

New International Reading Association Position Paper on Evidence-Based Reading Instruction Will Likely Be Relied upon Heavily by Reading Specialists and Teachers in Selection of Products and Services for Reading First and Title I, More So than USED Guidance Related to Scientifically-Based Reading Research

In June, the International Reading Association (IRA) agreed upon a position paper which is likely to have much more of an impact on reading teachers and specialists than many of the provisions under No Child Left Behind regarding the types of reading products and approaches used in Title I and the new Reading First initiative. Key to the position is the following: “There is no single instructional program or method that is effective in teaching all children to read. Rather, successful efforts to improve reading achievement emphasize identification and implementation of *evidence-based* practices that promote high rates of achievement when used in the classroom by teachers with diverse instructional styles with children who have diverse instructional needs and interests.” IRA recommends that teachers not only evaluate the quality of data (e.g., valid, reliable), but also the “fit,” by asking some of the following questions:

- Do the children in their classroom closely resemble children from whom the evidence was collected?
- Do they have similar language and cultural backgrounds?
- Do they have similar learning profiles?
- Are the learning contexts the same (e.g., class size, amount of instructional time)?

As the position paper notes, “If the answer to all of these questions is yes, then teachers might conclude there is a good fit and that their students might be expected to make similar achievement gains with the same program or practice.”

While the IRA argues that no one program is better in all situations and respects than others, it does strongly urge practitioners to consider ten proven research-based best practices, including:

- Teach reading for authentic meaning -- making literacy experiences for pleasures, to be informed, and to perform a task;
- Use high-quality literature;
- Use multiple texts that link and expand concepts;
- Balance teacher and student-led discussions;
- Work with students in small groups while other students read and write about what they have read;
- Balance direct instruction, guided instruction, and independent learning;
- Use a variety of assessment techniques to inform instruction.

In reviewing materials, the IRA recommends the following questions be addressed:

- Does the program or instructional approach provide systematic and explicit instruction in the particular strategies that have been proven to relate to high rates of achievement in reading for children?
- Does the program provide flexibility for use with the range of learners in various classrooms where it will be used and do the assessment tools assist teachers in identifying individual learning needs?
- Does the program provide a collection of high-quality literary materials that are diverse in level of difficulty, genre, topic, and cultural representation to meet individual needs and interests of students?

Unlike the Reading First guidance published this spring, the IRA is less prescriptive and delimiting regarding specific products than USED officials had been accused in the past of supporting. For example, a front page article in The Washington Post (September 10), was critical of USED officials allegedly promoting several publishers of specific programs. The IRA recommendations, which focus primarily on research-based and proven “best practices,” represent a much more common-sensical approach that is likely to be followed by reading specialists, reading coaches, and reading teachers involved in both Title I and Reading First. For additional information go to www.reading.org/positions/evidence_based.

Federal, State, and Local Reading First Officials Provide Advice to Publishers

During the September 24 Reading Summit hosted by the American Association of Publishers, Federal, State, and Local officials involved in implementing Reading First provided advice to publishers of programs that offer potential for use in state and local Reading First initiatives. Assistant Secretary Susan Neuman provided a context for the advice given. She indicated that USED was “serious” in putting Reading First in the forefront of a scientific education revolution which will reduce the number of “fads” and unproven practices which she said permeates many schools’ and districts’ reading programs. The schools and districts should ask questions about what “quantitative evidence” exists to prove products make a difference. She also felt that “good old instructional design” principles should be followed, such as repetitious practices. She chided many publishers for lacking clarity in their suggestions and guidance provided in teacher manuals, which confuses new teachers. Such manuals should be a “clear road map” to facilitate learning by doing and simplifying instructions for new teachers. More “depth and quality” will be required in reading approaches; as an example, 90 minute blocks of instruction should be devoted on a daily basis to reading. Assessment tools should be easy to use and provide immediate results to inform instruction.

Dr. Katherine Mitchell, Director of the Alabama Reading Initiative, which is one of the first three that were approved by USED, told the publishers in attendance that Alabama will be developing a “short list” of core reading programs that schools could select for use in their program. The process of reviewing and selecting such programs is building upon a list already developed in Washington. Alabama will also be sharing ideas with other Western states such as Montana and Idaho. She emphasized that supplemental products clearly need to be aligned with the alternative core programs.

Dr. Jan Dole, author of the Utah approved Reading First Application, identified some of the shortfalls under the predecessor Reading Excellence Act which influenced their recent proposal, including:

- teacher guides were too complex;
- rather than providing a variety of alternative suggestions, guides must clearly indicate what are the most important activities and practices in implementing a specific program; and
- suggested lessons should be consistent in terms of high quality as many publisher guides lack consistency in the quality of instructional lessons.

Moreover, unlike the implementation of REA, professional development under Reading First should focus on what students need to learn and be able to do and how to teach it.

Ms. Mary Openshaw, Director of Just Read, Florida, emphasized the need for professional development citing the requirement that any textbook publisher who has been accepted for adoption in Florida must provide up to 100 hours of training for teachers, coaches, and principals. She emphasized that such training must be “differentiated” for each of the respective targeted audiences. She re-emphasized the need that training guides include the most important practices to be addressed.

Ms. Ronni Ephraim, Assistant Superintendent for Instruction, Los Angeles Unified School District, has taken a very focused approach to reading over the last several years

which is being followed under Reading First. The district has adopted three core programs -- Open Court, Reading Mastery, and Success for All. Noting that over 80 percent of students enrolled in the 445 elementary schools have limited English proficiency, she emphasized that any supplemental materials which will be purchased for use with the core programs must be clearly aligned with the core programs, citing Waterford's alignment with Open Court, and must easily facilitate provision of accommodations for limited-English-proficient students. She indicated that the district is only interested in publishers which will "stick with us" over time. She also identified a need for tools which will help the district ensure that appropriate content is "covered" in lesson plans and that students actually "exposed" to such content. Differentiated training for principals, coaches, and teachers has been underway for several years and is critical to the success of their program.

As a final comment during the session, Assistant Secretary Neuman chided many publishers for not sending to National Conferences officials which clearly understood the need for addressing the "five essential elements" in Reading First and how they are addressed in the publisher's program. She noted that too often publisher representatives are citing only the mandates of Reading First provisions and how their products meet them in order to generate leads and sales.

Discussions with several of the publishers in attendance who have technology-based instructional programs or use technology to deliver instruction reflected the following consensus:

- the priority placed upon technology-delivered vs. print-delivered reading approaches is not very high; on the other hand, technology tools which increase efficiency and turn-around of assessment scores used to inform instruction, is clearly desirable;
- supplemental materials will have to be aligned with the adopted core reading programs;

- professional development is critical and will be allocated substantial funding at least during the initial two years of Reading First implementation.

USED Officials Appear to Be Relying on the National Assessment of Educational Progress to Reduce Wide Variations among States in AYP Criteria for Pass-Fail in Implementation of No Child Left Behind Provisions

During a news conference in the first week of September, Secretary Paige and other USED officials recognized the wide variation among states in the implementation of key new provisions in No Child Left Behind, and argued that results from the National Assessment of Educational Progress (NAEP) will provide parents with the ammunition to demand changes from lagging states and “will give a lot of balance.” As widely reported in the press, implementation varies significantly on important provisions such as Adequate Yearly Progress (AYP) criteria for identifying schools targeted for improvement (e.g., none were targeted in Arkansas, while 41 percent of the schools in Michigan were targeted for improvement for this coming year). Heavy reliance will be placed on NAEP results (to be gathered every two years for a sample of fourth and eighth grade students in mathematics and reading/language arts) to prevent states from selecting “easy to pass” tests for state assessments and/or for establishing low pass and fail cut-off rates, which is a state responsibility under the new law.

About a month earlier, the National Assessment Governing Board met and approved a number of important policies which could affect the use of NAEP results as a credible and valid benchmark for comparison with state assessment results. One such policy relates to informing parents regarding the right to exclude their fourth or eighth grade students from taking the NAEP. The new NAGB policy requires states, districts, or schools to determine how parents will be notified but only to document the notification process. As TechMIS and other media articles have pointed out, if, for any reason, the percent of students that opt out of taking the NAEP is large, the NAEP results could be

invalid. Over the last two months, many districts have reported an unusually large amount of time and effort being devoted to notifying parents of children enrolled in targeted schools of their choice options (which include transferring the child at district cost to another school or requesting that supplemental services be provided). Parents of limited-English-proficient students enrolled in schools are also required to be notified by the district of their options relating to alternative English language acquisition programs that are available in the district and to select one they prefer. The bottom line is whether parents of children who pass state assessments will want their children to participate in a national test such as the NAEP and whether those districts notifying parents will actually encourage participation of selected students.

Another policy adopted by the NAGB is related to providing public access to NAEP questions and instruments. Generally, the process says that anyone can request access to secure test items and, within 45 days of a written request, will be provided the test, if the participant signs a confidentiality agreement and acknowledges that any disclosure, reproduction, or unauthorized use will result in a felony charge. The outgoing chairman of the NAGB, Mark Musick, who is also President of the SREB, has argued in the past that all NAEP items and instruments be provided “with open public access.” Over the last decade, there have been numerous occasions where the press, for example, reported actual test items that would be administered on the state assessment which some have argued would invalidate the test results.

The NAGB also voted to continue the long-term trend NAEP assessments, which report on changes in student performance over the last 35 years. Earlier in the year, the NAGB seriously considered dropping the trend NAEP assessment and relying totally on the results of the main NAEP assessment. Continuation of the trend analysis is important because, as the Brookings Institution recently reported, use of “the two NAEP tests have been signaling a potential problem for some time.” As previously reported (see October 2001 Washington Update), an analysis of the NAEP trend data by the Brown Center at

the Brookings Institution found that reading achievement gaps on that test have actually declined since the mid-1990s. Most of the justification for No Child Left Behind was based upon the results of the main NAEP test which found that over the last decade the reading gap continued the same or actually widened somewhat between subgroups of students. The July 2002 Brookings report, which addressed NAEP results for mathematics, concurred with the Administration's interpretation that on the main test dramatic gains were made over the last decade in mathematics. However, on the trend test the opposite occurred, as student achievement growth declined since the high point in 1990. One of the most plausible explanations for these differences between the two tests is, according to Brookings, the prominence of computation items on the trend test and their subordinate role on the main test.

The Brookings Institution also obtained test scores on state assessments in 45 states between 1999 and 2001 and, unlike on the main NAEP test, state results showed declining scores on math state assessments, particularly at the eighth grade level, which is in line with the trend NAEP results. The real question here is what NAEP assessment/analysis --- trend or main --- will be used for benchmarking state-administered assessments under NCLB. That decision will likely be made by the NAGB. Secretary Paige recently announced that Darvin M. Winick will be the new chairman of the NAGB. Mr. Winick is a senior research fellow, University of Texas, and helped found the Texas Business and Education coalition that has been influential, not only in the state of Texas, but also through various Presidential commissions appointed by President Bush.

New Report from Influential Center for Education Policy Identifies Trends in State-Administered Exit Exams and Cautions Policymakers to Phase In Requirements for Students to Achieve Cut-Offs as Prerequisites for Receiving High School Diplomas

The influential Center for Education Policy, headed by Jack Jennings, former Chief of Staff on the Education Committee under Democratic control, has released the results of its survey and analysis of trends related to state exit exams and directly related end-of-course and other exams. Not only does this report provide poignant recommendations for state policymakers, it also identifies key trends and presents in-depth profiles of such assessments in states currently administering exit exams (18 states) and those planning to do so within six years (6 more states). Currently about half of all public school students in the 18 states currently take exit exams. Within six years, about 70 percent of the students in the 24 states, including about 80 percent of all minority students, will take exams for a regular high school diploma. The impact of exit exams on students have been several-fold according to the report. The percent of students who do not pass exit exams on their first attempt ranges from nine percent to almost 70 percent in math, and from five percent to 42 percent in English/language arts. Passing rates are also lower for poor students, students with disabilities, and limited-English-proficient students. The report cites Minnesota, where 80 percent of all students passed the reading exit exam on the first try, but only 59 percent of poor students, 40 percent of special education students, and 30 percent of English language learners passed on the first try. There is also strong evidence that the existence of exit exams is associated with higher student drop-out rates.

The trend appears to be away from minimum competency tests which exist in ten states; by 2008, only three states will have such tests. Sixteen states will have standards-based exams and five will have end-of-course exams compared, respectively, to seven states and two states that currently have these exams. All state exit exams address English/language arts and math, but by 2008 half the states with exit exams will focus on

science or social studies. While 15 states now include some form of essay writing in their exit exams, 22 states will include essay writing by 2008. While only two state exams call for students to perform complex tasks today, all will provide for extended responses within six years. The report also recommends use of exit exams, in conjunction with other measures of student performance, for determining whether or not a student graduates with a regular high school diploma.

Although the Center for Education Policy is considered a moderate-to-liberal, pro-Democratic group, some of the reports analyzing the probable effects, both intended and unintended, of implementing No Child Left Behind, will likely be validated in the very near future. States will be looking for guidance in coming up with rational and reasonable solutions that make sense over time in addressing the problems and issues which NCLB provisions are supposed to remedy. For a copy of the report and some of the initial analysis of No Child Left Behind shortly after its passage go to www.cep.org.

New NCEO Report on Trends in Accommodation Policies among States in Providing Reasonable Accommodation for Special Education Students on State Assessments

For the last decade the National Center for Educational Outcomes, University of Minnesota, has collected information from states on the extent and types of reasonable accommodations provided for special education students on state assessments. The Center's most recent report strongly suggests that even more states will be providing various accommodations as a result of No Child Left Behind and that certain types of products which can easily provide such accommodations in both instructional and assessment settings will be the major beneficiaries in terms of increased demand.

In virtually all states, IEP teams decide whether such accommodations are necessary for specific students. For the first time, six states indicated they permit such

accommodations based in whole or part on a student's emotional anxiety and the student's possible adverse reaction to the testing situation. Twenty-eight states now allow participation decisions to be based at least partially on whether the student received instruction in the course or content areas covered by the assessments. This is up from 15 states in 1999. While, in 1999, nine states required parent involvement, now half the states provide for such involvement in deciding what accommodations are appropriate. Nine states reported allowing out-of-level testing as an alternative means of assessment, but only five states have written policies allowing out-of-level testing without any limitations. It should be noted that recent attempts by states such as Idaho to use out-of-level testing for Title I students has been disallowed. While states are required under IDEA to provide at least one alternative assessment option, nine states now provide more than one alternative assessment. As the report indicates, the most controversial accommodations continue to be reading aloud to individual students or small groups of students, the use of the calculator, and scribing.

An earlier report by the NCEO (March 2002) described results of focus groups with experts on out-of-level assessments and large scale assessments. The September 2001 survey identified nine states providing out-of-level testing; by March 2002 that number had increased to 14. As stated in the NCEO "Out-of-Level Testing Project Report Number 6," the emerging themes can be described thusly: "For instance, participants suggested that out-of-level tests could provide a better testing experience for some students, could meet the unique assessment needs, might be a fairer approach to testing, and is often favored by parents of students with disabilities. On the other hand, in considering the disadvantages of out-of-level tests, participants were concerned that out-of-level testing is open to misuse, is problematic in reporting test results to the public, and is often put in place by individuals with little assessment literacy."

The experts appear to feel that out-of-level testing is more appropriate when norm-referenced tests are used and less appropriate when criterion-referenced instruments are

used, particularly when students were testing more than one level below their assigned grade level.

In yet another directly related recent report (NCEO Synthesis Report 45), NCEO has reviewed assessments and procedures used by states in providing reasonable accommodations to special education students to have access to computer-based testing. As stated, “Unfortunately most states and testing companies have not specifically considered the needs of students with disabilities as they pursue computer-based testing. Often the approach has simply been to take paper and pencil test and put it into a computer. This is not enough.” NCEO recommends that five steps be undertaken by either states or testing firms to ensure that proper accommodations are provided for students with disabilities. These include:

- assemble a group of experts to guide the transition;
- decide how each accommodation will be incorporated in the computer-based tests;
- consider each accommodation or assessment feature in light of constructs being tested;
- consider the feasibility of incorporating the accommodation into the computer-based test; and
- consider training implications for staff and students.

As the related [Washington Update](#) article about the new Center for Education Policy Report on the increasing use of exit exams points out, one of the major challenges under No Child Left Behind will be for states to ensure that reasonable accommodation is provided in state assessments for students with disabilities and limited-English-proficient students. The provision in No Child Left Behind which allows no more than .5 percent of students in a district or state to be excluded from the state assessment because of disabilities or limited-English-proficiency apparently now overrides the IDEA 1997 provision (which calls for no more than five percent of special education students be

excluded). This provision will become a festering issue at the state level and will likely become another driving factor to expand the use of computer-based assessment in reporting. For the most part, accommodations can be more easily provided through appropriate computer-based testing than paper-and-pencil tests. In addition to the analysis of the nature and extent of trends in the use of accommodations, the full report also includes profiles on individual states. For copies of the NCEO report go to <http://education.umn.edu/NCEO.OnlinePubs>.

New USED Guidance on ESEA Title V Part A/Innovative Programs Give LEAs Sole Discretion of Allocating Funds Among 27 Authorized Uses; SEAs May Allocate 50 Percent of its 15 Percent Set-Aside for School Improvement

The new USED guidance for SEAs and LEAs to implement Title V, formerly Title VI/Innovative Program Strategies, clearly leaves the decision of how to allocate local funds among 27 innovative assistance areas, to LEAs. School personnel have the primary responsibility for the design and implementation of programs. Of the 15 percent set-aside at the SEA level for administration and other purposes, half can be transferred into programs such as Title I. Or, an SEA could use most of its 15 percent set-aside for school improvements and supplemental services by allocating such funds directly to LEAs with Title I schools targeted for improvement. Shortly after the FY 2002 budget was passed last December, Congress realized that it had failed to appropriate any funds to allow SEAs to support school improvement under Title I. In reality, the total amount of money dedicated to school improvement under No Child Left Behind in the FY 2002 budget is \$20 million less than that amount available in the 2001-02 school year.

LEAs must use the 85 percent allocated to them for: (a) promoting challenging academic achievement standards; (b) improving student academic achievement; and (c) implementing an overall education reform strategy. LEAs have sole discretion as to how

funds are allocated among the 27 allowable uses. Under Education Reform and School Improvement, new allowable uses and/or activities include:

- programs to establish smaller learning communities;
- programs that employ research-based, cognitive approaches and rely on diagnostic prescriptive models to improve students' learning; and
- supplemental education services.

Under the category of Parental Options, new allowable uses and activities include:

- activities to promote, implement, or expand public school choice;
- programs to provide same gender schools and classrooms; and
- reasonable transportation costs and tuition costs for transferring a student to a different school at the request of the parents because of an unsafe school situation.

For Special Needs Populations new allowable uses include:

- alternative education programs for students who have been expelled or suspended; and
- academic intervention programs that are operated jointly with community-based organizations, especially for students not meeting state achievement standards.

Literacy and adult education programs which teach principles of economics and financial literacy are now allowable, as are community-based service learning activities. Under health services, school-based mental health services, as well as CPR training, are now allowable uses. As under the old Title VI program, purchase and use of technology, including professional development and teacher training, continue to be allowable uses of such funds.

The new guidance also requires districts to conduct needs assessments to develop baseline data which will be used to identify the greatest needs and how much Title V

funding is allocated to meet these needs. Also, as part of the new accountability provisions, districts are required to conduct annual evaluations of progress being made to meet the specific needs that were identified. Using Title VI, and now Title V, funds to contract for services from for-profit organizations has always been an “up in the air issue.” While the new guidance clearly allows non-profit groups such as libraries and museums to carry out programmatic activities among the 27 categories, the guidance states, “An SEA or LEA may not use Title V-A funds to contract with a for-profit agency, organization, or institution to operate programs or conduct programmatic activities. However, this does not preclude an SEA or LEA from contracting with an individual or a for-profit corporation or other organization to purchase specific goods or services (e.g., equipment and materials, computer hardware and software, audit services, evaluation services, professional development services) to assist the SEA or LEA in carrying out a program.” As noted above, an SEA could allocate some of its Title V-A funds to districts to purchase supplemental services in schools targeted for improvement for two consecutive years, or an LEA could do the same. The question then becomes whether these funds can be used to contract with a state-approved for-profit supplemental service provider to conduct programmatic activities such as tutoring, online instruction, etc.

One of the issues discussed with Federal officials and key Congressional committee chairmen involved in drafting NCLB was the concern that, under the 50 percent transferability provision, funds could be reallocated from other Titles to Title V which could be allocated to one or more of the 27 categories that were previously funded by state or local funds but no longer had the same level of funding available; this, in the past, would be considered “supplanting.” While the guidance says there is a non-supplanting requirement under Title V-A, it does state that, in certain instances, an SEA or LEA may overcome the presumption that supplanting will result if Title V funds are used in connection with a state-mandated program or activity which no longer has available state or local funds to continue. In those instances, the LEA would have to demonstrate

through written documentation that it does not have the funds necessary to implement a program or activity. Later on, the new guidance states, “In no event, however, may an SEA or LEA decrease state or local funds for a particular activity because Title V-A funds are available.” In light of state and local revenue shortfalls, it is very conceivable that Title V-A funds could be used to make up for budget reductions in state-mandated programs that are allowable under Title V, such as school improvement.

And last, while an SEA continues to fall under a “maintenance of effort” clause (i.e., must spend at least 90 percent of what was spent last year on specific activities that continue to be implemented), an LEA is not required to maintain fiscal effort.

Even though the new Title V introduces some accountability by requiring an annual evaluation of progress being made in meeting the goals of the 27 programmatic areas, most district officials will continue to view Title V (like its predecessor Title VI), as the most flexible ESEA funding source which they can use in just about any way they choose. Based upon USED studies four years ago, such funds will likely continue to be used for some software purchases, professional development related to the implementation of state assessments and standards, and related purposes. However, one can anticipate LEAs transferring some of its Title V-A funds to Title I schoolwide programs, as clearly allowed in the new guidance, because Title I schoolwide programs are not required to report on how funds are spent in a schoolwide program. For a copy of the guidance go to [www.ed.gov/offices.OESE/titlevguidance2002.pdf](http://www.ed.gov/offices/OESE/titlevguidance2002.pdf).

Increased Cost of War Preparation and Conservative Pressures to Reduce Spending Suggest a Bleak Picture for Increased FY 2003 Appropriations for Education Generally, Although IDEA/Special Education Programs are Most Likely to Receive Another Significant Increase

As reported in The Washington Post, September 25, "President Bush Will Look for new ways to restrain growth in domestic programs including education spending he considers wasteful as he struggles to pay for an indefinite war on terror with falling tax revenue." Director of the Office of Management and the Budget, Mitch Daniels, stated during a press conference that the Administration is pushing to eliminate "little boutique programs in the educational budgets, many of them with absolutely no evidence that it is doing any good." Shortly after the FY 2002 appropriations bill was passed by Congress and signed by the President, Bush proposed to rescind several hundred million dollars passed less than a month earlier by Congress, including a large number of Congressional earmarks totaling almost a half billion dollars and large programs such as the ESEA/Drug Free and Safe Communities Act. In his FY 2003 budget, he proposed to eliminate funding for these same programs and for programs such as Community Technology Centers, Preparing Tomorrow Teachers for Using Technology (PT3), Star Schools, and several smaller technology-related programs.

Leading Democrats such as Kent Conrad (D-ND), chided Daniels' comments about ineffective education programs, calling these comments "largely diversionary." He said that the bigger issue is the tax cut passed last year and that future cuts should be withdrawn. In the current Senate version of the FY 2003 budget, some of these programs, such as Community Technology Centers and Star Schools, would continue to be funded. However, currently there is a gap of more than \$4 billion between the overall House appropriation level and the Senate version.

One political ploy by the Administration is to follow recommendations by the conservative influential Heritage Foundation (see related item) which argues the need to cut programs recommended for reduced funding in the FY 2003 Bush proposal, plus additional ones which the Heritage Foundation argues would save \$3.5 billion; then to allocate these funds to IDEA/Special Education. For the first time, the Heritage Foundation is calling for increases in IDEA funding in order that the Federal portion would represent 40 percent of the total cost of special education as stated as an objective in the initial 1975 legislation creating PL 94-142 (now IDEA). Currently, the Federal contribution is approximately 15 percent.

Some of the programs Heritage would include cut Star Schools, Preparing Tomorrow's Teachers to Use Technology, Community Technology Centers, and the Comprehensive School Reform Demonstration Program as part of Title I. Beyond the President's specific program reductions, Heritage calls for reductions in other programs: "Funds from programs that researchers have found to be unproven or ineffective, such as the Comprehensive School Reform Demonstration, Even Start, Safe and Drug Free Schools, and Education Technology state grants, should be transferred to effective programs."

By recommending reallocation of funds from numerous existing programs to IDEA, the Heritage report is likely to divide the education community between nonspecial education and special education vested interest groups. Over the last few years, organizations like the Committee for Education Funding have been able to fend off such disharmony among the education groups. Last year, the Administration's official position was not to provide the large increase for IDEA proposed by the Senate of slightly over \$2 billion until certain legislative reforms are made, either through amendments or passage of the IDEA reauthorization, which is not likely to occur this year.

A likely scenario would depend upon whether the Democrats take control of the House. If so, the President is likely to call a special lame duck session for both the House and the

Senate to pass a 2003 Appropriation Bill suited more closely to the President's initial budget proposal than to the Senate version. If the Republicans continue control of the House, then one might anticipate a Continuing Resolution going to as late as January or February of next year. Budget uncertainty always has a tendency to paralyze education technology sales in Federally-funded niche areas.

New USED Reorganization and Creation of Two New Offices Likely Designed to Do More than Improve Efficiency

After an early initiative last year to reorganize and streamline higher education student aid activities, USED recently announced another reorganization and the creation of two new offices which are designed, not only to improve efficiency and free other offices "to focus on their core missions," but also to provide "quality control" to ensure funded grants reflect the Administration's policies and priorities.

The largest new office is the newly-created Office of Innovation and Improvement; it is intended to be a "nimble entrepreneurial arm" of the Education Department making investments in promising practices and widely disseminating their results. It will also free other offices to focus on their core missions.

According to an official USED press release and other documents, 26 non-formula competitive grants programs will now be administered by OII, including:

- Magnet School Assistance annually funded at over \$100 million;
- The new Public Charter School Program funded at over \$200 million;
- The Fund For Improvement of Education funded at over \$850 million, which includes many Congressional earmarks;
- American History teacher training, an earmark funded at \$100 million.

As the September 17 press release by Secretary Paige stated, the Office of Innovation and Improvement will...“consolidate programs related to parental options and education, including those for charter schools, magnet schools, public school choice, non-public education and family educational rights,” and...”coordinate with the Office of Elementary and Secondary Education the public school choice and supplemental services provisions under the new No Child Left Behind Act.”

One of the major overriding functions of OII will be to make strategic investments in promising education practices, serving as the Department’s expert in “leveraging competitive grant programs for maximum learning and maximum impact and will aggressively disseminate findings about what works to the education field.” The official What Works Clearinghouse, probably to be housed in the Office of Research and Improvement, will be a reactive or response agency as individuals seek answers to questions about what works; the OII office will “aggressively” disseminate findings about what works. Another overriding objective of the reorganization is to allow the Office of Elementary and Secondary Education to focus its efforts on large-scale reform, such as Title I and Reading First, by transferring small competitive programs to OII and to allow this new office to provide technical assistance to states and districts to ensure accountability for results.

Because this new office will be responsible for administering the Fund for the Improvement of Education which has received substantially increased funding over the last two years -- mostly Congressional earmarks -- one office will be responsible for providing “quality assurance” over the implementation of such earmarks. For example, in the last Appropriation Bill, \$18 million was earmarked for the Houston Independent School District to implement its school reform initiative and Pennsylvania received more than \$20 million in earmarks to use technology to implement reform in failing schools across the State. West Virginia Senator Byrd was able to increase the earmark for training American History teachers from \$50 to \$100 million and the Committee

Chairman, Senator Harkin, included \$50 million for school construction demonstrations in Iowa. It is also very likely that the major earmarks submitted by the legislature in the future will reflect many of the Administration's policies and priorities, such as charter school competition, parent choice, etc. The OII is likely to be responsible for some of the noncompetitive grants initiated over the last year and a half to promote and facilitate the Administration's philosophical priorities, such as a recent grant to the Education Leadership Council to plan, install, and help schools and districts implement selected education programs (e.g., Project Achieve), and assessment, reporting, accountability tools (Accountability Works), (see July 2002 [Washington Update](#)).

The new OII office will be headed by Nina Rees, who will have the title of Deputy Under Secretary. Previously, Rees served as a Deputy Assistant for Domestic Policy for Vice President Cheney, and was an education advisor to the Bush presidential campaign while a senior education analyst at the Heritage Foundation. Several of Rees' assistants were also involved in the presidential campaign and were key education spokespersons during the 2001 transition period and continue to serve as policy advisors while at The White House.

The Office of Innovation and Improvement, headed by Rees, will be under Under Secretary of Education, Eugene Hickok, who is quoted in [Education Week](#), September 25, as acknowledging that this new office "certainly is there to promote an agenda...and the agenda is more choices." As Jack Jennings, Director of the Center for Education Policy noted in the same [Education Week](#) article, one underlying rationale for the creation of the new office is that, "it's a way to reassure conservatives that the Federal government will ensure that what they are concerned about will be part of the package...but the move may backfire," he noted, "because educators may question whether President Bush is going to live up to his promise to improve public schools or whether he is trying to undermine them to bolster the case for expanding vouchers."

The other new office is the Office of Safe and Drug-Free Schools. The current state and national drug free programs funded under Title IV, along with character education, civics education, and the National Clearinghouse for Educational Facilities, will be administered by this office. It is important to note that the Administration proposed to rescind almost \$200 million of Title IV drug-free funding out of the FY 2002 budget within a month after the Appropriation Act was passed by Congress, suggesting that this office will “phase out” some of the current national and state drug-free programs; but, it is likely to place a higher priority and funding, where possible, in new areas such as civics education, citizenship, and how schools can deal with emerging threats, terrorist attacks, mental health, and related areas. It will also identify programs and practices that have proven to be effective and meet the “principles of effectiveness” and will actively disseminate information on these programs. This office will also coordinate with other agencies that jointly fund other Title IV initiatives, which in the future may be assigned to the new office.

(For more information review the September 17 USED Press Release at www.ed.gov/PressReleases/09-2002/09172002.html.)

Some School Districts, Particularly Those in Oregon, Washington, Idaho, and North California, Will Receive Large Increases in USDA Funds Under the Secure Rural Schools and Community Self-Determination Act of 2000 Which Provides Opportunities for Telecommunications, Infrastructure, and Distance Learning Vendors

Under the Secure Rural Schools and Community Self-Determination Act of 2000, which was enacted without much fanfare under the Clinton Administration, more than \$1 billion over five years was allocated, beginning in October 2001, to rural counties and, in turn, to school districts that have been receiving declining revenues from timbering fees on national forests. Timbering fee revenues represented a large source of funding in some

states, such as Montana, for schools to purchase technology. Under the new formula, certain counties will be receiving substantial increases; Lane County, Oregon, for example, will be allocated in the 2002-03 school year \$31.5 million up from \$19.8 million in 1999. Almost three-fourths of the annual \$200 billion allocation to approximately 700 counties will go to Oregon counties with national forests. In Skamania County, Washington, \$10.5 million will be allocated under the new formula compared with \$6.2 million in 1999. According to the key lobbyist at American Association of School Administrators, one of the intents of the act was to provide wide flexibility to the county and, in turn, to the district in determining how the money would be spent. At least 80 percent of the county payments were to be used to benefit public schools and roads. In some states such as Vermont, all of the county funds were allocated directly to public schools. In most other states, 80 percent was divided almost equally between public roads and public schools. Within each county, there exists a Resource Advisory Committee (RAC) which recommends special projects. The lobbyist involved also felt that districts initially would use large portions of their funds for infrastructure/connectivity and purchasing online distance services.

In the past, approximately 50-75 percent of the states' allocations have been distributed in October-December, with the remainder usually distributed three months later. Decisions as to how the funds will be used are made at the county level by the RACs and will vary from county to county. Because of tight state K-12 budgets and/or reduced funding in some states, attempts have been made to reduce state funding by the amount the county receives under this FY 2000 act. Key decision-makers include the RAC members, district superintendents, and school business officials at the district level. For a list of the proposed allocations for this coming school year, go to <http://www.fs.fed.us/payments>.

New Survey Confirms Wide Variation in Implementing Certain Key Provisions in No Child Left Behind ESEA Legislation Law, Particularly Those Relating to Choice and Supplemental Services

A survey of 28 state education agencies (SEAs) conducted by Education Week (September 25) found that implementation of key provisions such as “choice” and “supplemental services” in No Child Left Behind vary considerably among the states. Part of this variation can be attributed to the stringent demands certain provisions place upon states; other factors include “mixed messages” coming from USED in the form of letters, proposed regulations, etc. (see Special Report). Two of the provisions creating the greatest problems for SEAs relate to: (a) requirements that schools failing for two consecutive years must provide parent choice as well as pay at least a portion of transportation for students transferred to other schools; and (b) requirements that schools failing for three consecutive years provide, not only choice, but also supplemental education services from a state-approved group.

One of the major reasons for the delayed implementation in 11 of the 28 states surveyed by Education Week, is that they can not determine what schools are targeted for improvement because test scores for the 2001-02 school year were not available as of mid-September. As the enclosed Special Report notes, it is unclear whether schools targeted at the beginning of the current school year, based on most current test scores, must implement choice or supplemental services immediately, or as the law states, they could wait until the beginning of next year. In a letter dated August 16, however, Secretary Paige indicated that, under certain conditions, an SEA could allow districts to delay offering public school choice by up to a semester. However, the letter stated that districts must make a choice of supplemental service providers as soon as the test results were known. As one might imagine, SEAs in situations similar to the 11 included in the survey, are unclear as to what the final guidance will state. As reported, Michigan and Kansas will not have final counts of schools until October.

As previously noted in TechMIS reports, in the words of one state Title I director, “We are doing our ‘damnedest’ to ensure that only the minimal number of schools be targeted for failing three consecutive years,” thereby reducing the amount of supplemental services to be offered. The number of schools targeted in Ohio have dropped over the last two months from slightly over 900 to 180. Variations in the number of schools which must provide supplemental services vary from 360 schools in Georgia to Texas and North Carolina with only two and three, respectively. In Maryland, 75, and in Tennessee, 96, must provide supplemental services.

To implement the supplemental services provision, states must approve providers of supplemental services. As noted in the Special Report, it is unclear whether supplemental service providers have to use highly-qualified teachers and approaches based on scientifically-based research as Title I schools are required to do. California, New York, Pennsylvania, Maryland, Colorado, Georgia, and Texas among others, have already published a list of approved providers, while other states such as New Mexico are only now soliciting bid proposals from interested supplemental service providers. Maryland has approved only two supplemental service providers -- Sylvan Learning Systems and Huntington Learning Centers -- out of the 16 that applied. In Georgia, about 75 of the 146 approved service providers are districts. In these situations, districts are likely to set up afterschool programs in schools targeted for improvement for two consecutive years and the district will charge a per-student fee which the targeted school must pay, assuming that the parents choose this option. In many of these districts, this will be the only option made available to parents so the district can ensure that Title I funds do not “follow the child” to an outside provider.

In a number of states, no schools have been targeted for improvement because of recent changes to the state testing and/or accountability system, which they have assumed were approved by USED before April 2002. These states include Connecticut, Mississippi, Missouri, New Jersey, Rhode Island, and Virginia, all of whom indicate that, over the

next few months, they will probably use whatever valid data that exists to identify at least some schools as being targeted for improvement. Some states such as Kentucky and Indiana are going to be requiring targeted schools to provide parent and choice options and supplemental services, but not until later during the year.

These “mixed messages” have created planning problems in states such as Illinois, which had their consolidated state plan approved last July and then was told in August the state could not delay implementation of supplemental services until next year.

NCES Reports on First National Survey of Public Alternative Schools for At-Risk Students

In September, the National Center for Education Statistics at USED released findings from the first survey of public alternative schools in which enrolled students spend at least 50 percent of their instructional time. Based on a representative sample of such schools, NCES estimates that almost 40 percent of public school districts had at least one alternative school for at-risk students during the 2000-01 school year. There was a total of almost 11,000 public alternative schools and programs for at-risk students in that year, almost 60 percent of which were housed in separate facilities. Of those districts offering alternative programs, approximately 90 percent offered programs in grades 9-12, while about half of the districts offered middle school instruction. Slightly over 600,000 or 1.3 percent of all public school students were enrolled in public alternative schools.

One surprising finding was that, on average, only 12 percent of students enrolled in these alternative public schools had an IEP and had participated in special education programs. However, in more than a third of the school districts, 20 percent or more of the students had IEPs, which likely reflects varying district and state policies related to disciplinary matters. One of the major reasons for a lower-than-expected percent of special education

students enrolled in alternative public schools is that many seriously-disabled are sent to private institutions under “purchase of care” agreements. The total number of public and private alternative schools according to Mailings Clearing House is slightly over 16,000.

The largest reasons for transferring at-risk students from regular schools to alternative schools were possession, distribution, or use of alcohol or drugs (52 percent); physical attacks or fights (52 percent); and chronic truancy (51 percent). The practices or course offerings in these public alternative schools and programs for at-risk students include: (a) curriculum for a regular high school diploma (91 percent); (b) remedial instruction (84 percent); (c) opportunity for self-paced instruction (83 percent); (d) crisis or behavioral intervention (79 percent); and (e) preparation for GED exams (41 percent); among others.

For a copy of the report go to nces.ed.gov/pubs2002/2002004.pdf.

Alternative schools, both public and private, have always offered great potential for vendors of technology-based solutions and/or providers of education services, many of which enter into performance agreements with these facilities and/or districts. A variety of Federal funding sources can be used to pay for such education services and products, including Title I/Neglected and Delinquent (now Title I Part A) -- for schools that are targeted for improvement and which must offer supplemental services -- and IDEA/Special Education in which the funds must “follow the child” to such institutions. Several things strongly suggest increased growth in the near future for this market niche: (a) with the passage of the IDEA reauthorization (as well as earlier amendments), there are likely to be more special education students placed in such facilities for lengthier periods of time for disciplinary reasons; and (b) increased enrollments by at-risk students who either fail or believe they will fail high school exit exams (required for graduation with a regular high school diploma) and who view obtaining a GED as an appropriate alternative.

There are several associations representing districts which provide alternative programs for at-risk students. One is the National Community Education Association directed by Starla Jewell Kelly, 703/359-8973. To be held in mid-November in Austin, Texas, the NCEA annual conference will have an exhibit area for firms to network and demonstrate products (go to www.ncea.com). Another closely associated group is the National Center for Community Education, located in Flint, Michigan, which provides staff development services and is affiliated with the Mott Foundation, a large private contributor to the initial 21st Century Community Learning Center initiative. The contact there is Pat Edwards (810/238-0463). Another loosely-coupled association is the Afterschool Alliance headed by Judy Samuelson, who made a presentation during the “supplemental services conference” in June (see TechMIS Special Report), suggesting that her membership will be actively attempting to provide supplemental services to targeted schools (810/766-1747).