Washington Update[8]

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Use of Peer Review and Approval Process of State Plans Contribute to Uneven Implementation of Key NCLB Provisions Among States

The Title I legal framework -- consisting of several components -- one of which is being used for the first time by USED -- includes:

- The No Child Left Behind Amendment to ESEA Title I signed by the President in January 2002, which has varying effective dates of implementation among different provisions;

- Title I regulations, most of which were published in final form in December 2002;

- USED guidance in the form of Non-Regulatory Guidance (NRG), policy statements, letters to chief state school officers, and letters of determination, which are published on a case by case basis at USED's pleasure.

In addition to the above components of the "legal framework," this Administration has used for the first time a combination of "peer review and approval" process related to various state plans as another critical element in the legal framework. For example, all states' accountability and assessment plans had to be submitted by January 31 and approved by June 2003 in order to receive Title I funding. In addition, each year, each state must submit and USED must approve a Consolidated State Plan which describes how states will procedurally implement major provisions and the contents of annual reports which will be submitted to USED. As reported by the media (e.g., Education Week, August 6), these two USED approval processes have contributed to the de facto existence of 50+ Title I programs which vary significantly as proposed procedures in one state (e.g., reporting on progress made by different subgroups in meeting AYP) vary significficantly from those approved in another. And, although all states' accountability plans have been "approved" by USED, there continue to be ongoing negotiations relating to key provisions.

Several examples of important differences in approved state plans are described below.

While most states had to add criterion-referenced items to national norm referenced tests to get approved, *Iowa* will be allowed to use off-the-shelf tests as is which, according to Title I Reports (June 2003), could establish a precedent for other states. *Nebraska* will be allowed to use a system of locally-developed assessments which meet the quality and alignment standards advocated by USED. *Louisiana* will be allowed to identify schools as needing improvement based upon the use of the state's accountability criteria or the Title I AYP criteria.

While many states will be allowed to continue to count limited-English-proficient students who graduate from English

Education TURNKEY Electronic Distribution
256 North Washington Street, Falls Church, VA 22046
703/536-2310, fax 703/536-3225, cblaschke@edturnkey.com

acquisition programs as if remaining with the subgroup for 2-3 years, *Texas* is allowed to continue counting, within the subgroup, such "graduates" until they have met a higher standard on the state's English reading test for two consecutive years. *California* will exit such students from their subgroup scores after they have attained the "proficient level" on the state test for three years.

Maryland will be allowed to use AYP as the sole measure of identifying schools for improvement; however, parent choice and supplemental education service provisions would apply only in schools that get Title I funds. While Maryland's rigorous standard for identifying schools for improvement kicks in immediately, in approximately 20 states, projected increases in student performance will not have to occur until 2008 or 2009 (accelerated curves) to meet the 2014 proficiency criteria that all students will be proficient.

An analysis of state accountability plans conducted by Education Week (August 6, 2003) reported that, two months after the President and Secretary Paige announced that all states' accountability plans had been "approved" (at least conditionally), in fact only five states -- Connecticut, Hawaii, Illinois, Oregon, and Texas -- had actually received full approval as of July 1. Another six states would receive final approval pending confirmation of data provided by the states, while 13 states still needed to have their accountability plans approved by the state Board of Education or the state legislature. Education Week rated states in terms of their timeline to reaching proficiency levels for all students, referred to as an "accelerating curve." Those states included Alabama, Alaska, Arizona, California, Delaware, Georgia, Hawaii, Indiana, Iowa, Louisiana, Maine, Michigan, Nevada, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Texas, Wisconsin, and Wyoming. These ratings are fairly similar to the ones made by AASA in a report to be available shortly. The Education Week article also indicates that writing results would be an additional AYP indicator in Connecticut, Florida, Georgia, and Nebraska. Science student scores would also be considered AYP indicator in Wisconsin and Delaware.

The Law and Regulations have the "effect of law," even though USED may elect to postpone enforcement. The various forms of USED guidance reflect the Administration's policy of "selective implementation" and "clarification" as it continues to place top priority on key provisions such as parent choice and supplemental education services. USED guidance has a history of deleting certain provisions which Congress included in the Law. For example, provisions under Reading First clearly allow Reading First funds to be used to purchase tutoring and family literacy programs, which however, are not included as an allowable use of funds in the April 2002 USED Reading First guidance to states.

TechMIS subscribers need to take into account, not only the new Federal NCLB Law, regs, and USED guidance, but also the specific procedures proposed by states which have been "approved" by USED in the states' Accountability and Assessment Plans and/or the states' Consolidated applications approved by USED. An additional factor to take into account is the degree to which USED will actually enforce compliance with certain provisions and procedures negotiated with states. As a new USED "first," only recently did USED announce that it would withhold more than $800,000 from the Georgia Department of Education because it did not administer exit exams as agreed to two years ago in a USED "negotiated compliance agreement."

New Center for Education Policy Report on Trends and Impact of State Exit Exams Provides Clues How States and Possibly USED Will Cope With The Major Problems of Implementing Assessment and Related Provisions of No Child Left Behind

In its second report on the impact of state exit exams, the independent nonpartisan Center for Education Policy presents findings related to trends and the impact of state exit exams, both intended and unintended. These could provide insight into the ways that states will attempt to cope with problems in implementing assessment and accountability provisions in NCLB. Certain study findings will also buttress the imminent National Education Association class action lawsuit challenging the constitutionality of NCLB in terms of Federal intrusion while not providing necessary funding to implement major NCLB provisions.

One of the most telling findings in the CEP study came from an in-depth study of the "real cost" of implementing exit exams in Indiana. The total "actual" and "hidden" costs (which included professional development, remediation and preventative services to give "at-risk" students a substantial chance to pass exit exams), was estimated to be $442 million annually or $444 per pupil per year -- approximately 5.5 percent of the $8.1 billion expenditures in K-12 education in Indiana in 2001-2002. Also, the report stated, "To raise achievement on the Indiana exam to the state standard of 'commendable' performance, would cost an extra $682 million annually or $685 per pupil per year on top of the current cost equivalent to an addition 8.5 percent of Indiana's yearly K-12 expenditures." The "actual" expenditures by the state for funding exit exams and about two-thirds of the remediation programs for students at risk of not passing was about 3% of current estimated costs of carrying out the state mandate. It should be noted that Indiana was among the first three states to develop alternative assessments for certain groups of special education students which included portfolios and videos of student performance using digital cameras. The cost of purchasing such a configuration for a teacher to administer such assessments was approximately $3,000.

The CEP findings regarding the actual and hidden cost of exit exams supports the findings of GAO (see May 2003 TechMIS report) that the actual cost for states to implement the assessment mandates of testing every student in grades 3-8 in math and reading would exceed the authorized Federal appropriations for assessments. This single finding will be an important consideration as to how many more national education groups join the National Education Association in its pending lawsuit, solely on the basis that NCLB is an "unfunded" federal mandate. The impact of the NEA lawsuit and the likely U.S. Supreme Court final decision will have a major impact upon the implementation of NCLB.

The CEP report also identifies the states which provide remediation services, professional development, and other support to increase the odds that at-risk students will pass exit exams. For example, while 17 states require school districts to provide remediation, only Massachusetts and Nevada report that they pay 100 percent of remediation costs. Alabama, Minnesota, and New Mexico report that they expect districts to pick up 100 percent of these costs; the remaining states, including Indiana, pick up 67-75 percent of the cost. Twelve states report that they have developed preparation and remediation materials and programs related to passing high school exit exams, including computer-based programs and study guides. These states include Alabama, California, Florida, Georgia, Louisiana, Massachusetts, Mississippi, Nevada, New Jersey, North Carolina, Tennessee, and Virginia. Almost all of the 19 states with exit exams report that they provide some type of professional development related to exit exams.

Under NCLB, two percent of a state's Title I allocation this year and four percent next year is to be earmarked for schools that have been identified for improvement (i.e., failing two consecutive years). By the middle of August at this writing, many SEAs have announced their lists of schools that have failed to meet AYP based on 2002 test scores. Most schools have been put on the list because fewer than 95 percent of students took the state assessment. Moreover, some of the lists do not indicate which schools have failed to meet AYP for two consecutive years and are, therefore, identified for improvement. However, even with these inflated numbers that have been announced in the media, well over 10,000 schools will likely be identified for improvement. In states such as Georgia, Pennsylvania, and Michigan, districts have filed appeals to the state regarding the inclusion of some of their schools on the state list. Even with the up to 20 percent, as recommended by USED, to be earmarked for supplemental education services, staff development, or transportation for transferring students (see related item), there will not be enough money to provide the necessary remediation and other services to meet the needs of all children in identified schools.

Just as some states have postponed the effective date of exit exams having sanctions (i.e., whether or not a student graduates with a high school diploma), and/or reduced the number of items which have to be answered correctly, one can anticipate many states attempting to renegotiate their accountability and assessment plans which have been "approved" by USED (see related article). As the Administration's Chief Architect of NCLB, Sandy Kress, noted at a recent Business Roundtable meeting (see TechMIS January 2003), states and districts will have to allocate school improvement funds to schools that are the "most broken." In this case, USED is likely to allow states to provide waivers to certain districts whose schools were included on the list for not having at least 95 percent of students take the state assessment. Even with such changes in those states where projected revenue shortfalls exist, implementation of new assessment systems, will continue to "eat into" the budget for remediation and professional development designed to increase the number of students passing the state assessment exams and meeting AYP.

This is one reason why the imminent NEA lawsuit will be critical to the future of NCLB.

For a copy of the CEP report which includes profiles on exit exams in over 20 states, which have been or plan to have been within a few years, go to cep.org.

New GAO Government Accounting Office Report Confirms that Most Title IIA Teacher Quality Funds Have Been Allocated by Districts for Retention and Recruitment Rather Than Staff Development

In July, GAO released results of its survey of districts and states, which confirms projections over a year ago in the August 2002 TechMIS that two-thirds of Title IIA Teacher Quality Funds (nearly $3 billion) have been allocated by districts for *retention* and *recruitment* purposes rather than staff development and that 80 percent of district allocations to staff development came from other sources such as Title I. At the state level, a different picture emerges; states indicated they planned to authorize two-thirds of their 2.5 percent state Title II set-aside for staff development activities.

GAO also found that high-poverty districts plan to spend almost 80 percent of their Title II funds for recruitment and retention while low-poverty districts plan to spend about 60 percent. Under the new Title I, all Title I schools must spend five percent of their Title I budget on staff development and those that have been identified for improvement for having failed to meet AYP two consecutive years must be allocated an additional ten percent from the district's Title I reserve earmarked for staff development. The bottom line is that slightly less than $1 billion under Title IIA is being spent by districts on staff development, while between $1.0 and $1.5 billion of Title I funding is spent on staff development.

The GAO survey of 32 states and onsite evaluations in eight states found that over 80 percent of the states did not have data systems that could report on teacher qualifications by subject which states need to determine as mandated under NCLB. Most state officials indicated that they hadn't placed a high priority on developing such data systems because of the lack of guidance from USED and/or changes in USED guidance between June and December 2002. State officials argued that salary issues hindered their efforts to recruit and retain math and science teachers, particularly during the late 1990s when the information technology boom was at its peak. District officials noted that major problems were the lack of support for new teachers and lack of leadership from principals. Twenty percent indicated their major obstacles were "weak technology training for teachers" and "professional development programs of too short a duration to improve teacher quality." These respondents also felt that the lack of alternative certification programs was also a hindrance. The opportunities for distance learning or technology-delivered training, are particularly great in these areas. As the GAO suggested, online conferencing will also be in high demand to bolster new teacher support through collaboration, particularly in high-poverty districts and rural districts. The GAO report, entitled "More Information Would Help States

Determine Which Teachers Are Highly-Qualified" (GAO-03-631), is available at www.gao.gov/cgi/bin/getrpt?gao_03_631.

USED Posts on its Website Final District-by-District Allocations of FY 2003 Title I Funding Along With Maximum Required Expenditures for Choice-Related Transportation and Supplemental Education Services Which Once Again is Going to Create Some Confusion Among Districts in States Where 2002-2003 Test Scores Will Not Have Been Available When School Opens in September

USED has posted on its website final district allocations of Title I grants. Earlier it e-mailed to each SEA preliminary district allocations in that state. However, in at least 14 states some errors were made and, as a result, many SEAs told districts to count on "getting the same amount of money they got this year" to minimize any accusations by districts that the SEA made a mistake. Once again, USED has estimated the maximum required expenditures for choice-related transportation and supplemental education services (which is 20 percent of the total district Title I allocation) to put in reserve to cover potential costs. Last August, USED recommended a similar earmark to be put in the Title I reserve.

Once again, the footnote does not emphasize that districts which do not have any schools identified for improvement do not have to provide transportation for transferring students nor do they have to provide parents options to select supplemental education service providers of tutoring or other services for their child. Later on, the footnote states that the district, at its discretion, could spend up to only five percent each for transportation and supplemental education services respectively, if parents so choose. In situations where, by the first day of school, districts will not have the state-determined list of schools which have been identified for improvement based upon the 2002 test scores, or if they have been notified of the names of schools but have filed an appeal, then many districts will actually put into the Title I reserve an amount up to 20 percent to cover potential contingencies.

The bottom line is that although more schools would be identified for improvement this coming school year than last year and that more parents will exercise options for transportation and supplemental education services, it is very likely that, in many districts, the total amount put into the Title I reserve will not have been expended by the end of the 2003-2004 school year. Hence, similar to the current situation, next year, some districts, particularly those receiving increases for the 2004-2005 year, will be spending unused or "would-be-carry-over" funds beginning in June 2004 through September 2004, depending upon the state.

As noted in recent TechMIS reports, each SEA will be making some adjustments to district allocations as they take into account how the two percent set-aside for school improvement will be allocated and how much must be reserved for potential allocations to charter schools that serve eligible Title I students. This will result in some remaining Title I allocations for this coming school year not actually being made until early next year. As with 2002-2003 school year, the vast majority of Title I funds, especially for districts receiving increases, will be made in October with adjustments to the final allocation being made at that time.

The USED allocation posting also includes the Title I allocation per Title I eligible student in each district which reflects the maximum amount of Title I funds that could be paid to a supplemental education service provider to serve a Title I-eligible student. This amount varies considerably among districts; for example, in Nevada, the Esmeralda County School District spent slightly over $1,300 per Title I child, while the Lander County School District spend about $770 per eligible Title I student. Even if a TechMIS subscriber is not interested in becoming a supplemental education service provider, these district average allocations suggest whether or not a district is capable of purchasing a relatively high per-pupil priced item. TechMIS subscribers interested in the final district allocations before SEA adjustments, the additional above-maximum reserve, and maximum per-child expenditure for supplemental education services should go to www.ed.gov/offices/OUS/TitleILEAs//FY03allocations/index.html.

USED Releases Final Title I Allocations Confirming Many States and Districts are Definite Winners But Substantial Numbers Are Receiving Significant Title I Budget Cuts for Next Year

Of the 13,000 districts that will receive Title I funding this coming school year, slightly over 7,000 will receive more Title I funds while almost 6,000 will receive less. Almost 350 districts will lose all Title I funding. Firms which are prioritizing states and districts within a state need to be aware of these changes which are due primarily to: (a) the use of the new 1999 census data sets; (b) the "hold harmless" provision for concentration funds ended this year for almost 1,000 districts; and (c) most of the increases in Title I funding were in the "targeted" and "incentive" components of the Title I formula, which districts will receive funds in October under these two components. Some of the changes in the final district allocations are also due to mistakes made by USED in the preliminary allocations for fourteen states.

The districts where budget cuts will be most dramatic will be in those 1,000 districts that are no longer protected under a "hold harmless" provision because of a reduction in the number of poverty students enrolled in Title I. Last year, only 330 districts lost their concentration grants, but, for this coming year, over 1,000 will lose all concentration funds. As noted in Title I Report (June 2003), one Delaware district lost six foster children which brought the district below the eligibility threshold for concentration funds which cost the district almost $250,000. The number of LEAs losing concentration grants and thereby experiencing significant overall budget cuts, include Michigan (90 LEAs), Missouri (59), New Jersey (74), Ohio (43), and Tennessee (54). On the other hand, many of the same districts are receiving increases under the "targeted" and "incentive" grant components including Michigan in which about 350

LEAs will receive additional funding under these components; in New York State, the number is approximately 500 LEAs.

Districts which are no longer eligible for concentration funds will reduce the Title I per-pupil allocation while continuing to serve existing Title I schools. On the other hand, districts receiving increases in "targeted" and "incentive" funds are likely to increase the number of Title I schools receiving Title I funds for the first time and/or increase per-pupil Title I allocations. Even with these increases, in many large urban districts with large numbers of failing schools, the Title I allocations to some schools could be reduced as the districts earmark funding in the Title I central office reserve to cover contingency costs related to transportation and provision of supplemental education services (see related item). For those districts receiving increases in "targeted" and "incentive" grants (see Special Report Updates), none of the increase will likely be released to states and, in turn, to districts until October through December. In some states such as Texas, districts in these situations have been told that their final allocations will not be made until January through March of next year.

Critical Battle Over the Future of Head Start Programs Expected in September as Bipartisanship Fades

A heated political battle regarding the future of Head Start will reach its peak in September as the Democratic Senate leadership will fight the House-passed reauthorization provision of Head Start, which, under certain conditions, would allow Head Start funds to be commingled with state pre-K funds in eight states. Opponents of the "block grant" are questioning why such a change, as reflected in the House version, is needed because most recent Head Start evaluations show moderate-to-significant progress being made in Head Start under the existing system. Even more opponents believe this is an attempt on the part of the Administration to provide Head Start funding (now at $7 billion) as a block grant which will allow governors to spend such funding for other purposes, or to use Federal funds to replace state funds for pre-K programs (now about $2 billion) which is already occurring (see related Washington Update item). Both the House and Senate versions would require that, in the future, all teacher aides and Head Start teachers be "highly qualified," with the Senate version having such a goal being met earlier than the House version with several billion additional dollars be added to the Head Start budget over time to cover the cost of staff development.

The Administration's proposal, reflected in the House reauthorization, represents a radical departure from the original philosophy behind Head Start, which was created in the U.S. Office of Economic Opportunity in the mid-1960s because, among other reasons, school districts were not providing needed education and related social, health, and services to young children from low-income families. In fact, based on personal experience as a staffer assigned to the first Director of Head Start, in the early years, OEO officials were opposed to allowing any school districts to operate Head Start centers. Most of the associations representing Head Start staff members and constituencies have strongly opposed the Administration's initial proposal to transfer Head Start from the

Department of HHS to USED and they have expressed grave concerns about the Administration's attempt to integrate many of the accountability and assessment provisions in No Child Left Behind into Head Start. Supporters of the House version acknowledge some success has occurred in terms of numeracy and literacy skill development of children currently in Head Start, but, as Reid Lyon recently noted, there is still a relatively large reading gap between students enrolled in Head Start and other students when they enter kindergarten or the first grade. Since 1998, USED's Title I office and Head Start have developed "performance standards" regarding numeracy and literacy skills children enrolled in Head Start should acquire. Without doubt, the House reauthorization version, and to somewhat lesser an extent the Senate version, will increase momentum to teach these skills at lower age levels to ensure Head Start students are ready to learn.

Most education policymakers in this Administration have stated or implied that most of the provisions in No Child Left Behind were tested and proven in Texas during the President's term as Governor. Those involved in the creation of Early Reading First and the proposed Head Start reform, often refer to Head Start instructional practices related to numeracy and literacy being implemented in pilot sites in Texas supported by First Lady Laura Bush. One such set of instructional practices was developed by a Southern Methodist University team and pilot tested at the Cone Head Start Center in Dallas during the 1990s (see TechMIS, September 2001). The University of Texas at Houston, which was involved in designing some aspects of Reading First and Early Reading First, is already very active in promoting "optional curricula" for use in Head Start and will continue to be influential under whatever version of Head Start finally emerges.

The market for instructional materials, including software, in Head Start, is difficult to estimate for a variety of reasons, including the lack of uniform reporting. However, the cost of creating new Head Start classrooms in a Head Start center is estimated to be between $10,000-$12,000, which includes furniture, equipment, and supplies, of which approximately 25 percent or between $2,000 and $3,000 is for instructional materials. Approximately 2,500 <u>new</u> Head Start classrooms are created each year. Approximately $400 is spent annually by <u>existing</u> centers for existing Head Start classrooms totaling approximately $16 million. A TURNKEY/EMR 1999 report estimated that pre-K teachers spend an additional $200 a year for instructional materials out of their own pocket; there are about 48,000 teaching staff in Head Start who spend approximately $9 million on their own. Hence, the total estimated expenditures for instructional materials in Head Start would be slightly over $30 million a year.

A survey of pre-K programs in U.S. public schools in 2000-2001, reported by NCES, found that there were slightly over 800,000 children enrolled in 58 public elementary school pre-K classes located in 20,000 elementary schools nationwide. Approximately 46,000 pre-K teachers instructed these classes. The most recent enrollment in Head Start was slightly over 900,000. Approximately one-third of the 2,500 Head Start grantees are public schools as opposed to religious groups, community action programs, etc. Because the NCES report of pre-K programs in public schools included some Head Start classes, one might reasonably assume that an additional $20 million (two-thirds of the $30 million in Head Start) expenditures are used for instructional materials purchases.

State Funding for Preschool Programs Being Reduced in Most States For School Year 2003-2004

A recent survey by the National Institute for Early Education Research (NIEER) has found, in its survey of 26 states, to which 18 responded, only about two had increased funding for preschool programs while the remaining states had reduced or level funded state preschool funding. Only eight of the 26 states had budgets in place at the time of the survey. Two states that increased funding were Louisiana and New Jersey; Louisiana allocated more Federal dollars to its program while New Jersey increased its state funds. As noted in the report by NIEER -- entitled "State Preschool Budget Update" -- (July 2003), "New Jersey is under court order to provide high-quality preschool programs." Of the remaining 16 state budgets, seven will reduce preschool funding while nine will likely level-fund preschool budgets. Large cuts occurred in Colorado, Massachusetts, Ohio, Oklahoma, Oregon, South Carolina, and Tennessee. Level funding will likely occur in Arizona, Delaware, Iowa, Kansas, Kentucky, Maryland, New York, North Carolina, and Vermont. As the report notes, "Taking cost of living into consideration, even the states that held their budget steady at last year's funding level will see a net reduction in preschool programs as either the number of children served or education quality is reduced. What that means is that children in 16 out of 18 states where budgets are settled suffered losses in state preschool programs."

Some of the more significant budget reductions and impacts occurred in the following states:

- Massachusetts - due to state budget cuts, local councils had to reduce all components including direct services, quality initiatives, comprehensive services, etc., including a $6.2 million cut in direct services and the early end of services to more than 4,000 students;

- South Carolina - more than 2,000 slots had been reduced;

- Tennessee - the Tennessee Early Childhood Education pilot project was cut by 34 percent and all technical assistance funding has been eliminated for the second year of the pilot program.

While pre-kindergarten and kindergarten programs will be receiving less state funds across the board next year, as reported in Education Week (August 6), the Kellogg Foundation will be providing more than $40 million over the next five years to eight grantees to plan and implement "transition programs" from pre-K and K to ensure students are ready to learn when entering the first grade. Funds will be used to create transition councils, provide technical assistance, and other aspects of program implementation. In a related development, the Education Commission of the States recently created a website which provides up-to-date information on kindergarten policies across the states, including the extent to which states provide funding for full-day kindergarten. The website is www.ecs.org/kindergarten.

As noted elsewhere in this Washington Update, the House version of the Head Start reauthorization would allow a limited number of states to receive Head Start funds under the condition that they would not reduce state funding for existing Head Start or other preschool programs. Of the 18 states in the NIEER survey, only two would qualify; the remaining 16 states either reduced state funding or replaced state funding with other Federal funding such as TANF, which would violate the proposed "maintenance of effort" for state funding in the House Head Start reauthorization version. For a copy of the state preschool budget update from NIEER, go to http://nieer.org/resources/files/budget.pdf.

New Early Learning Literacy Panel Analyzing Over 200 Published Research Studies to Attempt to Find the Best Programs or Interventions for the Development of Literacy Skills and Abilities

Created by Congress last year, the National Early Literacy Panel is conducting an analysis of early childhood research to identify, among other things, "best practices" which are predictors of reading proficiency in children through age five. The final report is scheduled to be delivered to the National Institute for Literacy in December.

In light of emerging criticism of the National Reading Panel report in 2000 (i.e., that it was biased toward phonics in selecting the studies which it felt were scientifically-based -- see April 2003 TechMIS), the National Early Literacy Panel has reviewed more than 6,000 studies identifying slightly over 200. The panel is focusing on several questions related to:

- identifying skills and abilities which are the best predictors of successful reading and comprehensive after age five;
- the environments and settings contributing to these skills and abilities;
- child characteristics which help or hinder developmental skills and abilities; and
- the best programs or interventions for fostering those skills and abilities.

The National Early Literacy Panel, in its planned December report, could be very influential in several areas. The Congressional reauthorization of Head Start is underway with the House calling for increased accountability from the 2000+ Head Start grantees to expand numeracy and literacy activities to ensure Head Start graduates are "ready to learn" when they enroll in schools (see related item). The reauthorization of IDEA is likely to call for pre-referral intervention strategies which could require districts to provide interventions which are scientifically-based and/or which are approved for Reading First for borderline students enrolled in grades

K-3 who have reading problems (see TechMIS Special Report, May 2003). In addition to the National Literacy Panel, groups such as University of Texas at Houston, have been conducting research on successful reading and other interventions at the pre-K level and will soon be releasing preliminary findings from their studies initiated two years ago. These findings will likely report the effectiveness of structured approaches.

Preliminary Design of National Evaluation of Technology Use Effectiveness Mandated by Congress Will Focus Narrowly on Reading and Math Improvement; Education Software Publishers Who Are Invited to Participate Should Consider the Risks Along With Possible Benefits

Over the last year, the USED Office of Education Technology (directed by John Bailey), in conjunction with the Institute of Education Sciences (headed by Assistant Secretary Whitehurst), have been planning the Congressionally-mandated evaluation of the effectiveness and use of education technology which will culminate in a report submitted to Congress in April 2006. During a recent conference call between USED officials and a number of education software publishers who are members of SIIA, a number of questions and concerns were addressed. While both SIIA software publisher members and officials within the Office of Education Technology have a vested interest in minimizing the many potential unintended consequences and negative findings, the plan has a number of design features that software publishers should seriously consider in deciding whether to participate.

Some of the important design features, that currently exist in the preliminary mode, are as follows:

- the primary evaluation question is whether the use of a "class" of technology which will include a number of very similar interventions (e.g., phonics or whole language approaches to teaching early reading) will increase student achievement in reading and math through the use of the technology and under what conditions (e.g., the nature and level of teacher training required to use he intervention effectively);

- the "period of performance" will begin with pretesting at the beginning of the school 2004-2005 year and finish at the end of that school year;

- participating firms would provide a free license for selected districts to use their technology intervention in between 40 and 60 classrooms and the firm would provide necessary staff development and support;

- USED would select one of several national norm-referenced tests to be used for both pre-test and post-test of students randomly assigned to treatment and control classes;

- to ensure some degree of buy-in, teachers would be provided some flexibility in deciding the specific interventions within the overall class of interventions they would like to use and then students would be randomly assigned to the teacher and control teacher;

- in return for participation, firms would be provided findings on student performance where the intervention was used, and those of students in control classes; however, in the final report, findings will be presented in terms of the class of interventions, not the relative effectiveness of any specific individual firm's intervention.

The two intended benefits for firms participating include: (a) evaluative information which can be used to improve the effectiveness of the intervention; and/or (b) evidence that can be used for submitting reports to the What Works Clearinghouse. There is, however, a risk that, for whatever reason, the firm's intervention may not produce adequate results.

Several questions must be addressed by firms as they decide whether to apply for participation. The primary question is whether the firm's intervention, over a period of eight or nine months, will significantly improve student test scores in math and/or reading. A related question is whether the firm's intervention is properly aligned with the domains of the national norm-referenced test selected for use in the evaluation. Moreover, the firm should negotiate an agreement which would allow its intervention only to be used in states where state standards are aligned with the national norm-referenced test. USED officials, during the conference call, emphasized that, if a firm is not able to do so, USED would provide the necessary resources to ensure that adequate teacher training is provided prior to and during the implementation of the intervention. Another negotiating point would be whether USED would ensure that other important implementation variables recommended by the firm are actually in place or will be used (i.e., students will receive at least 150 minutes of instruction per week using the intervention).

During the teleconference it became clear that a number of tool applications, such as instructional management systems, alignment tools, and other "interventions" -- which are not designed to improve student math and reading achievement scores directly -- would not likely be appropriate for inclusion. In the long run, these tool applications could have an impact on student performance but also save time on the part of teachers or improve teacher working conditions, which however, are not the measures of effectiveness in the proposed study. For more information about the National Education Technology Evaluation, go to www.ed.gov/Technology/evaluation.html.

Congress is Likely to Pass a $250 Million Annual New Initiative to Improve Wireless Infrastructures in Minority Colleges and Universities as an "Unfunded" Mandate Imposed on the Cabinet

Departments Who Openly Oppose It

The proposed Minority Serving Institution Digital and Wireless Technology Opportunity Act of 2003 would strengthen the national digital and wireless infrastructure by increasing the national investment in telecommunications and technology infrastructure at eligible minority colleges and universities. While both the House and Senate version would earmark over $200 million annually for this purpose, the various agencies and departments which Congress would foist the program upon are opposed to it publicly, stating that it is an unfunded mandate and that they have no current funds to cover its cost. The Senate version, sponsored by Senator George Allen and 26 bipartisan co-sponsors, passed by a 97 to 0 voice vote. Under that bill, the program was to be administered by the National Science Foundation whose director in mid-June openly opposed the bill arguing that should the NSF run such a program it would "zap" funds from its other technology programs. The House Science Committee has decided in its version to have the program operate in the Commerce Department which sent a letter to the House Science Committee arguing that USED and the Department of Agriculture already have programs serving all colleges and universities, not only predominantly minority ones, and was quoted in the Chronicle of Education that, "The Administration opposes the creation of a duplicate program that is inconsistent with the President's Budget."

Under both versions, no additional funds will be provided to the agency responsible for implementing the program, if one can be found. Eligible institutions would include historical-black colleges and universities, Hispanic, American native or native Hawaiian-serving institutions, tribally-controlled colleges and universities and institutions determined to have a substantial enrollment of minority low-income students who receive Pell grants. Institutions who apply for such funds would have to meet a matching requirement.

The Department of Commerce currently operates a distance learning program as does the Department of Agriculture. If this bill were passed and placed in either of the two departments, then some of these existing program funds will likely have to be used to implement the new initiative. Or, if the U.S. Department of Education is chosen to administer the program, then an obvious source of funding would be the Title II D Technology funds currently designed for primarily K-12 districts; and without an overall increase in appropriations for the new initiative, minority-serving colleges and universities would receive additional funding at the expense of K-12 districts and related groups.

NCTET To Resurrect Monthly Technology-related Policy Sessions

During the July 10 NCTET forum which was designed to allow technology stakeholder groups to provide input on the development of a National Education Technology Plan, key NCTET members recommended that the NCTET monthly technology-related policy meetings be resurrected once again. During the late 1990s through 2001, key associations and education technology stakeholder groups met on a monthly basis to review policy developments related to Federal technology funding and to provide input to key agency officials and to key Congressional staff members on the implications of new policies, as well as the unintended consequences of current policies. During the July 10 meeting, several attendees noted the need for an education technology ombudsman-type mechanism to advocate funding and other support for the use of education technology and, perhaps more critically, to remove or change many of the provisions in NCLB and/or USED implementation guidance that have created unintended negative consequences for technology support and use. Several of the NCTET board members proposed resurrecting the monthly meetings to address partially some of the functions which an ombudsman would provide.

The NCTET monthly meetings are planned to be "off the record" meetings to ensure that key decision makers have the opportunity to address problems "head on," beyond discussions of symptoms, and to come up with constructive policy recommendations. In the past, SIIA took a lead role in providing their facilities to accommodate these meetings which had been chaired for the most part by key officials from associations, which could be classified as education technology advocates, such as NEKIA and SIIA. TechMIS subscribers who are not in the Washington, D.C. area should seriously consider joining NCTET and participating in such meetings via teleconference.

During the July 10 forum, John Bailey, Director of the Office of Education Technology emphasized that this will be a "national" technology plan not a "Federal" plan, and that it will reflect not only the views of districts and district staff, but also students and how they think technology should be used in school. Some of the key issues which discussants were asked to address were USED priorities such as broadband, data-driven decision-making and virtual schools. On more than one occasion, Director Bailey emphasized the need to change the perception that technology is a "vertical" learning tool but rather that it should be promoted as a "horizontal" one (i.e., integrating the use of technology into all appropriate Federal programs which should provide funding to support its purchase and use). A summary of the comments made during the summit is also at www.nctet.org.