent to \$5.7 billion. Elementary and secondary education receives \$2.5 billion in state funds, a 4.7 percent increase, most of which provides Mississippi Adequate Education Program (MAEP) formula funding to schools (\$2.2 billion, up 5 percent). MAEP funding includes \$40.1 million for the second year of a teacher pay raise the governor signed into law in 2014.

State funding for higher education increases 3.4 percent to \$951.3 million. The budget devotes \$682 million to the university system (up 3 percent), including \$418.1 million in general support to universities (up 2.3 percent). Jackson State University receives \$2 million to establish a school of public health. The budget funds university student financial aid at 2014-15 levels, with \$37.9 million. Community and junior colleges receive \$269.3 million, a 4.3 percent increase.

In the governor's state of the state address, he called on the Legislature to pass the Equal Opportunity for Students with Special Needs Act. The Legislature passed Senate Bill 2695, establishing a five-year pilot program that furnishes education savings accounts to eligible students with special needs. Each account will receive \$6,500 in 2015-16 to pay for educational expenses; funding for the program may not be taken from MAEP. Each subsequent year, the amount awarded will increase or decrease proportionate to the base cost of educating a student under MAEP, as determined by the state Board of Education (BOE). The program is open to 500 students for 2015-16 — for the first 250, on a first-come, first-served basis, and for the remaining 250, on a lottery selection basis. New enrollment each subsequent year will be limited to 500 additional students.

Current law allows the BOE to request that the governor declare a state of emergency in a school district if the district fails to meet certain standards or the BOE and the Commission on School Accreditation determine that an emergency situation exists. The BOE may then abolish the school district and assume control. Senate Bill 2558 allows the BOE, when it determines that a district is within one year of returning to local control, to appoint a five-member board that will serve in an advisory capacity to the conservator in its first year of service. Thirty days before the end of the advisory period, members will draw lots to determine when their terms of office end, with one member departing each year. The appropriate authority will provide for elections to replace members at the end of their terms.

Senate Bill 2191 authorizes the BOE to approve districts of innovation, providing flexibility from select regulations and policies, for five-year periods of time. In the applications, districts may include only schools that choose to be designated a school of innovation.

Other legislation

HB 646 creates the Task Force on the Future of Gifted Education in Mississippi to study the state's gifted education infrastructure and recommend ways to improve access, diversify educational opportunities, and determine and implement best practices.

HB 859 requires school districts to provide locally raised ad valorem tax funds payable to charter schools by January 16 of each fiscal year; if a district fails to do so, the state will redirect MAEP funding in the same amount from the district to the charter school.

HB 951 authorizes the Mississippi Commission on College Accreditation to participate in and administer interstate reciprocity agreements for online higher education, such as SARA.

SB 2127 waives out-of-state tuition for United States armed forces veterans and their eligible dependents.

Tennessee (<http://www.capitol.tn.gov/>)

Before adjourning its session in late April, the Tennessee Legislature considered a range of issues, including banning traffic cameras, designating an official state book, potential Medicaid expansion, expanding scholarship eligibility, and prohibiting racial profiling. The Legislature approved a \$33.8 billion total budget for 2015-16, up 4.2 percent over the original 2014-15 budget, including \$15.5 billion in state funds (up 4.5 percent). The budget adds \$76.5 million to the rainy day fund and provides \$97.6 million to fund a salary pool increase equal to a 4 percent raise for K-12 teachers (actual salary increase amounts will be determined at the school district level). Higher education employees see a 1.5 percent raise in pay.

K-12 education receives \$4.5 billion in state funds, a 1.5 percent increase. Funding to the Basic Education Program formula increases 1.6 percent to \$4.2 billion, including \$30 million to increase the state's share of teachers' health insurance costs.

Funding for higher education increases 2.5 percent to \$1.6 billion, and includes an increase of over \$8 million for programs that are a part of the state's Drive to 55 initiative, which supports the goal of 55 percent of the adult population earning a postsecondary certificate or degree by 2025. The University System of Tennessee receives \$507.6 million, a 3.5 percent increase, and the Tennessee Board of Regents system receives \$675.5 million, up 2.7 percent.

Senate Bill 30, the Individualized Education Act, creates individualized education accounts for students with eligible disabilities to use per-pupil state and local funds to obtain nonpublic school educational services. The first accounts will be awarded for the 2016-17 school year.

The current process for reviewing Common Core State Standards in Tennessee consists of two committees, the English and mathematics standards review committees, which must provide recommendations to the state Board of Education (BOE). House Bill 1035 adds an additional layer to the review, a standards review committee to which the English and mathematics committees will report. The BOE will then adopt standards that fit the needs of Tennessee students.

Senate Bill 453 requires the Tennessee STEM Innovation Network (TSIN), established in 2010 to promote and expand the teaching of Science, Technology, Engineering and Mathematics (STEM) education in K-12 public schools, to establish STEM innovation hubs in rural areas of the state and one specifically in North-west Tennessee. All hubs must implement STEM leadership training. TSIN must provide a middle grades

curriculum, available on the Internet, to educate students on the benefits of a STEM career. The bill requires TSIN to seek STEM organizations to collaborate with on educational programs and opportunities.

Other legislation

SB 87 changes the name of the Board of Vocational Education to the Board of Career and Technical Education.

SB 299 authorizes Tennessee's participation in SARA, which establishes interstate standards for online higher education offerings.

SB 624 allows recipients of the HiSET high school equivalency credential to receive a Tennessee HOPE Scholarship, and revises the General Educational Development (GED) test score requirements for HOPE Scholarship eligibility to include the scale for the new test.

SB 878 creates a higher education foundation investment pool. Any foundation established for a Tennessee nonprofit postsecondary institution may request to have some or all of its money invested in the pool by the state treasurer, who will be responsible for day-to-day administration and for establishing policies and procedures for the management of the pool.

Virginia (<http://viriniageneralassembly.gov/>)

The General Assembly finished the legislative session after approving amendments to the biennial budget. The Legislature authorized an \$18.2 billion general fund budget for 2014-15, down 0.1 percent from the 2014 special session budget. Total direct aid to public education decreases 0.1 percent to \$7 billion, including \$5.4 billion in general funds (down 1.7 percent).

In 2015-16, the general fund operating budget increases 2.1 percent over 2014-15 to \$18.6 billion. Funding from all sources for direct aid to public education totals \$7.3 billion, up 4.5 percent, and includes \$5.6 billion in general funds, up 2.9 percent. The budget supports higher education with \$1.4 billion in general funds, up 2.5 percent. Four-year institutions operate with \$992.2 million (a 2.8 percent increase). Two-year institutions receive \$362.1 million (a 1.9 percent increase).

Previous statute prohibited the state Board of Education from approving an alternative school schedule plan that reduces instructional time in core academic areas. With the passage of House Bill 1675 and Senate Bill 982, a local school district may waive the requirement that students receive 140 hours of instruction to earn a standard unit of credit if it provides the state Board with sufficient proof that students have learned the content in the applicable Standards of Learning.

The 2013 Legislature established the Opportunity Educational Institution, a statewide school division to take over unaccredited or low-performing schools. A 2014 court decision ruled the division and its governing board unconstitutional. Senate Bill 821 abolishes the Opportunity Educational Institution and its board.

House Bill 2320 requires the Secretary of Education and the Director of the State Council of Higher Education for Virginia (SCHEV) to consult with each two- or four-year nonprofit institution of higher education and develop a plan to establish a cooperative online degree program. Under the plan, any undergraduate student enrolled at any two- or four-year nonprofit postsecondary institution (public or private) will be able to complete, through online courses at any institution, a degree with tuition costing no more than \$4,000 (or the lowest price possible) per year.

Other legislation

HB 1336 requires SCHEV to set a uniform policy on granting undergraduate credit to entering freshman students who have taken Advanced Placement, Cambridge Advanced, College-Level Examination Program, or International Baccalaureate examinations.

HB 1443 and SB 842 require the state Board of Education to adopt policies on elementary and secondary schools' use of restraint and seclusion. The regulations must follow federal Department of Education guidelines and address distinctions between general and special education students, and elementary and secondary school students.

HB 1676 permits local school boards to enter into agreements with postsecondary institutions to provide career and technical dual enrollment options for high school students.

West Virginia (<http://www.legis.state.wv.us/>)

In mid-March, the Legislature concluded its extended session with the approval of the 2015-16 budget. After the governor's vetoes, statewide general funds total nearly \$4.3 billion, up 1.3 percent from the statewide total (including vetoes) for 2014-15. General funds for higher education decline 2.1 percent to \$405.9 million, including \$271.9 million for the college and university system (down 2.9 percent) and \$65.5 million for community and technical colleges (down 0.8 percent).

Overall general funding for K-12 education totals slightly less than \$2 billion, down 3.4 percent. State aid to schools will total over \$1.7 billion, a 5.3 percent decrease. Funding for the state Department of Education for programs other than state aid to schools increases 9.5 percent to \$159.5 million; much of the increase is attributable to new funding for the early literacy program established in 2014 (\$5.7 million) and school based truancy prevention (\$2 million). Funding for the department's performance audits division is up 7.2 percent to \$1.8 million.

The Legislature approved House Bill 2005 to modify several aspects of the state's alternative teacher certification process. Under the legislation, a school district, a school or a group of schools may, with state Board of Education approval, form a partnership with an accredited college or university, the state Department of Education or a regional education service agency (RESA) to offer an alternative teacher certification program. The bill eliminates the eligibility of a RESA to establish an alternative teacher certification program on its own. A teacher who obtains alternative certification must serve in a teaching position of critical need and shortage.

Addressing the issue of compulsory child immunizations, the Legislature passed Senate Bill 286, which updates the list of immunizations required for students to enroll in public schools. The state Commissioner of Public Health may grant, renew, condition, deny, suspend or revoke exemptions to the immunization requirements on a statewide basis when there is sufficient medical evidence to do so. A request for an exemption to a compulsory immunization requirement must be certified by a licensed physician, indicating that the student may be adversely affected by the immunization.

Senate Bill 447 permits the administrator of a public, private or home school secondary education program to issue a diploma or credential to an individual who completes that program of education, and prohibits state agencies or institutions of higher education from rejecting that diploma or credential, or otherwise treating a person differently due to the source of that diploma or credential.

Other legislation

HB 2140 requires a county board of education that is subject to state intervention to establish a plan to improve student performance by an amount sufficient to end state intervention within five years.

HB 2377 allows a county board of education to propose, and the state Board of Education to approve, an alternative to the statutory instructional time requirements as a means to optimize student learning, if the proposal meets the spirit and intent of the time requirements.

HB 2381 provides an additional \$2,000 per year beyond the \$3,500 paid annually to a teacher who obtains National Board Certification, if he or she teaches in a persistently low-performing school and mentors other teachers at the school.

HB 2535, Jamie's Law, requires middle grades and high schools to disseminate suicide prevention awareness information to students annually, and requires institutions of higher education to advise students and staff on available suicide prevention resources and provide incoming freshmen with depression and suicide prevention awareness information.

HB 2645 increases the annual amount of assistance under the Underwood-Smith Teacher Loan Assistance Program from \$2,000 to \$3,000, and expands eligibility for the program to teachers serving in schools and geographic areas of critical need.

SB 529 raises, for teachers hired on or after July 1, 2015, the retirement age from 60 to 62, and specifies that for those teachers, accrued sick and annual leave time do not count toward retirement service credit.

Notes from other SREB states

In **Delaware**, the General Assembly approved and the governor signed a measure that prohibits the opening of any new charter schools until June 30, 2018 or until the state Board of Education develops a strategic plan for the number of public schools in the state.

In late April, the **Florida** House of Representatives adjourned sine die three days before the scheduled conclusion of the 2015 regular session, and without the passage of a budget for 2015-16. The Legislature convened a special session on June 1 to complete action on the budget and to consider other matters; no education-related items were included in the special session proclamation.

The **Oklahoma** Legislature completed its regular session in May, one week prior to the constitutional deadline, while legislative sessions in **Alabama**, **Delaware**, **Louisiana**, **South Carolina** and **Texas** are scheduled to conclude in June.

Information on final actions in the above states will be included in forthcoming editions of *Legislative Report*.

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