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## Senate Appropriations Sub-Committee Holds Hearings on Federal Role in Expanded Use of Technology in Education

On July 25 the Senate Appropriations Subcommittee, chaired by Senator Tom Harkin (D-IA), held a hearing focusing on the Federal role in supporting education technology use and, in the words of Senator Harkin, “what can this Committee do as it writes its appropriations bill to encourage effective uses of technology?” Ranking Republican Senator Arlen Specter also was present. Witnesses included:

- Margaret Honey, Director, Center for Children and Technology at EDC;
- David Rose, Co-Executive Director of CAST;
- Cheryl Williams, President of ISTE;
- Gail Maxwell, Technology Strategist and Director of an Innovation Technology Challenge Grant in Senator Harkin’s home state at Griswold Community School District;
- Thomas Gann, Director of Strategic Alliances, Sun Microsystems, Inc.

A number of technology firms and other related groups also provided demonstrations, including PLATO Learning, Carnegie Learning, Apple Computer, Breakthrough to Learning/The Wright Group, and the Media Access Group at WGBH (Boston).

Witnesses representing groups that have been involved in the education technology movement for many years identified some of the major issues and implications related to proposed changes in Federal policies supporting technology (e.g., the Bush proposal to

block grant the eight major technology earmarked or supported programs). They failed, however, to mention several important implications. The Sun Microsystems representative called for increased Federal support for connectivity, including broadband access and “backend infrastructure,” which at the least was a sales pitch and, at the most, confusing to the Senators and many in the audience, thereby distracting from serious debate about major issues. Most of the seasoned education technology spokespersons called for continuation of the E-Rate without changes, calling it by any objective criteria, “successful in expanding Internet connectivity;” only one witness however, Gale Maxwell of Griswold School District, emphasized the importance of E-Rate leverage on other funds stating that the E-Rate “frees up money that can be used for technology in other ways.” Most recommended:

- maintaining PT<sup>3</sup> and Community Technology Center programs as separate from the proposed technology block grant; and
- increased funding and support for professional development for both teachers and administrators relating to technology integration.

Unlike the Bush proposal to support only advances in technology which increase basic math and reading skills, the Technology Strategist from Griswold stated: “When we began this project, our objectives were to enhance reading comprehension and writing. At the end of the year we saw student growth in what are called 21<sup>st</sup> Century Skills. These will now become a focus for the grant and its evaluation.”

One important issue which was addressed during the hearing, and which will likely be reflected in the final appropriations bill, related to how technology can provide access to individuals with different disabilities. Senator Harkin has been a strong advocate of special education technology and increased funding in this area as a co-sponsor of the Technology-Related Assistance Act of 1988; and he also participated in one of TURNKEY’s National Video Teleconferences on the use of technology in special education during the 1990s. Before the hearing he personally sought out David Rose

from CAST after Rose's presentation and asked questions or otherwise made comments which suggest several of Rose's recommendations will be seriously considered.

While Rose recommended continued funding and support for the development of "assistive technology," his primary recommendations related to "digital curriculum" and "universal design of learning technologies." Specifically, he called for:

- support for the Instructional Materials Accessibility Act of 2001, which would create a national repository of available digital curricular content;
- support for ongoing R&D in the design of digital curriculum infused with the best research-based accommodations for individuals with disabilities;
- all education programs administered or supported by the Federal government to use universal-designed education technology; and
- development of research-based guidelines for school districts and publishers, among others, on how to evaluate and select universal designed education technologies.

His argument supporting "universal-designed learning technologies" would not only provide increased flexible access to individuals with disabilities, but also reduce or do away with the current costs of having to retrofit to meet Section 508 Technology Accessibility Standards at the Federal level, and eventually at the state and district education level.

In his closing comments, he stated "To ensure that learning technologies work for all learners, Congress can take the same kind of leadership as it did in legislating Section 508 for the workplace --- in this case in the "learning place." In response, Senator Harkin mentioned to his key staffer, that "we should put something in (the appropriation bill) on universal design."

During their summaries of their written testimony, although several witnesses appear to have accepted as a fact the grant consolidation of technology programs, they requested that these programs be fully funded. This evoked a question from Senator Harkin about whether witnesses felt that progress in ensuring the effective use of technology would indeed be achieved under block grants controlled by states. Some comments created some additional confusion. Several times the Senator asked the Sun Microsystems representative to clarify exactly what they felt the Federal role should be and would Federal support for broadband access and backend infrastructure address some of the major problems -- such as inadequate training and improving student performance on state assessments -- that other witnesses identified.

The Sun representative did recommend that the Federal government support the Computer and Communications Industry Association proposal which calls for a national Digital School District initiative in which “smart network computing architecture” would be demonstrated in schools which then could share “best practices” through a national clearinghouse. The proposed \$52 million digital school proposal would also provide “adequate seed money to encourage the development of web-based education content.” The Chairman of Sun Microsystems, Scott McNealy, several years ago during a similar hearing, argued that the Federal government should actually develop high-quality software and web delivery content and provide it free to school districts and schools.

On a positive note, during an “off line” conversation with Senator Harkin and his key staff, I mentioned several findings from our survey including: (a) over half of the large district special education directors in their responses indicated that they did not know about the Section 613 “incidental use” provision which Senator Harkin and former Chairman Goodling co-sponsored in 1997; and (b) even more of the respondents were not aware of Section 508 technology accessibility mandates that may in the near future apply to them. The Senator confirmed that he was aware of these provisions and agreed with former Chairman Goodling’s comments when similar findings from an earlier survey

were made to him: “Why should we work so hard to get these flexibility provisions put into law when so many districts don’t take advantage of them?” I suggested that there is less a need for some type of block grant under IDEA (which is being discussed) than for USED to undertake a concerted national effort to make district officials aware of the flexibility currently in the ESEA and IDEA.

### **Final Report on Education Technology by CEO Forum is On Target But Will It Have an Impact on the Administration’s Policy?**

During the NECC Conference, the CEO Forum released its report entitled “Key Building Blocks for Student Achievement in the 21<sup>st</sup> Century: Assessment, Alignment, Accountability, Access, and Analysis.” As previously reported (see Washington Update April 2001), its policy paper entitled “Education Technology Must be Included in Comprehensive Education Legislation” was released in March. The findings, arguments and recommendations in these two reports are rational, sound, and much needed; but the real question is whether or not it will have an impact on the Bush Administration’s policies which will affect technology use both directly and indirectly. Perhaps the recommendations will have impact more quickly on individual states; at least three states (Virginia, Texas and North Carolina) have adopted versions of the CEO Forum STAR Chart released two years ago in their state technology and accountability programs. However, unlike the SCANS report, prepared under the direction of Dr. Arnie Packer during the early 1990s, the CEO Forum did not have as much participation from employers as did the SCANS Commission. Such active participation and “buy in” from over 5,000 employers across the country resulted in wide scale adoption in two years of SCANS “competencies” and “foundations,” which students should acquire for successful employment in the 21<sup>st</sup> century.

One of the strong recommendations by the CEO Forum calls for the use of technology (such as computers) in testing and assessment, thus allowing students who have

developed skills in using technology to apply these skills during state assessments. At the Federal level, bureaucratic hurdles and “turf battles” are among the major barriers to allowing students to use computers in taking the NAEP writing assessments. Indeed in 1994 and 1998, students who used computers more than once a week did worse on the NAEP than students who did not use computers. On the other hand, during the June NECC conference, at least 15 firms offered online assessment in teacher evaluation, student writing and other subject areas compared to only two at last year’s NECC conference. Discussions with these individuals strongly suggest that, by the end of this year, between 25 and 30 states will be planning or actually allowing the use of technology in some statewide assessments similar to efforts underway in Virginia, Oregon, Massachusetts, among others. As previously reported, one of the major factors contributing to this significant growth has been the threat of lawsuits relating to provision of “reasonable accommodation” for students with disabilities such as the Oregon case (see Washington Update, April 2001).

Another important recommendation from the CEO Forum is that one of the major objectives of using technology is “to teach not only academic skills but also 21<sup>st</sup> Century technology digital literacy, inventive thinking, effective communications, teamwork, and the ability to create high quality products.” As previously reported, the Bush Administration is proposing to allow Federal funds to be used to purchase technology only where software and other applications can be demonstrated to have been effective in increasing student scores in math and reading. Related to this recommendation, the Forum also cites findings over the last year from groups (about which we have reported) such as the Wisconsin Center for Education Research and Achieve, Inc., which have found that, in many states, current assessments are not aligned with standards and, in some states, less than 10% of the content on state standards are actually addressed by teachers when “the classroom door closes.” The Forum goes further and strongly urges that new state assessments which need to be developed should not only allow the use of

technology by students in taking such assessments but should include domains related to technology, literacy, competencies related to 21<sup>st</sup> century skills.

Several individuals who had very important roles in drafting the CEO Forum report are in a position to make the highest levels of the Administration aware of some of the unintended consequences of current and proposed Administration policies and to take steps to incorporate several of the CEO Forum recommendations into ESEA and other policies. We are pleased that several of these individuals are subscribers to our TechMIS service. For more information on the report and CEO Forum, go to [www.ceoforum.org](http://www.ceoforum.org), or call (202)393-2260.

### **U.S. District Court Settles ACLU/ALA Filtering Lawsuit Extending Effective Date by One Year**

Lawsuits filed earlier this year challenging provisions in the Children's Internet Protection Act passed last December by the ACLU and American Library Association (ALA) were recently settled in a U.S. District Court. Under the decree, libraries would have until July 2002 -- rather than the current October 27, 2001 date -- to certify that they were in compliance with the filtering requirements in CIPA. Similar to a lawsuit filed by the ACLU and ALA several years ago, the basis of the lawsuit was that CIPA is a violation freedom of speech. In the prior case the Supreme Court ruled in favor of the litigants which overruled new legislation designed to protect children from indecent material and pornography.

As noted in the March TechMIS issue, a number of states have begun the process of developing state laws similar to CIPA if CIPA is overturned. The only state that has thus far passed legislation in response to CIPA and its possible overturn is Oklahoma. On the other hand, many states who are opposed to some of the CIPA provisions for several

reasons -- including violation of free speech -- are proposing slightly different versions more to their liking in hopes that state laws will prevail as far as the E-Rate (to which CIPA applies) is concerned; this approach has been applied in other E-Rate situations in which there were conflicts between state procurement rules and procurement rules under the E-Rate.

It is also possible that similar lawsuits could be filed by groups representing schools which were not included in the ACLU/ALA settlement. A recent survey by USED found that, as recently as last Fall, over 90% of school districts had Acceptable Use Policies and, of those, almost 75% used blocking or filtering software. The question here is whether or not the specific Acceptable Use Policies and key filtering software meet the provisions of CIPA which have yet to be clarified.

For a copy of the recent USED survey released in May 2001 entitled "Internet Access in U.S. Public Schools and Classrooms: 1994-2000" go to [www.nces.ed.gov/pubsearch](http://www.nces.ed.gov/pubsearch).

### **States Likely to Allow New Immigrants to Enter College at Lower Tuition Rates Which Would Likely Create an Increased Demand for ESL and Remedial Programs**

State legislatures in Texas and California have set forth legislation which would allow undocumented immigrant students to enroll in community colleges as state residents rather than pay much higher non-resident fees. Texas is the first state to give lower tuition rates to undocumented immigrant students under legislation signed by the Governor in mid-June. While Governor Gray Davis vetoed such a bill last year, he is likely to face new political pressures to support such legislation in California this coming year.



Under amended Welfare to Work Reform legislation and TANF welfare surplus, there will exist opportunities for many of these undocumented workers to enter college for the first time. Previous studies have shown that recent immigrants who became citizens represented a major growing cohort of first-time college enrollees from families.

Several other factors contribute to an enrollment growth of individuals who are likely to need remedial courses including:

- recently proposed legislation by the President which would naturalize (or provide amnesty for) approximately three million Mexican citizens located in the United States which would reduce the tuition cost of college significantly, as is the case in Texas now;
- a joint USED/DOL initiative to provide distance learning between colleges and high schools through Job Corps centers to provide remediation and basic skills (see related item); and
- an increase in Veterans benefits from approximately \$500 per month to \$1,000 to defray the cost of college course-taking by Veterans.

The estimated amount of money spent on remedial programs at the community college level is about \$1 billion. This niche market is ripe for technology-based solutions because it is very difficult to have tenured teachers teach remedial courses. Thus, technology-based solutions, which are individualized self-paced, are considered a viable alternative.

The bottom line for vendors of online reference and supplemental instruction, as well as more traditional means of delivering such programs, is that the firms should seriously consider taking advantage of growth opportunities and increased sales in the two-year college marketplace.

## **Major Obstacle to ESEA Reauthorization is Large Differences Between House and Senate Definition of Adequate Yearly Progress: Likely Solution Will Be to Amend Current Practice**

The large differences in definitions of “adequate yearly progress” (AYP) between the House and Senate ESEA versions will be a major obstacle (along with funding) which will have to be resolved during conference meetings which just began. One very likely solution will be to do away with both proposals and amend the existing definition and processes. The definition and the criterion levels of performance for students’ “adequate yearly progress” determines what schools are “targeted for improvement” under Title I. Currently, states determine the criterion level which has resulted in wide variation in the percentage of Title I schools targeted for improvement among the 50 states and what, if any, corrective action is undertaken. By the end of School Year 2000-01, states were mandated to develop and send their plans for Assessment and Accountability to USED for approval. Only 16 states thus far have received “conditional” or “actual” approval and USED officials admit the review process did not address each state’s definition of “adequate yearly progress.” Hence, the current definition and system for implementing the state’s AYP standard has not been approved in most states and will only be implemented in a limited number of states this coming year. Because of this, the Congressional Research Service has prepared a report which analyzes the House and Senate versions related to AYP and also suggests the use of the existing provisions related to AYP with several amendments.

Under the current system most states use the following definitions and procedures:

- most use only achievement test scores, but an increasing number are using other factors such as drop-out rates or attendance rates;
- most states set, as a threshold, a minimal percentage of students at a proficiency level on one or more state tests which does not change from year to year nor does it incorporate progressive movement toward an ultimate goal or proficiency level;

- in some states, AYP standards are based upon achievement results for a single year while others were on a 2-3 year “rolling average;” and
- in most states, standards generally referred to all pupils in a school or district Title I program without a focus on subgroups of students (limited English-proficient, special education, etc.)

As reported in Education Week (July 11) a professor at the University of California recently applied the proposed House and Senate standards and provisions related to AYP to Title I student data from North Carolina and found that, between 1994 and 1999, 100% of the State’s elementary schools would have failed to meet the House targets for one or more years and 98% would have failed to meet the Senate targets. Daniel Koretz of the Rand Corporation, in the same article, is quoted as saying that “the rational thing to expect even in a well-functioning school system is that scores will fluctuate, particularly in small schools or those with unstable student populations.” A forthcoming Rand Report will likely conclude well over 50% of the variation in individual student scores are related to variety in test administrations and environments totally unrelated to what knowledge students have learned.

The option presented by the CRS, which provides advice to Congressional leaders and committee staff (updated July 9), is to extend the current AYP statutory provisions with minimal amendments focusing on implementation of several new provisions of HR 1 regarding “corrective action.” As stated, “this option would continue to give states a great deal of flexibility in choosing how to identify the lowest performing schools while focusing on the actions to be taken with respect to those schools.”

One recommended change would be to modify the “ultimate goal” by having interim benchmarks. As stated, “for example, it might be required that the gap between the portion of pupils at proficient or higher levels in the base year and 100%, be reduced by one-half over a period of up to 5 years. Such a provision would still provide a concrete and substantial incentive toward net increases for all pupil groups, while recognizing the

unlikelihood that every single pupil would reach a truly challenging level of proficiency at any point in the future.”

Another recommendation would be to simplify different pupil subgroups in the Senate and House versions. Proposed subgroups include Title I students, regular students, non-Title I students, ethnic groupings, limited-English proficient students, and students with disabilities. CRS recommended that the groups of students which fall under the AYP standard should be limited to “economically disadvantaged” or “low-achieving students.” However, if states so desire they can report student achievement levels by more subgroups of students which would not, however, fall under the AYP requirement. This recommendation recognizes the impossibility of closing the achievement gaps between, for example, special education students and non-special education students, which the White House has touted. Well-known authorities such as the National Center on Education Outcomes have concluded that under current practices of placing students in or out of special education programs, this is impossible!

Other changes suggested by the CSR include:

- explicitly allowing states to combine subject areas or to consider only reading and math;
- dropping the House version requirement for specific consideration of acquisition of English skills by LEP students;
- basing all decisions on multiple years of data as in the Senate bill, which unlike the House version would take action on the basis of only one year of results.

According to CRS, the advantages of the above proposed changes to HR 1 and incorporating them into the current AYP provisions include: (1) increased management and flexibility for states to identify appropriate number of schools; (2) increased focus on

a more limited number of key aspects of school and LEA performance; (3) more realistic expectations; and (4) less susceptibility to year-to-year fluctuations in test results.

Another advantage of amending the current AYP standards and procedures would be a continuation of the evolution of states which have their own assessment and accountability programs of integrating Title I accountability requirements with their state requirements. Implementing either the House or Senate version as currently proposed would, in over half the states, result in two separate and probably not well-coordinated accountability systems and procedures for identifying low-performing schools. This would create a dilemma for publishers -- namely to which set of assessments do they align their instructional software and materials.

### **New NCES Surveys Address Vocational Programs' Use of Skill Competencies and Credentialing Processes**

The findings of two USED/NCES surveys conducted in the Spring of 1999 addressed the existence of vocational programs offered in secondary schools and in post-secondary education, mostly two year colleges. While longitudinal data are not provided, the lengthy report has detailed information for any firm that develops vocational or directly related supplemental materials or is developing assessment/credentialing systems for commonly provided occupational areas. The occupational clusters include: (a) business and marketing occupations; (b) technical occupations; (c) mechanical occupations; (d) building trades; (e) health/life sciences occupations; and (f) service occupations. Some of the unexpected findings are highlighted below.

Of the 11,000 secondary schools offering at least one of 32 occupational courses, more than 5,000 offer CAD/CAM operator courses. To ensure that skills taught are job-relevant, vocational schools are much more likely to use more of the following

procedures than are comprehensive high schools: work experience, industry advisory committee, follow-up survey of graduates. Between 92% and 99% of the vocational schools which offer one or more of the clusters use a skill competency list. In most cases, skill competency lists were developed primarily by educators with industry input. Regarding credentialing, only 7% of public secondary schools with listed occupational programs prepared students in all of their occupational programs for a state or industry regulatory exam, while 41% did so in at least one of their programs. The cluster which prepared students for industry regulatory exams most was health/life sciences. Vocational schools were more likely than comprehensive schools to prepare students for such state licenses. Skill certificates across the six clusters were used between 40%-55% of the time.

The most useful data are included in the lengthy appendices which would be very helpful in determining market size in terms of numbers of different types of institutions offering courses in specific clusters and trades within clusters. For more information go to <http://nces.ed.gov> or contact the National Center for Education Statistics and ask for report number NCES 2001-018.

### **New NCEO Report Describes State-By-State Use of Various Procedures to Implement Assessment and Accountability Provisions in IDEA for Special Education Students**

A new report by the National Center on Education Outcomes, University of Minnesota, provides state-by-state information on processes and procedures used to implement the assessment and accountability provisions in IDEA for special education students. For firms which have products which can help meet assessment and accountability demands, the appendices to this new report can be extremely useful in deciding what states to target and how to position products. For example, one appendix describes different types of alternative assessments being used with special education students, including “standards

linkages,” “student performance measures,” “performance descriptives,” and general approaches used (e.g. checklist/evidence combination).

This survey of all states and territories found that most state officials believe that the benefits of increasing assessment and accountability systems being applied in special education programs outweigh the negative problems which have arisen in the past. Highlights of the findings include:

- more than half the states reported increases in special education student participation in standards-related assessments and accountability;
- in two-thirds of the states, officials reported stable or increased performance levels of students with disabilities on state tests;
- nearly 60% of the states track the use of accommodations and half of these have increased accommodations over the last year; and
- most states are using a portfolio or “body of evidence” approach for their alternative assessments, rather than a validated alternative instrument, such as the ones used in Indiana, Maryland, and Kentucky.

State officials felt the most positive consequence of students with disabilities participation in assessment and accountability was increased access to general curriculum (14 states), increased inclusion in accountability systems (11 states), and more rigorous education (10 states). Negative consequences including state assessments being too difficult for some students (6 states), students with disabilities make schools look less effective (6 states), and assessments creating more paperwork and time burden(6 states).

The major reasons allowed by state policy for students to be excused from assessments was that the student had limited English proficiency (17 states) and parent refusal (10 states). The number of states where “functional skills are linked back to state standards” for special education students has grown significantly from three states last year to 15 states this year. In 40 states, the alternative assessment focuses on skills and

competencies that are achieved by students and about half of the states measure degree of progress in addition to or instead of skill competencies achieved. In about half of the states, teachers are the primary scorer of the alternative assessments used with their special education students.

Most states report student scores with the notation that “accommodations” (state-approved or even non-approved), were allowed or that “alternative assessments” were given. These states obviously are more concerned than other states about the impact of special education student scores on individual school report cards. In 47 states, where “approved accommodations” were used, scores are aggregated with all students. However, when “alternative assessments” are used in 20 states they are reported separately. Forty-two states offer the regular high school diploma to special education students. Only 26 states offer regular diplomas for those students who take alternative assessments.

In terms of emerging problem areas, almost 20 states indicated that how to report student scores is an existing, and growing, issue along with the “gray area” of assessment and “inclusive” accountability.

In almost ten states, “linking standards and instruction to assessment” is an issue highlighted by a finding in our current survey of special education directors related to technology use. In our survey, respondents felt that the software applications that would help teachers link standards and instruction to assessments would be a “very desirable feature and/or product.” For more information about the TURNKEY 2001 Special Education Survey and Marketing Guide, contact Charles Blaschke at 703/536-2310.



## **New State Level Working Group Formed to Facilitate Greater Coordination and Integration Between Special Education and Title I Programs**

The National Association of State Directors of Special Education (NASDSE) and the Council of Chief State School Officers (CCSSO) have formed a state-level working group referred to as the “Policy Maker Partnership for Special Education,” a multi-year effort funded by USED to reduce the traditional “turf battles” between special education and Title I programs. Several of the first issues which are being addressed relate to reducing barriers and concerns which district officials have about taking advantage of the new flexibility provisions such as Section 613 “incidental use” in IDEA, and the commingling of Title I and IDEA funds in Title I schoolwide programs.

Reports from the Government Accounting Office in 1999 and 2000 found that when districts were aware of the new flexibility provisions in IDEA, Title I, and ESEA generally, the greatest barriers were SEAs. GAO identified 25 states which refused to allow districts take advantage of the “unneeded funds” provision under Title XI and XIV of ESEA to transfer up to 5% of “unused funds” from one Federal program to another toward the end of a fiscal year. Where states have allowed districts to commingle Title I and IDEA funds in schoolwide programs, SEAs often strongly encourage districts to maintain separate records and accounting of what funds were used to serve the two groups of students, even though Federal IDEA and Title I regulations clearly state that accounting of such use of funds is not necessary. In fact, the former national Title I Director has publicly stated that the “Title I auditor stops at the door of a Title I schoolwide program.”

The recently completed TURNKEY Survey of Technology Use and Expenditures in Special Education has found that over half of respondents (most of whom are Directors of Special Education programs in large districts), are unaware of the Section 613 “incidental

use” provision which would allow non-special education students to use network software purchased through IDEA funds under a site license when the price would be same regardless of the number of students who used the program. In states where a similar state provision has been in existence for several years, districts are more likely to take advantage of the flexibility under Section 613 for purchasing products and services with IDEA funds.

As detailed in an in-depth article by Alexander Russo, a former legislative assistant to Senator Bingaman (D-NM), in Title I Report and discussions with NASDE officials, the following efforts are underway in a number of states to resolve some of these “turf battles” and to be more proactive in having districts take advantage of fiscal flexibility which allows Title I and Special Education to develop more integrated programs. These include:

- Kansas, which has developed a review process for jointly monitoring special education, Title I, and vocational programs, which has resulted in greater co-teaching between special education and Title I teachers;
- Utah, in which State and local districts are conducting extensive joint training of Title I and special education teachers and aides;
- Kentucky, in which state-level comprehensive consolidated planning occurs among offices responsible for 19 different Federal and State programs.

Other states which are active in the working group include Oregon and Michigan (go to [www.TitleI.com](http://www.TitleI.com)).

## **House Panel Passes Important Web-Based Education Commission Recommendations Which Would Loosen Requirements for Students Who Can Qualify for Federal Aid Taking Distance Learning Courses**

The House Subcommittee on 21<sup>st</sup> Century Competitiveness, headed by Representative Buck McKeon (R, CA), has approved several recommendations of the Web-Based Education Commission last year which would increase the number of students enrolled in distance learning courses who qualify for Pell grants and other Federal aid. One of the important recommendations was to eliminate USED's "12-hour" rule which requires full-time students to receive 12 hours of on-campus instruction weekly. The new requirement would be that students must participate in one day's equivalent of instructions, examinations, or test prep per week. The so-called "50% rule," which mandates colleges to provide at least 50% of their classes on the campus, would now take into account college loan default rates for three straight years. Democrats who oppose relaxation argued that changes should be made only after findings are known from the Distance Education Demonstration Program, which is determining the impact of existing requirements compared to waivers were allowed greater flexibility for those projects participating in the demonstration. The issue argued by proponents of such changes is an attempt to strike a balance between barriers to online distance education and protecting both students and Federal aid programs from abuse.

The Distance Education Demonstration Program is entering its third year with more than 110 institutions assessing the impact of the "12-hour" and "50% Rule." While USED has publicly admitted that the "12-hour rule" should be changed, it has yet to develop and publish regulations which would indicate what those changes should be.

The bill entitled Internet Equity in Education Act of 2001 would also build a bridge between academic institutions and the Information Technology industry. For example, it

would soften rules on compensating third-party IT firms that provide assistance in recruiting students.

While the proposed legislation would directly affect post-secondary institutions, it is likely that similar provisions would be inserted in K-12 distance learning activities. Recently the American Federation of Teachers developed a set of guidelines and standards for distance learning -- primarily for post-secondary institutions and distance education programming. However, many of the standards and guidelines, according to the AFT, apply to K-12 distance education programs as well. In addition to the Learning Anytime, Anywhere Distance Education Demonstration Program, online distance education provisions already exist in the Advanced Placement Incentive Program; moreover, many of the programs proposed in the ESEA reauthorization would provide for distance online education. (Approximately 35 states have created statewide e-learning programs or virtual universities.)

As discussed in the June Washington Update, the Senate by voice vote passed the Technology Education and Copyright Harmonization (TEACH) Act which would allow more digitally delivered content to be exempted from copyright protection under the “fair use doctrine,” which could be the most meaningful copyright legislation facilitating distance learning ever passed.

## **Proposed Policy Changes in IDEA**

Even though IDEA is not up for reauthorization until next year, some major changes will likely occur as a result of the reauthorization of the Elementary and Secondary Education Act this year; and when IDEA is reauthorized additional changes are likely to occur as noted below.

In the current version of S. 1 as part of the ESEA reauthorization, IDEA would become a “mandatory,” not “discretionary,” budget item and the amount of IDEA appropriations would increase from the current \$7.5 billion to almost \$24 billion by FY 2011. By increasing IDEA funding each year by approximately \$1.5 billion annually, by FY 2011 the Federal portion would be projected to be 40% of the total cost of special education which was stipulated in the original PL 94-142 (now IDEA) authorization in 1975. However, the current S. 1 provision provides that, for any fiscal year appropriation which exceeds \$4.1 billion, LEAs can treat as “local funds” up to 55% of any amounts over \$4.1 billion they receive as long as the LEA meets the requirements and mandates of IDEA. An LEA may also request a waiver from the SEA to treat as local funds an amount exceeding 55% of that amount. For FY 2011, \$10.8 billion of the projected \$23.75 billion of IDEA funds could be treated as a “block grant”. The key to how LEAs will use those 55% of IDEA funds above the \$4.1 billion level will be who (USED, states) determines whether the LEA meets all the mandates under IDEA and whether or not enforcement occurs.

Another proposed revision in ESEA would provide greater flexibility for district officials to suspend special education students indefinitely placing them in alternative settings as a result of significant disciplinary violations (e.g., carrying a handgun to school, violence). Currently, school districts may suspend special education students for disciplinary reasons for a limited amount of time after which they must return to school. This provision would likely increase the number of alternative schools which to date number approximately 16,000.

With regard to the official IDEA reauthorization next year, several activities are underway as of July 2001 including:

- the creation of a blue ribbon commission headed by a senior White House advisor who has argued that effective preventative instructional reading

interventions in grades K-3, will reduce the total number of special education designated students by almost 30%;

- official discussions between USED officials and disability groups; and
- “brown bag luncheon meetings” between key Senate committee staff regarding identification of major IDEA issues.

Both liberal and conservative think tank groups have developed policy provisions on IDEA reauthorization and in several areas appear to have arrived at some level of consensus, including:

- consolidating the number of special education categories (now about 12 depending upon the state) into a few broad groupings,
- changing the future compliance focus on special education student performance rather than procedural safeguards and processes (e.g., whether the student is served in the least restrictive environment);
- greater focus on prevention and early intervention to improve basic skills to reduce the probability of students being placed in special education;
- providing increased funding to ensure that the Federal government pays for 40% of the cost of special education nationwide;
- reducing incentives for designating more students as needing special education services and providing incentives for LEAs to reward schools for improving outcomes of students with disabilities;
- empowering students to overcome their disabilities by equipping them with coping and compensatory mechanisms rather than teaching youngsters to expect a lifetime of special accommodations and services; and
- limiting approaches to those that are research-based and proven effective in helping learning disabled students overcome their reading and other problems and requiring that they be phased into regular classrooms as quickly as possible.

Many of the recommendations from these and other groups are currently being implemented but in many cases not being enforced (e.g., requiring special education

students to take regular state assessments or alternative validated instruments). In a number of states, efforts have been effective in reducing the number of students being placed in special education. Our current survey findings strongly suggest the underlying assumption of the two groups are incorrect in several areas.

One area, which appears to be a current focus of the Bush Administration, is the over-representation of minority groups in special education programs. This is not a “new issue” as one cabinet-level nominee recently reminded Secretary Paige, pointing to a study conducted by USED Special Education Office in the early 1980s which found significant over-representation of Black and Hispanic students in special education programs at that time. That report, however, was never released to the public.

Another proposal by the Bush Administration that is likely to become an even greater issue is the requirement that no more than 5% of students be exempted from state assessments under the Bush annual grade level 3-8 testing proposal. Another issue is whether or not USED will require schools, districts and state education agencies to meet the Section 508 compliance technology accessibility standards compliance mandates which went into effect for Federal agencies in June. In July 2001, USED officials claimed that regulations have been developed in draft form but have not been released.

### **New Bush Executive Order Suggests Department of Labor to be More Pro-Active in Promoting the Use of Technology to Deliver Education and Training Programs**

Following the summit on the 21<sup>st</sup> Century Workforce in June, the White House has released an Executive Order creating the 21<sup>st</sup> Century Workforce Initiative which will be headed by a new Office to be housed in the Department of Labor. Officially the Office “shall provide a focal point for the identification and study of issues related to the

workforce of the U.S. and the development of strategies for effectively addressing such issues.” A 13-member council to be appointed by the President will involve numerous officials from labor and industry sectors. However, an amendment to a previous Executive Order of January 12, 1999, suggests that the council and this office will have a major role in promoting the use of technology in education and training. Specifically, 21<sup>st</sup> Century Workforce will likely be merged with the Advisory Committee on Expanding Training Opportunity and will provide an independent assessment of:

- progress made by the Federal government in its use and integration of technology in adult training programs;
- how Federal policies can encourage or accelerate training technology to provide more accessible, more timely, and more cost-effective training opportunities for all Americans including those with disabilities;
- the creation of mechanisms at the Federal level to deploy and utilize technology mediated instruction;
- research and development for learning technologies.

During the summit, a number of directly related initiatives were also announced, including a new partnership between USED and DOL that would focus on youth and adults who have inadequate literacy skills, which would include efforts to enhance basic skills for adult workers, and help at-risk youth enrolled in Job Corps centers to earn high school diplomas through distance learning. Funds would also be made available for one-stop centers to develop their own adult education curriculum.

During the first day of the July 16-18 JETTCON in Baltimore, discussions were held with a limited number of vendors who exhibited technology-based, as well as other, adult literacy programs; none of them were aware of the new adult literacy initiative nor was it addressed by any of the U.S. DOL speakers during the first day of the conference.



As reported in an article in the April issue of Network Computing, Job Corps and Cisco are implementing a major distance learning initiative relying on Cisco Systems products. About a year ago, a report was submitted to Job Corps to implement a major distance learning initiative which, among other alternatives, would rely on the distance learning backbone developed by Cisco Academies. About a year ago at the JETTCON Conference in Albuquerque, a Cisco Academies official announced that such a system would be available to non-profit entities, including Job Corps, at no or little cost to facilitate distance learning using Job Corps-developed materials. During this year's JETTCON conference in Baltimore a discussion was held with former Assistant Secretary Bramucci whose office commissioned the study. When asked, he said he wasn't aware of the study; this suggests that lower level staff never sent the report up the "chain of command" before he resigned in January.

Also during the summit, President Bush emphasized his New Disabilities Freedom Initiative which would provide additional funding and tax incentives to provide individuals with disabilities greater access to assistive technology to enhance education as well as employment opportunities. On July 26, the President's task force on employment of adults with disabilities met to begin laying the groundwork for the New Disabilities Freedom Initiative (see February TechMIS). For more information about the office of 21<sup>st</sup> Century Workforce, go to [www.dol.gov/dol.21cw/welcome.html](http://www.dol.gov/dol.21cw/welcome.html).

## **Federal School-To-Work Office Will Be Abolished at the End of September**

As the result of sunset legislation, the National School-to-Work Initiative will officially "shut down" in September. However, between now and then, \$100 million in school-to-work grants will be awarded to 25 states that will have five years to implement their plans. The question is who will be responsible for monitoring the 25 recipient states over

the next five years. Responsibilities are likely to be assigned to another office within USED or to the Department of Labor. During a recent national meeting, a number of state school-to-work and vocational education officials expressed concern regarding what leadership and guidance would be made available to them from whatever office assumes school-to-work implementation responsibility. As noted in some of the TechMIS state updates, many states are planning to continue state funded school-to-work type activities in order to maintain the coordination mechanisms which have evolved between state Labor and Education agencies, as well as other state agencies, over the last few years as a result of the National School-to-Work initiative.

As the National School-to-Work Initiative folds, other components of the Work Force Investment Act will continue to support some of the components of school-to-work such as Out-of-School Youth Initiatives.

Final decisions related to transferring responsibilities will be made shortly, as appropriate assistant secretaries in both USED and Labor have now been appointed.

## **USED/NCES Announces K-12 Revenues and Expenditures for SY 1998-99**

Overall revenues for K-12 education in 1998-99 were over \$347 billion, while expenditures (excluding construction, equipment, and debt) came to slightly over \$300 billion. The average per-pupil expenditure was \$6,508 compared to \$6,189 in the previous year (unadjusted dollars). K-12 state revenues range from a high of \$40 billion in California to a low of \$700 million in North Dakota.

The Federal contribution to revenues was approximately \$25 billion or 7% while state revenues reached almost 49% with the remainder coming from local districts and intermediate units.

Expenditures for 1998-99 increased \$17 billion over 1997-98 or 6% to \$303 billion of which almost \$190 billion went for instruction. Slightly over \$100 billion was expended on support activities with \$13 billion spent on non-instructional services. Two states spent more than two-thirds of their current expenditures on instruction (New York 69% and Maine 67%). Per-pupil expenditures in New Jersey, New York, and Connecticut exceeded \$9,000. The average per pupil expenditure was \$6,508 of which about \$4,000 was spent on instructional services and about \$2,200 for support services. To view the July 2001 report, go to [nces.ed.gov/pubs2001/2001321.pdf](http://nces.ed.gov/pubs2001/2001321.pdf).