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STATE LEGISLATURES
NCSL’s national magazine of policy and politics

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   Quotes and cartoons from around the states
Elections Analyst Tim Storey in the Wall Street Journal: “Republicans are at something of a high-water mark. There are still a number of states where Republicans could flip chambers and come out even stronger than they came in.”

Education Analyst Michelle Exstrom in the New York Times: “Test prep is a big area of concern.” Five states limit the time public schools can prepare students for statewide tests.

Elections Analyst Wendy Underhill on National Public Radio on 16 states with photo voter ID laws: “One of those is Arkansas ... we don’t know whether that will be in place” for the November election because of a lawsuit, one of several voter ID lawsuits around the nation.

Number of times media outlets in April cited NCSL research or quoted NCSL staff—a trusted source for accurate, unbiased information.

Sessions at the nation’s largest legislative gathering, the NCSL Legislative Summit Aug. 19-22 in Minneapolis, Minn. Topics will range from state budgets to Common Core to human trafficking laws. Register now at ncsl.org/Summit

Women serving in state legislatures. The statistic, tracked by NCSL’s Katie Ziegler of the Women’s Legislative Network, was a top NCSL tweet in the first half of the year. How much it costs legislative staffers to participate on June 6 in the NCSL webinar, “Confessions of a Legislative Staffer: Moving From State Legislatures to Congress.” Register online at ncsl.org.

States that NCSL liaisons have visited this year, including New Jersey, where Nevada Senator and NCSL President-Elect Debbie Smith and Vincent Prieto, speaker of the New Jersey Assembly, were photographed recently by NCSL’s Ann Morse. Morse, a Garden State native, and Larry Morandi, who has family ties there, spent a few days at the Statehouse as part of their annual state liaison visit. Each state has one or two liaisons to help guide members to all the services NCSL offers. Search “State Liaisons” at ncsl.org to find the list of contacts.
States Fight Sex Trafficking of Kids

Human trafficking sells people into forced sexual servitude and labor and is one of the largest illegal enterprises in the world, but determining the exact number of victims trafficked annually is difficult. The State Department places it at 2 million worldwide, with 15,000 to 18,000 of the cases in the United States. The majority of sex traffic victims in the United States are citizens, while most labor trafficking victims are immigrants, according to government studies.

In 2003, Washington became the first state to criminalize human trafficking. Since then, all 50 states have outlawed sex trafficking, and most have outlawed labor trafficking.

Recently, lawmakers have concentrated on helping children and teens who have been sold into prostitution by passing “safe harbor” laws that treat them as victims rather than criminals. Often, they are at-risk, vulnerable youths with troubled backgrounds who are homeless or drug dependent, according to the U.S. Department of Justice’s Anti-Human Trafficking Task Force.

This year, states are considering more than 220 bills that address human trafficking, including 24 bills in 11 states that call for expanded services to sexually exploited youth.

**Who Are Sex-Trafficking Victims?**

These charts are based on a federal analysis of cases of suspected sex and labor trafficking between January 2008 and June 2010. The majority involved the sex trafficking of young female U.S. citizens.

<table>
<thead>
<tr>
<th>Citizenship</th>
<th>83 percent U.S. citizens, 17 percent other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td>87 percent 24 or under, 13 percent 25 or older</td>
</tr>
<tr>
<td>Gender</td>
<td>94 percent female, 6 percent male</td>
</tr>
</tbody>
</table>

**Life on the Streets**

- About 293,000 U.S. children—mostly girls aged 12 to 14—are at risk of being exploited and trafficked for sex, according to a March 2011 FBI report.
- Minors recruited or abducted into prostitution often are runaways or come from abusive homes or foster homes.
- The minors are advertised on websites and taken to streets, hotels, brothels, strip clubs and truck stops.
- Criminal networks transport the children around the country by a variety of means—cars, buses, vans, trucks or planes.
- An estimated 70 percent to 90 percent of youth victims of sex trafficking have histories of sexual abuse.
- The FBI has recovered 2,700 sexually exploited children since 2005.
- In a three-day sweep last summer, the FBI recovered 105 sexually exploited children, aged 13 to 17, and arrested 159 adults in 76 cities.

Sources: FBI Law Enforcement Bulletin, “Human Sex Trafficking,” March 2011; NCSL; U.S. Department of Justice Anti-Human Trafficking Task Force; the Polaris Project
Four Decades Strong

Oh, the Places We’ve Been

1974  ALBUQUERQUE
1975  PHILADELPHIA
1976  KANSAS CITY
1977  DETROIT
1978  DENVER
1979  SAN FRANCISCO
1980  NEW YORK CITY
1981  ATLANTA
1982  CHICAGO
1983  SAN ANTONIO
1984  BOSTON
1985  SEATTLE
1986  NEW ORLEANS
1987  INDIANAPOLIS
1988  RENO
1989  TULSA
1990  NASHVILLE
1991  ORLANDO
1992  CINCINNATI
1993  SAN DIEGO
1994  NEW ORLEANS
1995  MILWAUKEE
1996  ST. LOUIS
1997  PHILADELPHIA
1998  LAS VEGAS
1999  INDIANAPOLIS
2000  CHICAGO
2001  SAN ANTONIO
2002  DENVER
2003  SAN FRANCISCO
2004  SALT LAKE CITY
2005  SEATTLE
2006  NASHVILLE
2007  BOSTON
2008  NEW ORLEANS
2009  PHILADELPHIA
2010  LOUISVILLE
2011  SAN ANTONIO
2012  CHICAGO
2013  ATLANTA
2014  MINNEAPOLIS
And the Speakers We’ve Heard

RONALD REAGAN
SANDRA DAY O’CONNOR
AL GORE
GEORGE W. BUSH
NANCY PELOSI
HENRY KISSINGER
NEWT GINGRICH
DAVID MCCULLOUGH
DICK DURBIN
DORIS KEARNS GOODWIN
BILL GATES
ED RENDELL
EDWIN EDWARDS
FRANK LUNTZ
FRANK RIZZO
GEORGE MITCHELL
GEORGE WILL
GROVER NORQUIST
JACK ABRAMOFF
MITCH MCCONNELL
WILLIAM KRISTOL
BARBARA JORDAN
CHRIS MATTHEWS
CHRISTOPHER BUCKLEY
COKIE ROBERTS
DAVID GERGEN
JERRY SPRINGER
JIM BROWN
JIM COLLINS
JOE PATRINO
KATHLEEN HALL JAMIESON
MARA LIASSON
MELINDA GATES
MICHAEL BLOOMBERG
NINA TOTENBERG
PAT SUMMITT
RAHM EMANUEL
RICK PERRY
STEPHEN COVEY
THOMAS FRIEDMAN
WASHINGTON SENATE MAJORITY LEADER RODNEY TOM (D) WILL NOT SEEK RE-ELECTION due to family and health considerations. Tom, a fiscal conservative and a Democrat, crossed party lines last year to help Republicans take control of the Senate. Tom, along with Democratic Senator Tim Sheldon, joined with the GOP to create the Majority Coalition Caucus. As a result, the two-term senator was a major target of the other Democrats, who hold 23 seats in the 49-member chamber. Tom began his career as a Republican in the House in 2002, but switched parties four years later. He said his time as majority leader was “historic for Washington and an opportunity of a lifetime for me personally.”

WHEN SHE TOOK THE NEW HAMPSHIRE SPEAKER’S ROSTRUM IN 2006 TERIE NORELLI (D) MADE HISTORY before she even pounded the gavel. She had become the first Democrat in 84 years to lead the House. In April, Norelli announced she is not seeking re-election after 18 years as a lawmaker and three terms as speaker. In 2010, Norelli lost the leadership post she had held for four years when Republicans took control of the chamber, but won it back in 2012 when Democrats gained the majority in the 400-member chamber by a margin of 220-179. During her terms as speaker, Norelli, a former high school math teacher, was lauded for her leadership skills and accomplishments and for a legacy that will live on in New Hampshire. “This woman has done simply a spectacular job,” said Peter Burling, Democratic National Committeeman. Norelli served as NCSL president in 2012-13.

ARKANSAS SENATOR JOHNNY KEY (R) HAS BEEN NAMED ASSOCIATED VICE PRESIDENT OF UNIVERSITY RELATIONS by the University of Arkansas System. He will help coordinate government relations for the school’s 18 campuses. Chair of the Senate Education Committee, Key was elected to the Senate in 2008 and also served as NCSL’s Education Standing Committee vice chair.

IN GERRY COHEN’S 37 YEARS WORKING FOR THE 170-MEMBER NORTH CAROLINA GENERAL ASSEMBLY, he figured he served some 1,000 lawmakers as staff attorney, director of bill drafting and finally as special counsel. Nicknamed the “encyclopedia,” for his knowledge of history and the state, Cohen announced in April he is retiring. Cohen started his public career on the Chapel Hill Town Council as a second-year law student, and left in his second term to work for the General Assembly. During his career he chaired NCSL’s Redistricting Task Force and Legal Services staff section. “I quickly came to realize Gerry Cohen was the smartest man around. I don’t know what they’re going to do” without him, said Insurance Commissioner Wayne Goodwin, a former representative. A die-hard Tar Heels fan, Cohen said, “I’m 98 percent sure that Roy Williams [basketball coach] lived in my dorm my freshman year.”

THE MISSOURI SENATE CONDUCTED A SPECIAL COMMEMORATION SERVICE for 60 deceased members in April to pay tribute to their distinguished service. Current members celebrated the lives and legacies of the members who came before them. Each former member was recognized in a roll call and with a rose, and family members attended a reception following the memorial. “Our Senate has a 200-year history. We consider ourselves a family and we want to honor the members of our family who have passed away,” said Senate President Pro Tem Tom Dempsey (R). April’s event was the first time in some 30 years that the Senate has hosted a similar event. Majority Floor Leader Ron Richard (R) said the Senate wanted to “Share our profound appreciation for these families’ willingness to sacrifice time with their loved ones while they served to make this state a greater place to live and work.”
Legislators charged with writing regulations for America’s budding marijuana industry should look to alcohol and tobacco laws, a new report suggests.

“The lessons from the many decades of regulating alcohol and tobacco should offer some guidance to policymakers who are contemplating alternatives to marijuana prohibition and are interested in taking a public health approach,” said Beau Kilmer, co-director of the RAND Drug Policy Research Center and a co-author of “Developing Public Health Regulations for Marijuana: Lessons From Alcohol and Tobacco.”

In November 2012, Colorado and Washington voters became the first to legalize the possession of up to an ounce of marijuana. Bills calling for legalization for adult use have been proposed in 18 states, and ballot initiatives are being pursued in at least two.

The trend raises important questions about how to best allow the production, sales and the use of marijuana while also working to reduce related public health issues, such as increased dependence and addiction, consumption by minors, impaired driving and use of alcohol and marijuana at the same time, especially in public places.

Local, state and federal governments have regulated the sale and consumption of alcohol and tobacco for years. Among the things they have learned is that keeping prices artificially high reduces consumption.

Numerous studies have shown that when liquor taxes go up, people drink less, drive drunk less, suffer fewer alcohol-related diseases and commit fewer violent acts. Raising taxes on cigarettes has similar effects—people are less inclined to start smoking and more inclined to cut back or quit, according to the report, published online by the American Journal of Public Health.

RAND researchers posed an interesting hypothetical: What if states, instead of private companies, ran their own marijuana industries? A state-run monopoly could set policies that would reduce marijuana’s social ills. Artificially high prices and limited stores, for example, would reduce consumption. RAND researchers also suggested state stores would mean minors would have less access to marijuana. Federal law currently prohibits such state monopolies, but the researchers write that the legal landscape could change.

Other report suggestions:

• Restrict and carefully monitor licenses and licensees. Keep the number of licenses relatively low and the number of restrictions relatively high.

• Limit the types of products allowed. The alcohol industry, for example, appeals to youth with sugary drinks such as wine coolers and alcohol pops. Look closely at marijuana-infused cookies, brownies, candy, etc., and consider restricting them before they hit the market, since it becomes much harder to do so after they already are for sale.

• Restrict public consumption, which would reduce second-hand smoke and limit youths’ exposure to the drug.

• Measure and prevent impaired driving. Colorado and Washington set legal limits for the amount of THC—the primary intoxicant in marijuana—allowed in a driver’s blood.

• Ban marijuana advertising, including retail display. Such a ban might run into legal issues, but it’s worth exploring, wrote the RAND researchers. The time to impose it would be early, they suggested, before sales become well-established.
Hurricane Watch
BY THE NUMBERS

June 1–Nov. 30 is the official hurricane season in the North Atlantic. Experts predict a quiet year, but that doesn’t mean residents of Atlantic Basin states shouldn’t prepare to batten down the hatches and keep emergency stocks well-supplied.

9
Tropical storms expected this year; 12 is average

3
Tropical storms predicted to develop into Category 3 or higher hurricanes; six is average

14
Number of storms last year

26.3%
Portion of U.S. population that lives in the areas most threatened by Atlantic hurricanes

77
Retired names of especially deadly hurricanes

2005
One of the busiest Atlantic hurricane seasons on record, with 28 named storms

Sources: Atlantic Oceanography and Meteorological Laboratory, National Oceanic and Atmospheric Administration, U.S. Census Bureau Emergency Preparedness, National Hurricane Center, meteorologists Philip Klotzbach and William Gray of Colorado State University
**Family Leave With Pay**

Rhode Island became the third state to enact paid family leave, effective Jan. 1, 2014. The statute covers all private sector employers. Local public sector employers may choose to participate in the program. The legislation was approved by wide margins in the state House and Senate.

The new law, called the Temporary Caregiver Insurance Program, provides partial wage replacement benefits for workers who take time off work to care for a seriously ill child, spouse, domestic partner, parent, parent-in-law, grandparent, or to bond with a new child. “Supporting family caregivers saves medical costs by letting people remain in their homes for care, and, it can protect caregivers from losing their jobs and going on unemployment,” says Representative Elaine Coderre (D), one of the bill’s main sponsors.

In more than 70 percent of Rhode Island families with children, both parents work, and most need both incomes to pay their bills and family expenses. Workers must give their employer 30 days notice of their intent to use the benefit, except in unforeseeable circumstances. They must also have earned a minimum of $9,300 in the previous year and have paid into the program to qualify for benefits.

Sponsor Senator Gayle Goldin (D) says the legislation has already had a tremendous impact. “As legislators, we don’t often get to champion legislation that has such an immediate, positive impact on people’s lives. TCI has already helped 900 families in Rhode Island. We know it’s working, helping people keep their jobs and successfully weather stressful life events so they can return to work,” she says.

Critics argue that these laws hurt business operations and ultimately cost jobs.

Like similar programs in California and New Jersey, the Rhode Island program is administered through the state’s temporary disability program run by the Rhode Island Department of Labor and Training. The benefits are funded by participating employees, who pay a small tax on their wages to participate.

Workers may take up to a maximum of four weeks leave per benefit year to provide care for a family member and must use a minimum of seven consecutive days’ leave. Weekly benefits are based on the worker’s earnings, with a maximum benefit of $752 a week.

The federal Family Medical Leave Act (FMLA) provides up to 12 weeks of unpaid leave during a 12-month period to care for a newborn, an adopted child or a foster child, or to care for a family member or to attend to the employee’s own serious medical condition. The FLMA also allows states to set standards that are more expansive than the federal law.

— Jeanne Mejeur and Julie Poppe

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**Driver’s Licenses for Immigrants**

Eleven states and the District of Columbia have enacted laws to allow unauthorized immigrants to obtain driver’s licenses. California, Colorado, Connecticut, D.C., Illinois, Maryland, New Mexico, Nevada, Oregon, Utah, Vermont and Washington issue a license if an applicant provides certain documentation, such as a foreign birth certificate, a foreign passport, or a consular card and evidence of current residency in the state.

Eight of the states made licenses available in 2013. Previously, only New Mexico, Utah and Washington offered them.

The licenses offered by the 11 states and D.C. do not meet the more stringent standards of the federal REAL ID Act, which is being phased in starting this year. The aim of the federal legislation is to establish national standards for state-issued driver’s licenses and identification cards so they may be used to board commercial aircraft and access certain federal facilities.

—Gilberto Soria Mendoza
1. **STAMPING OUT DRUGS**

For more than 20 years, states have tried to figure out how to make crime pay. If you’re caught with illegal drugs in Nebraska, for example, but don’t have a state-issued drug tax stamp, you’ll face a fine on top of criminal charges. Nebraska began issuing the stamps in 1991 following passage of a tax on illegal drugs ranging from $100 per ounce of marijuana to $500 for 50 LSD doses. Stamps can be bought at state revenue offices. Roughly 625 have been sold — mostly to art collectors — who prize the unusual image on Nebraska’s stamp. Drug dealers typically learn of the stamps only after they’ve been busted. Fines on tax evaders have brought the state $544,588. At least 19 other states issue similar stamps.

2. **BAIT BAN**

Starting in July, California stores must pull highly lethal rat poison off the shelves. The state ban on rodenticides, the first in the nation, is an effort to protect wildlife, pets and children from inadvertently ingesting it. Environmental groups, which have long lobbied for the ban, say rodenticides have killed at least 300 animals other than rats in California in the last two decades. Rodents that eat it die of internal bleeding. The toxin typically stays in the rodents’ tissues, so any animal that eats the rodent or its carcass is also poisoned. Raptors are especially vulnerable. Until now, consumers have been able to buy products such as d-Con in home-improvement stores. In the future, only licensed exterminators in California will be able to get it.

3. **VOTING WITH THEIR TASTEBUDS**

Louisiana Senator Rick Gallot (D) told high school students their voices matter in government — and then he proved it. This past fall, Gallot visited Ruston High School as part of NCSL’s annual Back to School program. When he asked students what they’d like to see changed, they said wanted tastier school cafeteria food. So Gallot filed a resolution asking the U.S. Department of Agriculture to develop more appealing food choices for the National School Lunch Program. In April, at Gallot’s invitation, Ruston students testified in favor of the resolution. “I wanted to show them that their voices do count and why it’s important for them to be engaged in government,” Gallot told the Shreveport Times. The measure passed out of the Senate on a 36-0 vote.

4. **EYE ON POLICE SHOOTINGS**

Fatal shootings by police in Wisconsin will be reviewed by independent experts following enactment of a bill co-sponsored by a former sheriff’s deputy. It is the first law of its kind in the nation. In 2004, police in Kenosha shot an unarmed man, Michael Bell, 21, in front of his mother and sister. The case was investigated internally, and the officers involved were cleared. Ever since, Bell’s father has waged a campaign for greater accountability when police use lethal force. In 2011, two more unarmed men died, one while he was in the back of a police cruiser and the other outside his home. Representative Garey Bies (R), a former deputy, co-sponsored the bill with Representative Chris Taylor (D). Bies told the Milwaukee Journal Sentinel he thought the investigation process should be more open.

5. **PENSION PINCH**

Puerto Rico’s leaders have vowed to appeal a court decision declaring the island’s recent teacher pension overhaul unconstitutional. The reforms were seen as a way to bolster Puerto Rico’s shrinking economy, which suffers from high debt and unemployment. Governor Alejandro Garcia Padilla (D) said the pension plan has an unfunded liability of more than $10 billion and that without reform, it will collapse by 2020, leaving many teachers without pensions. The overhaul called for raising the retirement age for new hires to 62, increasing employee contributions from 9 percent to 10 percent, and moving the pension into a 401(k)-like system. Teachers’ lawyers have argued the reforms would trigger the retirement of 10,000 teachers, further hurting the pension’s finances. The 2008 financial crisis brought about pension reforms in a majority of states.
GREEN GENES
Vermont became the first state to require foods containing genetically modified ingredients to be labeled as such starting July 2016. Many crops, including corn, are genetically modified to increase their disease resistance or shelf life, but critics say the process may endanger human health. Supporters say no evidence supports that. Sixty countries, including the European Union, require labeling. Connecticut and Maine have passed labeling laws, but both delayed implementation until other states join them, a strategy designed to protect them against lawsuits. Voters in Washington and California defeated labeling measures there, but GMO labeling bills are still under consideration in about 29 other states.

PREGNANCY TEST
Tennessee has passed a new law authorizing criminal prosecution of women whose illegal drug use may have harmed their unborn children. Under the law, suspicious miscarriages, stillbirths and infants with birth defects are grounds for possible criminal assault charges carrying prison sentences of up to 15 years. Tennessee, the first state with such a law, has a high number of babies born with drugs in their systems. Supporters believe the threat of jail will force mothers into treatment. Women who stick with drug addiction programs will not be charged. Critics say the measure will harm babies by making pregnant women afraid to seek medical care and may lead to more abortions.

WHALE OF A CONTROVERSY
The killer whale show at California’s famous SeaWorld has long been a crowd favorite, but some critics claim it’s time to drain the pool. A hotly debated bill in the California Legislature this past session called for ending the show and releasing the whales. It was based in part on a documentary film, “Blackfish,” that argued whales are too big to be confined and become aggressive in captivity. SeaWorld officials said the accusations lacked any scientific basis. This spring, Representative Richard Bloom (D) agreed to pull his bill back for further study after he said it became clear members of the water, parks and wildlife committee needed more time to study competing claims. The bill is expected back in mid-2015.

BEAD BUSTER
Tiny plastic beads found in exfoliating creams and other beauty products are creating an ugly mess in water bodies, say many Illinois legislators, environmentalists and state water officials. The microbeads are gentle scrubbers that give many users smoother skin. But since they are small enough to pass through sewage systems, the non-biodegradable beads are piling up in Lake Michigan and other water bodies, where they absorb toxins and pose a hazard to fish and wildlife. A bill sponsored by Senator Heather Steans (D) and Representative Kelly Cassidy (D) would prohibit the sale of products containing the beads starting Dec. 31, 2018. It has had early support from both houses and the governor. Many cosmetics firms already are working on alternatives to the beads, including ground nuts and seeds.

KA-CHING!
Florida expects to see its sales tax coffers grow about $80 million annually, thanks to an announcement by giant Internet retailer Amazon.com that it will start collecting taxes on purchases there. In the past, Floridians have been able to buy at Amazon.com without paying taxes. But the company soon will have a physical presence in Florida—it is building warehouses in Lakeland and Florida—so it can no longer take advantage of a legal loophole allowing it to skip collections. Amazon collects sales taxes for purchases sent to 20 states, according to the Tampa Tribune. The proposed Marketplace Fairness Act, under debate in Congress, would make all online retailers collect taxes, eliminating a price advantage they have had over local brick-and-mortar stores.
Identity Theft Strikes Young

Identity thieves are targeting children who may not even discover they’ve had their personal information stolen for several years.

Heather Morton tracks financial services, civil liability and alcohol regulation for NCSL.
tation Deterrence Act of 1998, the Federal Trade Commission created the Consumer Sentinel Network to collect consumers’ complaints to share with law enforcement personnel. The secure, online database has since collected millions of complaints involving fraud and identity theft.

Every state now has a law regarding identity theft or impersonation. Twenty-nine states, the District of Columbia, Guam and Puerto Rico have specific restitution provisions for identity theft that require thieves to reimburse victims. Five states—Iowa, Kansas, Kentucky, Michigan and Tennessee—have forfeiture provisions.

Despite the laws, identity thieves continue to succeed at finding easy victims. And when they do, they can cause a lot of damage. In a recent survey by the Bureau of Justice Statistics, victims reported losing a total of $24.7 billion in direct and indirect costs because of identity theft in 2012. In fact, losses from identity theft exceeded the $14 billion in losses reported from all the other property crimes—burglary, theft and motor vehicle theft—combined.

Why Target Kids?

Among the 13 million consumers whose identities were stolen in 2013, are a growing number of children. One in 40 families with children under 18 had at least one child whose personal

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**What Thieves Steal From Children**

<table>
<thead>
<tr>
<th>Item</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Security number</td>
<td>56%</td>
</tr>
<tr>
<td>Date of birth</td>
<td>33%</td>
</tr>
<tr>
<td>Birth certificate</td>
<td>14%</td>
</tr>
<tr>
<td>Physical address</td>
<td>14%</td>
</tr>
<tr>
<td>School records</td>
<td>8%</td>
</tr>
<tr>
<td>Health insurance information</td>
<td>2%</td>
</tr>
<tr>
<td>Driver’s license</td>
<td>2%</td>
</tr>
<tr>
<td>Passport</td>
<td>1%</td>
</tr>
<tr>
<td>Other</td>
<td>13%</td>
</tr>
<tr>
<td>Unknown</td>
<td>13%</td>
</tr>
</tbody>
</table>

information was compromised, according to a 2012 survey by the Identity Theft Assistance Center and the Javelin Strategy & Research group. The survey revealed that identity thieves most often steal children’s Social Security numbers, since young children seldom have the credit histories acquired by adults, such as credit cards, bank accounts, licenses and financial statements.

Nevertheless, children’s identifying information is very appealing to thieves who will often create “synthetic” identities using a child’s Social Security number with a different date of birth to avoid detection.

Most children have no credit histories and their Social Security numbers have not yet been flagged in any fraud prevention database. Unmarked and untested, children’s stolen identities often go unnoticed until after they reach 18. This allows the fraud to continue for years. In the 2012 Identity Theft Assistance Center/Javelin Child Identity Fraud Survey, 17 percent of children were victimized for a year or longer.

Clearing one’s name and securing one’s real identity also can take years.

Aston Betz-Hamilton, the college student who received numerous court summonses, spent 16 years trying to repair her credit report. Although she was relieved when the last of the fraudulent entries finally dropped off her credit report in 2009, a few years later she was devastated when she learned her mother had been the thief.

With easy access to official documents, family members and their friends often are the thieves. Parents know the date of birth and usually share the same name. When a parent’s credit is poor or a guardian’s felony conviction prevents him from finding a job, using the child’s identity is just too easy for some. And young victims face quite a challenge if asked to turn in their own parents.

Twenty-seven percent of the Identity Theft Assistance Center/Javelin survey respondents reported knowing the individual responsible for the crime, complicating family dynamics and friendships. Ana Ramirez, whose mother used her Social Security number when Ana was 10, chose not to file a police report out of loyalty to her mother.

Lawmakers Respond

In response to this growing problem, state legislators have strengthened criminal penalties, required credit reports for children in the foster care system, and allowed parents and guardians to request consumer report security freezes on behalf of their children.

Lawmakers in Florida, Indiana, Louisiana and Pennsylvania have increased criminal penalties if the victim is a minor. In

Five Common Warning Signs

Identity theft can be hard to detect, although these warning signs should raise red flags immediately.

1. A family receives calls from collection agencies, bills from credit card companies or medical providers, or offers for credit cards or bank account checks in a child’s name, even if the child has never applied for or used these services.

2. A child or a family is denied government benefits because another account using that Social Security number is already receiving benefits.

3. The Social Security Administration, Internal Revenue Service or some other government agency asks to confirm that a child is employed, even though the child has never had a job.

4. The IRS notifies a parent that the same information he or she filed for a dependent child is listed on another tax return.

5. A child receives a notice from the IRS saying he or she failed to pay taxes on income the child has never received.

Source: Federal Trade Commission
Florida, a person who fraudulently uses a minor’s personal identification information now faces a second-degree felony charge, while criminal use of an adult’s personal identification information remains punishable as a third-degree felony.

In 2009, Indiana legislators enhanced the penalty for the crime of “identity deception” from a class 6 felony to a class 5 felony if a person uses identifying information from a son, daughter, ward or other dependent.

“As we move deeper into the information age, identity theft becomes easier and more prevalent, leaving thousands of Hooisers at risk of losing their good financial standing to unscrupulous criminals,” says Indiana Representative Linda Lawson (D). “It is our duty to protect Hooisers from these deceptive acts.”

In Louisiana, lawmakers decided to set minimum sentencing times for identity theft committed against a child under age 17, depending on the monetary value associated with the crime.

In Florida and Pennsylvania, lawmakers chose to increase the criminal penalty by one grade if a person steals the identity of a child under age 18. In the definitions of what constitutes the crime of identity theft, Georgia and Texas specifically added using the identifying information of an individual under 18.

In Kentucky, state legislators included in the state’s identity theft statute possessing or using current or former identifying information of a family member.

The Power to Freeze Credit Reports

Forty-nine states and the District of Columbia allow consumers to place a “security freeze” on their credit report to limit a reporting agency from releasing a report or any information from it without authorization from the consumer. The security freeze is designed to help prevent identity thieves from opening new accounts using the victim’s identifying information.

Now, legislators are making this tool available to children to prevent identity theft. Thirteen states have expanded the law to allow a parent or guardian to place a security freeze on a minor’s consumer credit report. Other states are considering similar measures.

“This crime can have a devastating effect on an individual’s personal finances, and we should ensure that our young people can begin their adult lives with a clean financial slate,” says Senator Jane Nelson (R), who sponsored the legislation in Texas.

“By allowing parents to place a ‘Do Not Enter’ sign on their child’s credit file through a written request directly to each consumer reporting agency, the credit reporting companies may require copies of:

- The child’s birth certificate and Social Security card,
- The parent’s driver’s license or military identification,
- Proof of address, such as a utility bill or credit card statement, and
- Copies of documents proving legal guardianship of the child.

Have You Checked Your Credit Report?

The federal Fair Credit Reporting Act requires each of the nationwide credit reporting companies—Equifax, Experian and TransUnion—to provide consumers over age 18 with a free copy of their credit report, upon request, once every 12 months. The website, www.annualcreditreport.com, is the only one authorized to fill orders for a free report, although consumers may also call 1-877-322-8228 to request a report.

Callers will need to provide their name, address, Social Security number, and date of birth. If they have moved in the last two years, they may have to provide their previous address. To maintain security, the credit reporting agencies may ask for some personal information, such as the amount of a monthly mortgage payment. Each company may ask for different information because the information each has comes from different sources.

For children younger than 18, parents, legal guardians and child welfare agencies must request a manual search of the child’s credit file through a written request directly to each consumer reporting agency. The credit reporting companies may require copies of:

- The child’s birth certificate and Social Security card,
- The parent’s driver’s license or military identification,
- Proof of address, such as a utility bill or credit card statement, and
- Copies of documents proving legal guardianship of the child.
Joe Scarborough
Witty, incisive and provocative, the former Republican congressman and host of MSNBC’s Morning Joe is one of America’s most resounding voices on political culture today.

General Wesley Clark
During his 34 years of service in the U.S. Army, Clark rose to the rank of 4-star General and NATO Supreme Allied Commander. The valedictorian of his class at West Point, Clark is a Rhodes Scholar, recipient of the Presidential Medal of Freedom, and author of two books.

Senator Amy Klobuchar
In 2006, Klobuchar became the first woman elected to represent Minnesota in the U.S. Senate. She has sponsored major legislation to combat sex trafficking modeled on Minnesota’s Safe Harbor law to protect the thousands of U.S. children sold into sex trafficking.
The speakers at the Legislative Summit:

**Neil Newhouse and Geoff Garin**

Newhouse and Garin are two of the most respected pollsters in the nation. Newhouse’s Public Opinion Strategies is considered the leading Republican polling firm, and Garin’s firm, Hart Associates, is the NBC/Wall Street Journal pollster. Their different political stripes make for a lively discussion on what Americans think about their country and which party is likely to win in the upcoming election.

**Mike Leavitt**

The former Utah governor served as EPA administrator and secretary of Health and Human Services during the George W. Bush administration. Currently co-chair of the State Health Care Cost Containment Commission, Leavitt consults with states as they respond to national health reforms.
Dr. Mary Wakefield is the administrator of the Health Resources and Services Administration. She came from the University of North Dakota, where she directed the Center for Rural Health. She has served as director of the Center for Health Policy, Research and Ethics at George Mason University and has worked with the World Health Organization’s Global Programme on AIDS in Geneva, Switzerland. She is a fellow in the American Academy of Nursing and was elected to the Institute of Medicine of the National Academies. A native of North Dakota, Wakefield holds a doctoral degree in nursing from the University of Texas.

STATE LEGISLATURES: Is there a shortage of health care providers in our future?

Dr. MARY WAKEFIELD: The Health Resources and Services Administration recently released a report projecting a shortage of about 20,400 primary care physicians in 2020. The overall growth in the U.S. population and the aging of the U.S. population are increasing the demand for health care services. And, to a far lesser extent, but still important, more people having health insurance coverage will also increase demand. Likely this will be lessened as primary care nurse practitioners and physician assistants are more fully integrated into health care delivery. Of course, national data masks substantial distribution shortages that exist across the country.

SL: What can state policymakers do to address future shortages?

MW: One of the nation’s best tools for addressing maldistribution of our primary care workforce is the National Health Service Corps. This program recruits and retains primary care providers—doctors, dentists, psychologists and others—to work in underserved communities by offering scholarships or loan repayments for their medical educational costs. The program also has a very important component for states to participate in. The service corps’ State Loan Repayment Program allows states to receive federal matching funds to support an array of clinicians who are most needed in the state. Also, states control licensing laws of providers and related scope-of-practice provisions, which can significantly expand access to health care services.

SL: How is the federal government working with states to find solutions?

MW: In addition to the National Health Service Corp, the Maternal and Child Health Block Grant program allows states to support workforce development, especially of maternal and child health providers.

We also work with states on the problem of provider shortages and maldistribution of providers in rural areas with both funding and technical assistance to create a focal point for rural workforce issues within each state. In addition, many of the State Offices of Rural Health are co-located with their Primary Care Offices and work together on shortage designation and scholarship and loan forgiveness programs. Also, state Offices of Rural Health often work with the Rural Recruitment and Retention Network, which links clinicians looking to practice in rural areas with rural clinical sites in need of providers.

SL: What is the most important strategy in recruiting and retaining health care workers in rural or frontier areas?

MW: The most important strategy is to recruit the next generation of health care providers from rural areas and to help those who commit to serving in rural and frontier areas pay for their education. Data tell us that providers who are from or have
trained in rural communities more often choose to work in rural communities. And about 85 percent of National Health Service Corps clinicians continue to work in underserved communities for up to two years after they have completed their service commitment. Furthermore, 55 percent of all service corps clinicians remain in service to the underserved 10 years after completing their commitment.

**SL: What is your agency doing to help alleviate gaps in the availability of behavioral health providers?**

**MW:** We know that behavioral health care services are as important as primary care services. Consequently, we are working to make both as easily accessible to individuals and families as possible. For example, this year, HRSA is investing $50 million to expand access to behavioral health services through our network of community health centers. These funds will be used to support the hiring of new behavioral health providers to work alongside of physicians, nurse practitioners, dentists and others. And, through another new initiative, we will be supporting the training of more psychologists, clinical social workers, and marriage and family therapists, including paraprofessional training through community colleges.

**SL: How can we train our future providers in the most efficient, cost-effective way?**

**MW:** A number of our training and delivery programs are focusing sharply on team-based care. These include Accountable Care Organizations and Patient-Centered Medical Homes. In part, they are designed to decrease fragmented care and increase seamlessly coordinated care across both providers and settings. The president’s FY 2015 budget includes an initiative that emphasizes training physicians in community-based care settings where most Americans receive the majority of their health care services.

**SL: How will we know what’s most effective?**

**MW:** As we move forward, testing and advancing new health care models will be important. For example, 25 states will receive up to $300 million through the State Innovation Models initiative to support the development and testing of state-based models for payment and health care delivery system transformation. These funds will allow states to test and evaluate home-grown solutions to state and local health challenges.

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**SL: What excites you most about health care in America right now?**

**MW:** The U.S. health care system has a rich array of strengths, but ample opportunities also exist to increase the value of our services. While change can be unsettling for some, the opportunity to provide better health care to more Americans in ways that are efficiently delivered is exciting. Much of the transformation at the state and federal levels will appropriately place greater emphasis on preventing illness in the first place, harnessing strategies that help people to remain healthy and effectively managing chronic illnesses.

**SL: What might our future health care system look like?**

**MW:** From health care delivered in patients’ homes and clinics harnessing health information technology to training institutions advancing interprofessional courses and state legislators considering their key role in health care policy—much of the work that is well underway in many settings will transform the future. I come from the rural heartland where partnerships and the creative use of limited health resources are just the way we do business. Necessity is the mother of invention. And so it is necessary that we use what we already know and combine it with what we are learning every day to strengthen health care and build a healthier nation.

*Editor’s note:* This interview is part of a series of conversations with national leaders. It has been edited for length and clarity. The opinions are the interviewee’s and not necessarily NCSL’s.
For many state policymakers, having an adequate health care workforce is not just about numbers. It’s about having doctors, nurses, technicians and assistants who can connect with patients in a way that improves their health and avoids costlier conditions.

The recent flurry of both state and federal activity to train health care providers for under-served areas has opened the door to policymakers who want a more culturally competent workforce—providers who recognize when cultural differences matter and can adapt their ways of communicating with patients accordingly. It sounds simple, but it’s not.

Take, for example, an overworked doctor who diligently explains to a young immigrant patient exactly when and how she needs to take her medication, not realizing that his efforts are ineffective because he really should be talking to the grandmother who controls and distributes all medicines in the household.

Or it could be an elderly gentleman who nods enthusiastically as a nurse quickly reviews instructions on which pills to take for each of his ailments, but who never mentions that his failing eyesight prevents him from distinguishing one bottle from another.

It’s clear that the provider-patient relationship—and the communication between them—is very important.

In fact, a lack of understanding between providers and patients is thought to contribute to the estimated one-third of patients who do not adhere to prescribed medication regimens. This can lead to serious complications and more hospitalizations, that in turn, ends up costing the U.S. health system an estimated $100 billion to $290 billion every year.

The idea is that, until providers truly understand their patients’ distinct cultures, languages, home lives and values—being “culturally competent” in wonk-speak—they will not be able to adequately and clearly communicate with them about their health or needed health care.

Cultural competence basically derives from the knowledge, skills and attitudes needed to help individual health care providers or teams understand—for an individual patient—what cultural factors might affect that patient’s care and to use that knowledge to tailor medical instructions and guidance. It involves avoiding stereotyping and over-generalizing, and includes recognizing how personal beliefs, values and assumptions may guide communications and interactions with patients.

**What Have States Done?**

Having a more culturally competent workforce is a goal described in the 2002 Institute of Medicine’s report, “Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care.” In it, the health care community called for all health care providers to participate in “cross-cultural education.”

Efforts to improve the cultural competency of the health care workforce have been part of the larger effort to reform the health care system in general in some states.

The Oregon Legislative Assembly first addressed cultural competency education in 2011 through the Health Systems Transformation legislation, which identified this type of education as “essential to eliminating health disparities.” After consulting with stakeholders—including health licensing boards, health professional associations, community-based organiza-

*Melissa Hansen is an NCSL program principal who covers minority health and Medicaid topics.*
tions, and advocacy organizations, in 2013, Oregon lawmakers passed legislation to require this continuing education as a condition of licensure by 2017. The legislation also directed the state’s Health Care Authority to report to the legislature on its effectiveness.

Five other states have laws requiring certain providers to take cultural competency education. Although the specifics of these laws differ, proponents of increased cultural competency hope that, over time, these efforts will improve the doctor-patient relationship, increase patients’ adherence to treatments, reduce health disparities and, ultimately, improve patients’ health.

Can You Teach That?

The definition of cultural competency has evolved since the 2002 Institute of Medicine report was published. So, too, have methods of training health care professionals to provide culturally competent care.

In the early 2000s, many programs used an approach that taught about the attitudes, values, beliefs and behaviors of specific cultural groups. Imagine a doctor carrying a “cheat sheet” that details how to address different ethnic or religious groups. Many providers felt this approach relied too heavily on stereotypes and placed too much emphasis on “political correctness,” not actual, effective connections and communication with patients.

Today, most experts in the field agree that cultural competency education should encompass teaching providers to be aware of their own cultural beliefs and that their patients and colleagues might hold different beliefs. It also should give providers skills that help them use their new understanding to be responsive to the health needs of their patients.

What About Community Health Workers?

Some states are looking to improve culturally competent care by including a relatively new type of professional—the community health worker—as an integral part of the team of professionals who provide services under Medicaid.

Community health workers go by a number of names—promotoras, village health workers, health aides, community health promoters and lay health advisers. Regardless of their titles, they often are recruited from the communities they serve and trained on the culture of medicine and health systems—they learn the language of providers and how to navigate the health system.

On any given day, community health workers might direct clients to appropriate services, help arrange transportation and provide emotional, social support and, with training, monitor blood glucose levels, measure blood pressure, and offer translation services. In short, they help bridge cultural divides that separate patients from health systems.

Community health workers serve as cultural—and sometimes linguistic—interpreters. Legislators are able to pave the way for community health workers to be part of provider teams by taking advantage of a new federal regulation that allows state Medicaid programs to directly reimburse community health workers if they so choose. Several states also are developing educational and training standards for these providers.

Minnesota legislation allows trained community health workers serving under an authorized Medicaid provider—such as a doctor or advanced practice registered nurse—to receive Medicaid reimbursement for educating patients and coordinating their care.

The law passed after a coalition of educational institutions, health care providers, government agencies, businesses, foundations and nonprofit groups created a statewide standardized training program and reported the potential Medicaid cost benefits to the Legislature. As of 2009, more than 80 community health workers in Minnesota had enrolled as Medicaid providers.
Do These Efforts Really Matter?

It’s a big question, with no easy answer. In short, there is not enough information to say for sure. But a look at the data acquired so far shows reason to believe that efforts to train providers in cultural differences improves their care. If nothing else, patients perceive their quality of care improves when providers are more skilled at reading their cultural clues. A few studies suggest, however, that actual cultural competency skills—and not just a perception of skills—improve care and can reduce costs.

New Mexico, for example, found that, between 2007 and 2009, managed care Medicaid patients supported by community health workers used emergency rooms, prescription drugs and nonessential doctor services less often.

In a systematic review of several cultural competence training programs by the Agency for Healthcare Research and Quality, researchers found strong evidence that cultural competence training increases the knowledge of health care providers and good evidence that it also can improve their attitudes and skills.

Each program was designed differently, however, perhaps reflecting the complexity of creating these training programs. From the program evaluations, it is difficult to conclude which kind of training is the most effective in achieving a particular desired result and even tougher to draw conclusions on which specific types of knowledge, attitudes or skills are affected by cultural competence training.

For many, it makes sense that, when health care professionals communicate effectively and provide high-quality care to patients from diverse backgrounds—race, ethnicity, gender, age, sexual orientation, disability, religion, home country and socio-economic status—patients’ health improves and disparities decrease.

“Cultural competency training is an important component in addressing disparities in health and health care,” says Dr. Robert C. Like, director of the Center for Healthy Families and Cultural Diversity at Rutgers’ Robert Wood Johnson Medical School.

“We are slowly beginning to develop a body of evidence that shows this training does help reduce disparities.” But, he says, “it is still an area of research. As better guidelines and assessment tools for these educational programs are developed, it will become easier to evaluate their impact and effectiveness. It will also be important to couple these educational efforts with transforming our health care organizations and service delivery systems to provide culturally responsive and effective care to our increasingly diverse population.”

More Americans turn to doctors of optometry than any other eye care professional. With a four-year, doctoral-level clinical degree following college and extensive training, optometrists are licensed to correct vision, but they also diagnose and treat eye diseases. And as the need for new advancements in eye care continue, count on optometrists to offer the most comprehensive eye care.

Learn more at AmericasEyeDoctors.org
It came as no surprise when President Obama announced in September 2011 that the U.S. Department of Education would grant states waivers from particular provisions in the No Child Left Behind (NCLB) law.

Congress had failed to come up with an agreement on how to revamp the sweeping federal education law signed by President George W. Bush in 2002, and the Obama administration argued that waivers would offer states more flexibility in complying with some of law’s most onerous requirements.

West Virginia, like most states, took advantage of the offer and received a waiver. Last year, lawmakers passed major comprehensive education reform, and having the waiver “is helping West Virginia move in the direction we want to as a state,” says Senator Robert Plymale (D), chair of the Senate Education Committee.

With the addition of Illinois in April (the most recent to receive a waiver), 43 states, the District of Columbia and Puerto Rico have received waivers.

But now a few states risk losing their waivers, as Washington state did at the end of April, and others face the difficult task of making education policy decisions within the uncertain and changing world of waivers.

Flexibility With Requirements

The waivers granted states flexibility in how and when they achieved certain requirements in the law, as well as how they used the federal education funds.

The original waivers granted states more time to help 100 percent of their students achieve proficiency in reading/language arts and mathematics. In exchange for this greater flexibility, states had to agree to:

- Transition to college- and career-ready standards.
- Develop an effective way to differentiate the performance level of individual schools.
- Hold low-performing schools accountable for improvements.

Lee Posey follows federal education policy from NCSL’s Washington, D.C., office.
yet provide the support they need.
• Establish teacher and principal evaluations based in part on student achievement.

Especially attracted to the waivers were many school leaders from low-performing schools who were seeking a more reasonable set of student achievement targets and more influence in deciding what intervention strategies would be most effective in their schools.

Like most states, Idaho sought the waiver for the flexibility it offered in assessing student learning, says Idaho Senator John Goedde (R), chair of the Senate Education Committee.

“Idaho will use multiple measures, including academic growth and completion of dual credit courses as well as SAT scores, rather than just the annual yearly progress, which should provide a more accurate measure of Idaho’s student learning.”

The waiver requirements also allowed the U.S. Department of Education to emphasize its education reform goals, especially to require teacher evaluations be based in part on students’ performance on statewide tests.

Extensions Offered

As the end of the initial phase of waivers approached this year, states that hadn’t yet met the conditions of their waivers were faced with the uncomfortable possibility of losing their waivers and falling back under the challenging requirements contained in the original No Child Left Behind law.

So the U.S. Department of Education offered a one-year waiver extension to the 35 states that received waivers beginning in the 2012–2013 school year if state school officials could explain how they had used the waiver’s added flexibility to improve their students’ achievement and address any other problems identified in the waiver process. The department continues to process requests for extensions and hopes to reach decisions by early June, if it hasn’t already done so.

What happens when a state fails to receive an extension and loses its waiver? Washington will find out soon, since it became the first to lose its federal waiver. The one thing for sure at this point is that the state will lose control over how it uses almost $40 million in federal Title 1 funding each year.

Nearly every school in Washington will now be labeled as failing to meet the 100 percent proficiency standard required under No Child Left Behind. Although the state wants to continue its accountability plans and focus state interventions on schools identified as a “priority” or “focus,” based on their students’ academic performance, there’s only so much Title 1 money to go around.

Additional Flexibility

A year ago, U.S. Secretary of Education Arne Duncan announced states could have additional flexibility beyond the original waivers in two critical areas: teacher and leader evaluations, and student assessments.

States that received regular waivers before the summer of 2012 could now delay the use of new teacher and leader evaluation and support systems and continue to make personnel decisions without the use of student data through the 2016–2017 school year. Five states have received this allowance: Kentucky, Mississippi, Nevada, North Carolina and South Carolina.

Second, the department offered states the flexibility to avoid “double-testing” during the transition to the new assessments based on the college- and career-ready standards.

During the past school year, schools could choose to give only one assessment to any individual student—either their current statewide test or the brand-new assessments based on the col-

| Do you think the “No Child Left Behind” law has helped or hurt U.S. schools? |
|---------------------------------|---------|---------|---------|---------|
| Total  | Democrats | Republicans | Independents |
| Helped     | 15%       | 17%       | 21%       | 12%       |
| No effect  | 18%       | 21%       | 18%       | 18%       |
| Hurt       | 41%       | 43%       | 37%       | 47%       |
| Not sure   | 25%       | 20%       | 25%       | 23%       |

Source: The Economist, April 2010
lege- and career-ready standards.

Participating schools are not required to meet annual progress targets based on these new assessments and will retain their current proficiency level designation for another year.

To date, California, Connecticut, Idaho, Illinois, Iowa, Maryland, Massachusetts, Montana, Nevada, Oregon, South Dakota, Utah, Vermont, and Washington have received approval.

State Struggles

Like Washington, Arizona, Kansas and Oregon are also in danger of losing their waivers as they struggle with meeting or conforming to certain requirements in the waivers.

Washington lawmakers were frustrated that “the U.S. Department of Education was unable to support our preference for student growth,” says Washington Representative Sharon Tomiko Santos (D), chair of the House Education Committee. The Legislature adjourned last spring without having passed a teacher evaluation process that conformed to the waiver’s requirements.

The current state process already “is rigorous and provides a fair and balanced way to measure student growth and support teacher improvement,” says Tomiko Santos.

Washington allows local school districts to use their own student assessments as part of the teacher evaluation process. But that’s not in line with the federal education department’s waiver requirement that teacher evaluations include student growth as a “significant factor” in examining teacher performance, and that students’ academic growth over the course of a school year must be measured through statewide standardized tests.

The federal department chose to stand firm on this mandate. “Washington has not been able to keep all of its commitments,” Secretary Duncan wrote in the email informing the state it was losing its waiver because of its teacher evaluation method.

Washington is not alone. The waiver process also has become complicated in California. Although it received a waiver from the statewide testing requirement, it’s the only state denied a comprehensive waiver from the original law’s requirements.

Last year, however, eight large California school districts that had formed the CORE (California Office to Reform Education) consortium and applied as one entity received a unique one-year NCLB waiver.

The CORE waiver faced possible nonrenewal if the eight districts didn’t follow through on their school-rating and teacher-evaluation proposals.

Just before the May 2014 deadline to apply for a second year of the waiver, Sacramento’s school district withdrew from the CORE group in protest over its plan to tie teacher evaluations to student test scores. On July 1, the Sacramento school district will return to the provisions of No Child Left Behind; it anticipates costs of about $4 million to help underachieving students demonstrate academic proficiency as required in the law.

This world of changing waivers will continue as long as the reauthorization of No Child Left Behind lingers in Congress. This likely means a long time.

State policymakers, however, aren’t taking a recess from efforts to improve the nation’s schools. They continue to debate and enact major education reforms—new academic standards, new assessments based on those standards, and new teacher evaluation systems—with or without a waiver.
By Jo Anne Bourquard

Property crimes may be down, but smartphone thefts are escalating, say law enforcement officials. This is particularly true in large cities, where about 40 percent of robberies involve the theft of a mobile phone, the Federal Communications Commission (FCC) reports. Consumer Reports recently disclosed that cell phone thefts nearly doubled last year, increasing from 1.6 million stolen phones in 2012 to 3.1 million in 2013.

People talking on their phones in public, inattentive to their surroundings, make easy targets for thieves, who are after the wealth of personal financial data contained on the phones and the high resale value phones fetch on the international black market.

A recent study by Creighton University found 145 million Americans currently have smartphones, and they spend about $4.8 billion a year on cell phone insurance and another $580 million replacing stolen phones.

The survey of 1,200 smartphone users in February 2014 indicated overwhelming support (99 percent) for giving consumers the option of disabling their lost cell phones. The study estimates consumers could save about $2.6 billion a year if cell phones came with “kill switches.”

What’s a Kill Switch?

Kill switch software allows the smartphone to be made inoperable after it is reported stolen by wiping out just about everything on the phone—contacts, photos, emails sent and received, and other information—and locking it, preventing the phone from being reactivated without an authorized user’s consent and password.

Many believe this technology is the best way to thwart the thieves. Lawmakers in California and Minnesota debated bills this year to require the use of a kill switch or other technology to disable stolen phones.

Kill switch legislation also has been introduced in at least three other states—Illinois, New York and Rhode Island. In addition, pending legislation in New York prohibits wireless phone providers from activating mobile telephones belonging to another owner unless authorized to do so.

“One of the top catalysts for street crime in many California cities is smartphone theft, and these crimes are becoming increasingly violent,” says California Senator Mark Leno (D). He believes kill switch technology is capable of stopping “cell phone thieves in their tracks.”

Jo Anne Bourquard is a senior fellow in NCSL’s Member Outreach and Digital Communications Division.
The California Senate passed legislation in early May that requires all smartphones sold in the state to come pre-equipped with theft-deterring technological solutions to render the device useless if stolen, beginning next year. Senate Bill 962, authored by Senator Leno and sponsored by San Francisco District Attorney George Gascón, is supported by law enforcement groups, and would allow consumers to opt-out of using the technology. Companies that fail to comply with would be subject to a penalty.

“We’re one step closer to ending the violence and victimization that far too many people have been subjected to. California truly has an opportunity to lead the way and end this public safety crisis,” says Leno.

Minnesota enacted a law in May requiring all smartphones sold after July 1, 2015, to have the switch software. The law also requires retailers of used smartphones to keep records of sales and nixes the use of cash for payment. “With this new law, Minnesota is leading the way and acting on this growing threat to public safety,” says Representative Joe Atkins (DFL), sponsor of the measure in the House.

At the federal level, several pieces of legislation have been introduced that would: require providers to install kill switches; ban anyone from altering or removing the unique ID numbers on mobile devices; and prohibit cell phone compa-
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nies from providing service to any mobile device that has been reported stolen.

Industry Seeks Solution

In April, Oregon Senator Bruce Starr (R), NCSL president, applauded the wireless industry’s “commitment to reduce the number of smartphone thefts” after it announced its support of a voluntary campaign to include the kill-switch anti-theft technology in all phones manufactured after July 2015.

CTIA, the wireless industry association trade group, is promoting that the kill switch feature be preloaded or available as a free download and that consumers be given the choice whether to activate it. The group also believes an authorized user should be able to reverse the kill switch feature when the phone is found.

“Wireless companies, manufacturers and operating system companies are taking a step in the right direction,” wrote Rhode Island Senator Dominick J. Ruggerio (D) in an opinion piece in the Providence Journal. He’s concerned that although technology has “made our world more convenient, it has also put users at greater risk.”

The program has commitments from Apple, Google and Samsung as well as AT&T, Sprint, T-Mobile and Verizon Wireless among others. “This flexibility provides consumers with access to the best features and apps that fit their unique needs, while protecting their smartphones and the valuable information they contain,” says CTIA’s Steve Largent. “It’s important that different technologies are available,” he says, “so that a ‘trap door’ isn’t created that could be exploited by hackers and criminals.”

Other Efforts

The FCC has teamed up with law enforcement agencies and wireless carriers—including Verizon Wireless, AT&T, Sprint and T-Mobile—to create a national database of the unique identification numbers of cell phones reported stolen, which went live at the end of 2013.

Carriers use these ID numbers (known as IMEI, or International Mobile Equipment Identity) to disable the phone’s ability to communicate with its mobile network.

Some law enforcement officials say the database won’t solve the problem, however, because phone IDs can be easily modified by thieves, and because many stolen phones end up overseas where they are not covered by the database.

The FCC also has launched a public education campaign, the PROTECT Initiative, to encourage consumers to activate and use the password protection option on their smartphones and tablets.

Attorneys general in at least 29 states, Guam and Puerto Rico have joined prosecutors, police chiefs, state and city comptrollers, and public safety activists to form the Secure Our Smartphones (S.O.S.) initiative to find technical solutions to removing the economic incentives for re-selling stolen smartphones.

The coalition says it’s time to halt the increase in crime that has smartphone theft—also known as “Apple picking”—at its core.
State revenues have grown for the third straight year, but don’t go celebrating yet.

S
tate tax collections continue to climb. According to the U.S. Census Bureau, total state tax collections added up to $846 billion in FY 2013. That’s 6.1 percent more than FY 2012 levels and the third year in a row cumulative state tax collections have grown.

The uptick in tax collections was led by the performance of the personal income tax, which rose 10.3 percent over the previous year. Sales and use tax collections grew by 3.9 percent, a continuation of the modest growth they experienced in FY 2012 when collections rose 3.2 percent.

The corporate income tax was up 7.9 percent in FY 2013, a significant jump from a growth rate of 1.6 percent in FY 2012.

While the continued improvement in state tax collections is an achievement, don’t put on your party hat just yet. It’s been a steady, but slow, climb out of the economic nadir caused by the Great Recession. State revenues are up, but not impressively so. Five years after the longest economic downturn since the Great Depression, 2013 state tax collections are up from 2008 by only 8.5 percent. In comparison, five years after the recession in FY 2002, state tax collection had grown by 42 percent. This spread illustrates just how different the current economic recovery has been from its predecessors.

The change in tax collections from 2008 to 2013 has varied greatly among states—from an increase of 129 percent in North Dakota to a decline of 41.2 percent in Alaska. Energy powered the changes in both—a frenzy of oil development in the Peace Garden State and a drop in oil production in the Last Frontier.

“Behind the Numbers” is a policy specialist in the NCSL Fiscal Affairs department.

Todd Haggerty
Total tax collections in 42 states met or exceeded 2008 amounts in 2013. Growth rates in 22 of these states outpaced the U.S. average of 8.5 percent. This is certainly good news, but it is tempered by the fact that growth rates in 2013 collections for 20 other states were less than the U.S. average. And, for the remaining eight states, 2013 collections were below 2008 figures.

Looking Ahead

As if the tepid recovery isn’t concerning enough, many of those who watch state revenues closely believe the growth experienced in FY 2013 is not really what it appears to be. The increase in revenue, especially for personal income taxes, was partially a result of taxpayers pushing as much of their income into tax year 2012 as they could to avoid an anticipated increase in federal tax rates in 2013.

This causes uncertainty and lowers expectations when forecasting future revenues. This concern was reflected in FY 2014 revenue forecasts, which were projected at a low 1.3 percent. NCSL’s spring survey of legislative fiscal officers found that only a handful of states are expected to miss their targets by the close of FY 2014, indicating that the modest revenue growth rate projected have largely been attainable.

However, collections during April—an important month for personal income taxes—could determine if many states ultimately meet their revenue goals. Those figures were not yet available when this went to press.

As most states near the FY 2014 finish line, officials will be watching final collections for FY 2014 closely. Improved fiscal conditions in FY 2014, whether modest or strong, are a welcome change from the persistent budget gaps states faced earlier in the decade. And that is cause for celebration.
26 states and Washington, D.C. have made the decision to accept the funds and increase access to health coverage under Medicaid. In states that do not increase access to care, 7.6 million low-income adults who could have gained Medicaid will remain ineligible for the program.1 Accepting the federal funds means you'll save lives and money.

**Accept the federal funds for a healthier state.**

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**Check the facts:**
1. The Henry J. Kaiser Family Foundation

Paid for by the American Cancer Society Cancer Action Network.℠
“At the end of the day, it is going to be one of the most successful General Assemblies in the history of Iowa.”

Iowa House Speaker Kraig Paulsen (R), alluding to a K-12 education overhaul, property tax reform and health care expansion enacted during the two-year session ending May 2, in the Des Moines Register.

“The state has had this policy for over 100 years and hasn’t deemed it necessary to change the law, and I don’t see any reason why we would.”

Texas Senator Jose Rodriguez (D), speaking against a bill that would lift Texas’s long-standing ban on carrying weapons in full view, which 17 states allow, in the Amarillo Globe-News.

“Our esteemed AG once again making up the law.”

Tweet by Virginia Delegate Gregory Habeeb (R) after state Attorney General Mark Herring announced some undocumented immigrants brought to this country as children can qualify for in-state college tuition, in the Washington Post.

“It concerns me that we’ve taken away the laser beam and applied a baseball bat.”

Tennessee Representative Tony Shipley (R) about a bill that would have created a misdemeanor charge for disruptive picketing, which Shipley considered overly broad, in The Tennessean.

“The more antibiotics are used, the more resistance will develop. This is an emergent public health issue.”

California Senator Jerry Hill (D) on his bill that would restrict the use of antibiotics in farm animals to enhance their growth, as reported by Reuters.

“This really was a human story. I couldn’t be more proud of my colleagues for the courageous vote they cast.”

Georgia Representative Allen Peake (R) following House passage of a bill to legalize a non-intoxicating form of marijuana for patients with severe seizures, as reported by Reuters.

“The state of Illinois will spend over $1 billion in construction this year alone, so $100 million is not out of line. It’s clearly a good investment for the future.”

Illinois House Speaker Michael Madigan (D) after a House committee endorsed a plan to contribute $100 million in state funds to help build an Obama presidential library in Chicago, in the Chicago Tribune.
AMERICA’S INNOVATORS believe in
NUCLEAR ENERGY’S FUTURE.

I’m developing innovative technology that takes used nuclear fuel and generates electricity to power our future and protect the environment.

America’s innovators are discovering advanced nuclear energy technologies to smartly and safely meet our growing electricity needs while preventing greenhouse gases.

Bill Gates and Jose Reyes are also advancing nuclear energy options that are scalable and incorporate new safety approaches. These designs will power future generations and solve global challenges, such as water desalination.

Nuclear energy supplies nearly one-fifth of our electricity. In a recent poll, 85% of Americans believe nuclear energy should play the same or greater future role.

Get the facts at nei.org/future
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