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## MEMORANDUM

O March 21, 2002  
: Page 1 of 2

TechMIS Subscribers

**FROM:** Charles Blaschke

**SUBJECT:** Special Report on ESEA Guidance, Washington Update and State Profile Updates

Included in this mailing is a Special Report which suggests that USED compliance, particularly for Title I, will use a “rational basis test” taking into account state and district interpretations of key provisions. If districts adhere to the “spirit of the new Law” and implement activities which are likely to improve student academic performance, then these considerations will likely over-ride strict USED interpretations. For example, while the Law restricts tutoring to service providers in close proximity to schools, the guidance will most likely allow online tutoring which doesn’t necessarily meet the geographical proximity limits in the Law.

The Washington Update includes:

- Highlights of the first conference of the newly-created State Education Technology Directors Association which focused on technology issues in the new ESEA and the FY

2002 budget; the newly-appointed director of the USAC/SLD which administers the e-Rate program indicated that, over the last year, \$1.8 of the \$3 billion reimbursement for e-Rate used the BEAR process which provides districts with opportunities to purchase noneligible items using the reimbursed discount amounts;

Page 2 of 2

- The fledgling US Open E-Learning Consortium involving 14 states, which is heralded as a means of expanding the market in schools for technology products, could result in “unfair competition” with the technology industry;
- The NCTET National Summit on Measuring the Impact of Technology provided an opportunity for administration officials to encourage online standards-based assessments and data-driven technology as a major contribution of technology to education;
- While districts with large Title I increases are likely to select newly eligible schools to be served for the first time, many will likely fund after-school, special tutoring, and other projects, including “community schools,” in order to keep Title I funds from “following the child” to third-party for-profit providers under the new “supplemental services” requirement;
- The third report of the Early Childhood Longitudinal Survey could provide a “national norm” by which vendors of K-1 products could judge the effectiveness of their programs in teaching literacy and reading;
- The new high-quality standards for teachers and aides is creating major compliance problems for districts who are likely to direct a large portion of flexible Title IIA and even Title IID technology funds for hiring bonuses and incentives to encourage qualified teachers to work in high-poverty schools;
- A House panel has approved the Education Sciences Reform Act which would reorganize the current USED branch for research and improvement in education and consolidate a number of regional labs and related entities requiring them to compete more for Federal grants.

The State Profile Updates are based upon interviews conducted with 30+ state directors of technology during their recent conference and recent interviews with other state officials, including individuals recently appointed to be responsible for the Reading First initiative.

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## **Highlights of State Education Technology Directors Association/USED Conference on Technology Issues Relating to ESEA and FY 2002 Budget: February 24-26**

In late February, the newly-created State Education Technology Directors Association convened a meeting with USED to discuss the new ESEA and the FY 2002 budget for technology, as well as implications for the districts and state education agencies which will have primary responsibility for administering many ESEA consolidated titles, including Title IID/Technology.

In light of the FY 2002 budget which reduced technology-earmarked funding from \$830 million to approximately \$700 million, both Under Secretary Gene Hickok and Education Technology Director John Bailey, emphasized funding from Title I, IDEA, Teacher Quality, and other programs should become a major focus of funding technology purchases in the future. Both noted that the allowable uses of technology “permeate” virtually all of the new titles, encouraging its appropriate use.

Both officials, who worked with each other when Hickok was Secretary of Education in Pennsylvania, emphasized the need to make a “compelling case” for using technology in the instructional and professional development process, not only to districts but also to state legislatures and Congress. Bailey asked how many attendees had experienced “holdbacks” or “reductions in technology earmarks” from their state funds; almost 50 percent of the state technology directors in attendance raised their hands. Both officials also emphasized two areas of applications which will almost be required to implement several new positions and priorities under ESEA: (a) online assessments and reporting to ensure that test results are

available to teachers in a timely manner in order to improve instruction and select intervention strategies; and (b) applications which facilitate data-driven decision-making, not only in the instructional process, but also in many of the administrative responsibilities at both the state and district levels. Unlike the previous Technology Literacy Challenge Fund, which supported the use of technology for instructional purposes, the consolidated Title IID initiative allows funds to be used to purchase administrative-type applications and infrastructure, including maintenance and support.

Officials also hinted at several areas in which clarification and guidance will likely be provided, including:

- whether the purchase and use of technology-based solutions must be based upon scientifically-based research or based upon only “relevant research”;
- whether a portion of the \$10+ million Federal set-aside can be allocated to states who receive only the minimal amount;
- even though there is no set-aside for administrative purposes at the local level, what constitutes “reasonable and necessary” administrative expenses;
- whether the 25 percent to be allocated for staff development applies only to a local competitive grant or to both the competitive grants and the formula portion which allows 50 percent transferability to other ESEA titles;
- whether local districts have to report on how “formula transfer funds” are being used.

USED officials also emphasized that states will be required in their applications to define how the SEA will establish criteria for the following:

- determining what is sufficient scope, quality and duration of competitive grants and awards to districts;
- the measures that the state will use and incentives provided for evaluating the impact of technology on academic performance;
- the additional priorities and criteria to be used in selecting districts for

competitive grants;

- the criteria the state will use to ensure that technology will be fully integrated into curriculum and instruction by December 31, 2006;
- the criteria will states use to select products and practices to be included in the state dissemination effort related to proven practices.

A burning issue, stated forcefully by several state technology directors, related to state consolidated plans in the application process. Many states were extremely concerned that if the criteria for approving the consolidated state plan did not strongly specify that at least 50 percent of the funds had to be used to support technology projects, there would be pressures within the SEAs, and from the governor's offices and the legislatures, to transfer even more technology funds for other purposes. USED officials responded by saying that USED would be publishing criteria for consolidated state applications in "the near future." A second issue related to when the SEA application form would be available. USED officials indicated that the SEA could actually began implementing the local application process before the SEA application was submitted and approved.

One of the highlights of the conference was a response by George McDonald, Chief Administrator of the SLD/USAC which administers the e-Rate program to the following question: "Can you provide an estimate, either absolute amount or percentage, of the amount of reimbursement to service providers which have occurred through the BEAR form 472 process in which a district can request a check in lieu of a credit for the e-rate generated discount amount." His response was that during the last year approximately \$1.8 billion was requested and authorized under the BEAR 472 process, compared to \$1.2 billion under the regular invoiced process whereby districts pay only the discounted amount. TURNKEY estimates over the last year are that between 60 and 65 percent fell under the BEAR process, which was more or less confirmed by the actual numbers provided by McDonald. Also, with the annual e-Rate budget cap at \$2.25 billion, approximately \$750 million is estimated to be the amount of out-of-the-window funding commitments and appeals which were found

meritorious. Many of these reimbursements have occurred and continue to occur under the BEAR process. To the extent districts request refund checks in lieu of credits, these e-Rate generated discounts can be used to purchase non-eligible hardware, software, staff development, and technology-related services. One state e-Rate coordinator noted that the only amount available for software purchases in that state were e-Rate refunds, as the result of an official policy of the SEA which requires such refunds be used for purchasing software, staff development, and some hardware.

The bottom line question is whether the administration will enforce the “prescriptive flexibility” provisions throughout the new law. One telling point will be whether USED will actually reduce the administrative set-aside in those states whose evaluation and accountability plans have not been approved by April 9. Because the law mandates that no USED waivers be provided after that time, at least one state entity, Puerto Rico, has already requested and received a two-year waiver for its assessment and evaluation plan. The question as to whether additional states may be requesting waivers before April 9, was posed to USED general counsel who attended the meeting; the response was a general “no comment.” Another question is whether or not USED will operationally define and provide guidance on whether a proven practice of using technology is based on scientifically-based research or just “relevant research.” Interestingly, recently released guidance on the Reading First initiative stipulates that the national evaluation of this program will use as one measure of the effectiveness of the Reading First initiative the degree to which students read more and more often. A logical inference might be that one measure of effectiveness of technology could be whether or not students use computers and related technology more and more often outside of school. Interestingly, this was the only measure that Dr. Hank Becker found to be associated with effective classroom use of technology in his seminal series of evaluations of computer and Internet use in public schools during the late 1990s.

For more up-to-date information regarding the state application and related processes, send

an e-mail to [StateTechGrant@ed.gov](mailto:StateTechGrant@ed.gov).

## **US Open e-Learning Consortia of States Could Be Bane Rather than Boon for Education Technology Industry**

The Open e-Learning Consortium, composed of 14 states (see Washington Update, November 2001), is purportedly designed to provide a “boon” for the education technology industry by facilitating state purchases (vs. individual district bids and purchases, which represent a high cost of sales to vendors), thus expanding the education technology market by a factor of ten. Based upon a conference call facilitated by SIIA with key leaders of the consortium, it is not clear whether the above-stated purpose will actually occur; rather, the consortium could represent an entity which will effectively compete directly with certain vendors (e.g., test prep companies and those who develop and/or provide portals that access content).

Created under a \$200,000 plus grant from USED to the Northwest Regional Education Lab, the consortium will develop uniform definitions related to technology and standards-based assessments and will, as one of its first “products,” compile a database of state-developed test items that can be exchanged among the states through a clearinghouse. Without question, there is a need for uniform standards and definitions, which was the purpose of the SIIA software interoperability framework project. Interestingly, the USED recently announced another initiative by its Information Technology Office to develop such definitions and standards, and it also recently provided funds for the newly created State Directors of Technology Association to assist in that effort. As reported in the Heller Report, the Director of the consortium, Greg Nadeau, stated, “If the consortium can get 14 states to agree upon common definitions of learning objects, then everyone else will use those definitions making product development and interoperability easier for everyone in the marketplace.”

The sharing of test items can be viewed as an “unfair competition” for vendors in the test prep business which is growing dramatically and which will grow even more as the new ESEA Title I and other provisions are implemented. For example, beginning in September 2002, an estimated 3,000 schools which have been targeted for improvement under previous Title I provisions, must set aside a portion -- up to 15 percent -- of their Title I budget to provide parents the opportunity to send their students to alternative state- and district-approved service providers, including test prep and tutoring groups.

Regardless of the direction the consortium takes (i.e., partnering with the private sector or competing with it), a major issue is how will its implementation be funded. Consortium officials suggested alternative sources including contributions from participating states and/or a portion of the national set-aside of slightly over \$10 million under the new Technology Block Grant, ESEA Title II B. One logical funding source, especially for states which are already in compliance (see January Washington Update), would be the state grants under the ESEA assessment component which specifically states that the development of a technology-delivered assessment and reporting system would be an allowable use of such funds. USED Under Secretary, Eugene Hickok, has specifically identified online assessments as one of the greatest opportunities for technology vendors (see below). John Bailey, who was the State Technology Coordinator when Hickok was Secretary of Education in Pennsylvania, was recently appointed as Director of Education Technology within USED taking Dr. Linda Roberts’ place. The consortium continues to hold periodic meetings and continues to encourage states to contribute public domain test items and join the consortium.



## **NCTET National Summit on Measuring the Impact of Technology Ends Up Being a Major Promotion for Online Standards-Based Assessments and Data-Driven Decision-Making**

The National Summit sponsored by NCTET on January 24, 2002 was designed to seek ideas from leading technology advocates on how to assess the impact of education technology on academic achievement. In the end, a major focus related to promoting online assessments; many of the participating government officials, representatives of testing firms, and some other attendees felt that such online assessments would be required to meet the rigorous assessment provisions in the new ESEA. In the proposed regulations posted for comment in the Federal Register on January 18, 2002, USED has interpreted the new Law as follows: “Finally, states must produce individual student interpretive, descriptive, and diagnostic reports and itemized score analyses that allow parents, teachers, and principals to understand and address the specific academic needs of students relative to their achievement against state standards.” Comments from various stake-holders were due February 19 (see related item).

One of the co-chairs of the National Summit, former USED Secretary Richard Riley, emphasized the role of technology in assessments and in delivering high-quality content which is both challenging and engaging. Neil Bush, brother of the President and founder of IGNITE - a firm specializing in the development and delivery of web-based courseware, extolled the virtues of technology in helping to meet the needs of students with different learning styles and interest levels. He cited his own personal situation when he entered the eighth grade and was told that he was dyslexic and that, if reading problems were not overcome, he might not graduate from high school. Technology can be a useful tool in meeting the needs of students with varying styles and needs to ensure that all children can become readers.

USED Secretary Rod Paige emphasized that advancing technology has a role to play in many

aspects of school operations including transportation monitoring, health-related activities, etc., along with an important place in the instructional arena. While he briefly addressed the core technology block grant under Title II, he went out of his way to emphasize that technology needed to be integrated into the curriculum and instruction noting that ten provisions in the new ESEA encouraged, if not mandated, such an emphasis. On at least three occasions, he noted that an emerging, significant role of technology would be in the area of online assessments in which officials and teachers with appropriate tools could analyze student assessment results and use them to develop interventions or otherwise place students at appropriate levels in math and reading lessons.

Phil Bond, Under Secretary of Commerce for Technology, indicated that technology would be ubiquitous in a “pervasive knowledge economy” which relies heavily upon “knowledge utilities.” However, the goal of massive customization of learning for individuals would require a citizenry which not only knows the three Rs but also has in-depth skills in “inventive thinking,” information processing, and team collaboration. The role of the traditional teacher would become one of a “guide for students to pursue knowledge.”

Following a number of technology pep talks, Professor Roy Pea, cochair of the National Research Council Committee on Improving Learning with Information Technology, assessed “what we currently know about the impact of technology and what we need to know,” identifying a number of areas in which new or expanded research could provide useful guidance related to technology use in learning. Professor Pea suggested that research on the “conditions of learning” would likely continue to be the most promising research venue. In 1966, a national invitational conference of technology advocates was sponsored by the US Department of Defense to address the following question: “Under what conditions do what types of technology applications produce the best training results, with enlistees of different education entry levels, and learning styles?” Professor Pea acknowledged a parallel effort is what he is proposing for learning in general, following the earlier attempts by DoD as cited in

the Office of Technology Assessments "Power On" report, published in the late 1980s, in which he and others, including TURNKEY staff, participated.

Following formal presentations, a roundtable discussion involving officials from the firms which sponsored the conference, as well as state and university technology advocates, addressed the issue of measuring the impact of technology on learning. The two topics to have been addressed in the roundtable discussion (which involved 18 individuals, moderated by Cheryl Lemke, CEO of the METRI Group) were supposed to have been "research partnerships" and "placing research in context" to assist in developing a research agenda for the future. Several insightful comments on other issues are worth noting.

One might assume that the results of research on effectiveness would be a major step toward fulfilling the many provisions in ESEA that requires Federal funds to be used to purchase only scientifically-based and proven practices and products. Dr. Chris Dede, Harvard University, was somewhat dubious about this Federal role, as primary responsibility for decision-making and enforcement of many of the accountability and other provisions in the new ESEA have been delegated to the state level. Dr. Dede has been developing guidelines that can be used by states for implementing state-based technology initiatives under the new Title II consolidated technology grant program.

In response to several questions regarding the most important factor for improving the effectiveness of technology, several respondents pointed directly to teacher involvement. Dr. Linda Roberts, now a consultant and former USED Director of Technology, called for developers to better connect technology with teachers (i.e., listening to teachers, meeting their needs, etc.). Richard Schaar, Senior Vice President of Texas Instruments, indicated that TI has undertaken several initiatives beyond the subject areas of math and science (in which they have a long history of producing widely-used products) to have TI developers actually go to schools and work directly with teachers sharing ideas, gathering insights, etc.

Several respondents also addressed the question of quality content --- how to ensure that it becomes available and who should develop it. Kim Jones, Vice President of Global Education at Sun Microsystems, stated that based upon her visits to other countries which have leapfrogged the United States in using technology for learning, some types of incentives would be necessary to encourage the private sector to develop quality content and software that meets the needs of teachers and students. She noted parenthetically that venture capitalists often have their own agenda when investing in development firms which are in direct conflict with the development of quality, pilot-tested software and related education products, which take a long time to develop (i.e., venture capitalists often want their return quickly). Following up on Professor Pea's comment about the need to study the stability of the content software industry, Terry Crane, Vice President AOL, also called for Federal incentives to ensure quality content is available. During an offline conversation with Kim Jones, I asked if her position was somewhat different from her founder's position expressed several years ago, when Scott Neeley stated that education software should be developed by the Federal government and provided free to teachers and students. She indicated that her position was based upon her observation and perceived needs.

The question of whether the Federal government should develop software was not addressed directly although the newly-appointed USED Director of Technology, John Bailey, stated that "the Federal government should stay out of any business that it can't do well." During information discussions with state, Federal, and private sector officials, several rumors were floating around relating to a number of online assessments and related products that could be made available at no cost by Federal or state agencies; another rumor was that USED would be releasing in the near future a report containing evaluations of instructional software and approaches which would meet the "principles of effectiveness" or could be designated as scientifically-based research practices and products.

To the extent that USED does come up with a research agenda to measure the impact of technology using the \$10 million plus set aside for a national evaluation, it is clear that in the immediate future a high priority is being placed upon the implementation of online assessment systems to provide opportunities for teachers and school staff to assess individual student achievement levels and problems and develop interventions to address such problems in a timely fashion. The types of concern addressed during the conference, as well as in informal discussions, include:

- To what extent will high-stakes testing force teachers to teach only basic skills at the expense of teaching 21<sup>st</sup> century technology literacy and other work skills, which was a concern expressed by the CEO Forum in its last report last Spring (see TechMIS April 2001)?
- Will the requirements to test all students in grades 3-8 under the new ESEA (which take effect in 2005 most likely), put schools at the mercy of testing firms to which a representative of a major testing firm responded that its firm would make “the cutting edge of the assessment tools available to local districts?”
- Will the use of online assessment analysis and reporting limit the test items aligned to standards to those which can be scored through the use of technology (where rubrics don’t exist, such domains would not be included on the test)?
- Is it a sound practice for computer-generated analyses and reports to be submitted to teachers and students within a day of the assessment and then for “hand-scored” remainder not to be available for four to five months?

For more information about conference speakers, slide presentations, papers, etc., go to [www.nctet.org](http://www.nctet.org).

## **Districts with Large Increases in Title I Funds are Likely to Create or Expand Extended Learning or “Community School” Programs**

A new report by The Finance Project suggests a number of “strategies” to increase the

allocation of Title I funds to support extended time programs and “community” schools. The report entitled, “Using Title I to Support Out of School Time and Community School Initiatives,” (January 2002), is very timely for a number of reasons related to new ESEA provisions and pressures to reduce state funding for K-12 programs.

Large districts which will receive significant Title I increases (see Special Report in February 2002 TechMIS for a list of such districts) are likely to allocate some of the Title I increase to creating Title I programs in eligible schools which previously have not been served under Title I. However, these districts are also likely to use some Title I funding to support extended learning projects outside of the school districts or even in “community” schools operated by community-based organizations. Many Title I directors who have been involved in Title I since the mid-1980s remember the political problems created when previous Administrations reduced Title I or called for mid-year rescissions which required them to remove Title I funding from selected schools. These administrators will likely look upon extended learning projects (which include Title I but also funds from other agencies), not only as being a “proven practice” for increasing student performance (based on USED studies in 1998 and 2001), but also as a place to cut or reduce budgets if future Federal Title I funding decreases.

Perhaps the greatest reason for these Title I district administrators wanting to create or expand extended learning projects or community schools which are not officially part of the district, is the new “supplemental services” and “parent option” provisions of the law. If a Title I school has been targeted for improvement for three consecutive years, then the district must provide options for parents of low-achieving students to receive supplemental services from a third-party provider. Most Title I directors oppose Title I funds “following the child” to an outside group, particularly “chains” of for-profit centers which provide rather costly tutoring services. They would rather provide, as an option, a local community-based school or after-school project that is designed to provide supplemental services. Also, the SEA has

to approve providers of supplemental services, which is more likely to occur if it is a local group in close proximity to these targeted schools (see Special Report).

Still another reason relates to the new ESEA provisions mandating that one percent of Title I funds be allocated to facilitating direct involvement of the parent or guardian in Title I students' homework and related assignments. Many of the existing out-of-school projects or community schools provide opportunities for "family literacy" programs.

And last, in order to maintain some current extended learning programs, Title I may have to allocate more funds to such activities as state agencies and legislatures are under pressure to reduce K-12 funding. The first casualties of such cuts are likely to be summer school and state-funded compensatory education programs which pay for well over half of the funds supporting extended learning projects. A summary of this report from the Finance Project is included in the March issue of [Title I Reports](#) and is available online from The Finance Project at [www.financeproject.org/ofthome.htm](http://www.financeproject.org/ofthome.htm).

### **USED Early Childhood Longitudinal Survey Reports Findings of What Children Know at Kindergarten and First Grade Level Thereby Providing a "National Norm" Which Schools Can Use in Judging Effectiveness of Literacy/Reading Programs**

The third report of the USED Early Childhood Longitudinal Survey includes data on a representative sample of 22,000 children who attended approximately 1,000 kindergarten programs beginning in 1998-99. The results of what students know in terms of reading knowledge and skills and specific math knowledge and skills are available for Fall kindergarten, Spring kindergarten, and Spring first grade points in time. These findings could provide the equivalent of a "national norm" for students tested at these levels and even

subgroups of students taking into account differences in family poverty status, race, and school type. TechMIS subscribers who have products and services for K-1 students who wish to demonstrate the effectiveness of their products and services should seriously consider using these findings as constituting a “national norm” in assessing the results which children have achieved using their products.

In the area of reading knowledge and skills, for example, 67 percent of all kindergarten students recognize letters but a year and a half later the percent is almost 100 percent. On the other hand, for the same time frame only 31 percent demonstrate skills in beginning sounds with steady growth until the Spring first grade where 98 percent demonstrate such skills. For math, the percentages recognizing numbers and shapes are between 95 and 100 percent for all three points in time, while the percent demonstrating skills in adding and subtraction goes from four percent in the Fall of kindergarten time frame to 76 percent at the end of the first grade.

The series of instruments that are used to conduct these assessments are available at the USED website and could be used by districts in conducting their own evaluations. Moreover, it would appear to be well worth the time and effort for a vendor of such projects to review the findings and instruments to determine whether or not the lesson plans, instructional materials, product content, scope and sequence, etc., are aligned with the assessment instruments. By knowing the family characteristics of students in a school one could also derive a predictive level, taking into account the composition of students, regarding what students should be able to know at different points in time. For a copy of the report go to [nces.ed.gov/pubsearch/pubsinfo.asp](http://nces.ed.gov/pubsearch/pubsinfo.asp).



## **New Teacher and Paraprofessional Qualification Mandate in ESEA Creates Major Problems for Most Districts and Will Likely Consume Large Portion of Title I Increases Next School Year**

Under the new ESEA Title I, all teacher aides hired after January 8, 2002, must have completed two years of college or have an associate degree, or must pass a formal state and local academic assessment of content knowledge and instructional skills. Also, as of January 8, all existing Title I funded aides or even aides paid from other funds in schoolwide programs must have a high school diploma or GED. Within four years, all existing aides must meet the higher standards. New teachers hired after the first day of school opening in September 2002, must have a regular state certification or have passed a subject matter or licensure examination. All teachers, not just Title I teachers, by 2005 must meet these new requirements (see Special Report). These provisions affect a large majority of the 400,000-500,000 teacher aides currently used primarily in Title I and special education programs. A large percentage of these teacher aides currently do not have high school diplomas or GEDs and many do not meet the qualifications test for new hires.

The so-called “para” problem was reportedly the major issue at a recent series of workshops sponsored by AASA, NAFEPA, and the Title I Report, among others, as reported in the most recent Title I Report issue. Several workshop attendees raised questions as to whether or not there is any large district in the country that is technically not out of compliance based on this issue. Another indicated that it would be problematic to recruit paraprofessionals for the current salary they receive, implying that increasing salaries for aides may be the only short term solution to achieving compliance. As reported in Title I Reports, Delaware Secretary of Education indicated that the State is working on a certification program for aides but it is “unrealistic to expect all aides to meet these new requirements in four years when such a certification program has not been fully developed.” In their comments on draft ESEA regulations, both the NEA and AFT felt that these requirements should not apply to aides in

schoolwide programs which were paid from non-Title I resources. Both organizations also felt that these qualifications should apply only to those aides performing instruction and directly related functions specified in the Law under supervision of a teacher, but not to aides performing administrative functions and those involved in special education mainstream programs. Many Title I coordinators across the country are anxiously awaiting USED resolution of these issues, as well as others.

All current teachers, including Title I teachers, must have a Bachelor's degree or regular state certification which can include passing a subject matter test by 2005. All new teachers hired after the first day of school in September 2002 have to meet these requirements at that time. No emergency or provisional waivers will be allowed according to the Law. Given the shortage of qualified teachers currently in urban districts, as well as in sparsely populated rural districts, many commentators on the January proposed draft regulation expressed concerns that this requirement is also "unrealistic." Although the President has proposed expanded student loan forgiveness for teachers entering math, science, and special education programs, such incentives will not likely help much in meeting the requirement of finding two million qualified teachers over the next ten years to fill vacancies. In addition, the new Law mandates that districts increase the number of highly qualified teachers in high-poverty schools, thereby reducing the "quality gap" which currently exists. Many districts will likely use a portion of the new funds under Title II/Quality Teachers to provide financial incentives for qualified teachers to work in high-poverty schools. In other cases, large signing bonuses may be required to entice recently retired qualified teachers to come back into the profession or non-teachers to obtain certification under new alternative certification programs. A recent report by the National Center for Education Information notes that, in the last five years, 20 states have passed new legislation and/or created 34 new alternative teacher certification programs that are very similar.

In order to meet the new teacher quality requirements, especially for newly hired aides and

teachers, it is likely that many districts will allocate increased funding for salaries or financial incentives which could reduce the amount of funds for staff development and/or technology purchases.

### **House Committee Approves Education Sciences Reform Act Which Would Affect the Organization and Direction of Research Efforts Currently Under Office of Education Research and Improvement**

Last year, the House Sub-Committee passed an earlier OERI version, similar to the new H.R. 3801. House Republican leadership, including Mike Castle (R-DE) and John Boehner (R-OH), are taking a lead role in developing support for H.R. 3801. Thus far, Committee Democrats have voiced concern but are likely not to seek any amendments before it goes to the full House Education and Workforce Committee, probably toward the end of March.

The new bill would keep research under USED but provide it with much more flexibility and autonomy. The program would be headed by an individual appointed for six years and be under the governance of a 15-panel advisory group. OERI has in the past been criticized for being influenced by politics; several years ago, Vice President Gore announced the results of NAEP reading scores prior to a formal announcement by the Director of the National Center for Education Statistics, who immediately resigned.

Another issue is the future of the regional education labs. The new legislation would create a Regional Education Technical Assistance program which would replace the regional education labs, comprehensive centers, regional technology centers, and the Eisenhower math and science center. Each new center would address issues such as reading, math and technology. One of the priorities of Chairman Castle is to create a user-friendly information clearinghouse that would address, among other things, effective practices. Another is to ensure that regional labs address regional problems. He also believes that regional labs should have to compete on a level field for grants and that the activities conducted by the

regional labs be driven by customers which include teachers, administrators, parents, and other regional entities. Virtually all of the current regional education labs have created for-profit subsidiaries or adjunct companies which sell education software, tool applications, and related programs to school districts. In some cases, funds were specifically provided for the development of such products or, in other cases, the labs were able to develop products using administrative and overhead Federal funds as part of their multiple year grants.

For more information go to <http://edworkforce.house.gov>.

**“Rational Basis” Test Within the Intent of the New ESEA  
as Perceived by State and Local Agencies  
Likely to Become the Hallmark of Compliance**

*A Technology Monitoring and Information Service (TechMIS)  
SPECIAL REPORT*

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March 20, 2002

During the legislative conference of the Council of Great City Schools in mid-March, several respected USED officials appeared to buy into the Council’s recommendation that “compliance should be based upon a reasonableness standards or rational basis test of ESEA interpretations by state and local education agencies.” It is likely that USED and other key officials in this Administration will continue to be influenced by the Council’s position for two reasons: (a) the Council of Great City Schools was the only national education association to support vocally the No Child Left Behind proposal and the resulting ESEA reauthorization; and (b) its 50+ member districts will receive over 20 percent of all Title I and other funding.

During the three-day conference -- which was attended by some superintendents, virtually all lobbyists and/or directors of Federal programs of the large school district membership, and several representatives of large education publishers who sponsored events -- one of the biggest issues raised by attendees related to interpretation and compliance of ESEA provisions related to “highly-qualified” teachers and new high qualifications imposed upon teacher aide hiring. The Council’s position related to newly-hired teachers having to meet the new qualifications as early as next school year is:

“If this provision is interpreted to mean these new requirements are applicable to any newly-hired teacher working in a Title I schoolwide program as opposed to a new teacher directly paid for with Title I funds, vast numbers of schools in districts will be in immediate noncompliance at the start of next school year. School districts

faced with teacher shortages will have no alternative but to fill their classroom vacancies at the beginning of the school year with the best available staffing --- often including personnel teaching out of their field.”

In response to this issue as well as others, Dr. Joseph Johnson, USED’s National Title I Director, on several occasions referred to the “spirit of the legislation” being more important than what’s written on paper and that large urban districts will be a “critical cog” in the machinery to ensure the new legislation is implemented as intended. Dr. Johnson noted that any USED monitoring will be “achievement focused” to determine whether movement in the direction of improved student academic achievement is occurring. He emphasized that adherence to the amount of testing in the new Law is not nearly as important as what happens to the results of such tests and how they are used to improve student academic performance. He noted that, while it is important that many more schools would be designated as schoolwide programs because of the reduction of the poverty threshold from 50 percent to 40 percent or more poverty enrollment, increased flexibility is not as important as school officials rethinking what they are currently doing in new or existing schoolwide programs and how they can improve the overall program and student performance. Prior to joining USED a year ago, Dr. Johnson spent more than five years evaluating high-performing and low-performing Title I schools, including many schoolwide programs, to identify practices which appear to be effective in increasing student performance and reducing achievement gaps between subgroups of Title I students. In a related vein, he reiterated what he said a year ago at the annual NAFEPA conference regarding scientifically-based research to identify proven practices --- namely, that the only area in which there is research-based evidence of effective practices to improve reading is at the early childhood level. While proven practices based on scientifically-based research are very sparse in other subject areas and levels, he suggested that attendees select products and services based upon whatever hard evidence is available rather than vendors’ “sales pitches.”

In response to a question related to “supplemental services” -- which must be provided as a parent option for low-achieving students in schools targeted for improvement for at least three consecutive years -- Dr. Johnson suggested that districts establish alternative programs which could include after-school projects or other academic programs and attempt to have the State Department of Education

include such projects on the state-approved list of alternative supplemental services and providers. A strict interpretation of the legislation strongly suggests that supplemental services options have to be provided by outside alternative providers; he noted that Title I administrators do not like to see Title I funds “following the child” to such providers.

Dr. Johnson also offered advice based upon his experience as a state director of Title I and state director of special education and the knowledge base accumulated in his research activities on effective practices. He urged districts to work with SEA officials in developing consolidated state plans which will influence the type of local consolidated plans to be developed by districts. He also advised district officials who have developed Title I programs reflecting their perception of the “spirit of the Law” and their interpretation of certain provisions, not to ask too many questions unless they are ready for the answers --- just do it! After his presentation, I asked Dr. Johnson about the provision that related to supplemental services having to be in close proximity to the district in order to be on the approved state list and whether or not online remediation and tutoring from a remote source would be allowable. He stated bluntly that he saw no reason why it would not be allowable as he concurred that the new Title I assessment provisions are driving online assessments.

Also during the Council’s annual conference, Dr. Robert Pasternack, the recently-appointed Assistant Secretary for Special Education and Rehabilitation Services and formerly State Director of Special Education in New Mexico, discussed several ideas that he has formulated as he participated in regional meetings addressing proposed changes in the IDEA reauthorization. He noted that, during the ESEA reauthorization, President Bush clearly indicated that he would not support “full funding” for IDEA in order to meet the 40 percent Federal contribution as stated in the 1975 legislation, until major changes and reforms were made in IDEA. He emphasized the need to move from a set of process-oriented procedures -- which consume a lot of special education teacher time conducting meeting, writing reports, and other administrative procedures rather than teaching -- to a more results-oriented approach where schools and districts are held accountable for ensuring students designated for special education programs receive the highest quality of instruction. In many cases, their reading and other problems can be remediated, thus allowing them to exit costly special

education programs. However, he did note the IDEA funding formula which allocates the same Federal amount per pupil for students with severe disabilities and those with mild disabilities should be changed, through a weighting process which allocates more funds for those with severest disabilities. While the Administration has proposed a relatively large increase in IDEA funding next year, he felt that relatively more should be allocated to the “infants and toddlers” program and “teacher preparation” programs, noting the need to expand the concept of master teacher “coaching” for new special education teachers. In the area of research, he asked the urban district attendees to plead the case for increased R&D on effective mental health approaches, especially for adolescent youth, and provide funding for implementation, particularly at the middle and high school levels.

After his presentation, I mentioned one of the findings from our recent special education survey to Dr. Pasternack --- namely, that while many urban special education directors were aware of the provision allowing commingling of Title I and IDEA funds in schoolwide programs, the vast majority did not allow it. And conversely, while only about half of the special education directors were aware of the “incidental use” provision allowing products purchased with IDEA funds to be used with nonspecial education students under certain conditions, most of those who were aware of this provision were actually implementing it. When asked why, I suggested that USED and SEAs need to make district officials more aware of the incidental use provision and encourage its use. Regarding commingling of Federal funds, which is clearly stated as allowable and even encouraged in the new ESEA, the major stumbling block has been a combination of SEA policies discouraging commingling and turf battles which continue to exist between Title I and special education directors at the district level. He asked for copies of summary findings implying that he would like to share this with the new Commission appointed by the President to recommend changes in IDEA by mid-summer.

On the second day of the conference, luncheon speaker Congressman Chaka Fattah, a four-term Democrat who represents Philadelphia, was fervent in discrediting Edison Schools planned takeover of a large number of Philadelphia schools, either as a management firm or a consultant, with estimated fees approaching \$100 million. His criticism of the state actually supporting Edison was



based upon claims that many of the initial Edison districts have canceled contracts with the firm for little increase (if not actual decreases) in student performance over time, alleged use of low-quality instructional staff, and high staff turnover. Rather, he felt that the money could be better spent if used to improve the quality of teaching. While he did not mention it in his address, the Congressman has also directed the Government Accounting Office to review the various studies and claims regarding the effectiveness of Edison programs.

## STATE PROFILE UPDATES

The information presented in the following State Profile Updates has been drawn from a wide range of sources including interviews with state officials, published and unpublished reports, print periodicals, and online journals and newsletters. Among these are:

- “Quality Counts,” published by Education Week
- Education Technology News
- Education Technology Markets, published by Heller Reports
- Desktop EdNET Pro, also published by Heller Reports
- Stateline.org
- Local newspapers and journals across the country

## Alabama Update – March 2002

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The Alabama State Department of Education has informed local districts that state allocations will be reduced by 25 percent for the remainder of this school year. It is anticipated that State revenues from new telephone taxes will make up for a portion of the reduction and will pay for the State's three percent teacher pay raise.

Earlier this school year, there was an across-the-board cut of six or seven percent which affected most programs. Over the last two years, the technology allocation per teacher for training has been consistently reduced such that the amount for this current year is only \$181. Most of the districts rely heavily on the E-Rate refunds under the BEAR process to generate funds to purchase hardware, software, and training.

A committee of the Alabama House of Representatives has voted to provide an additional \$53.4 million next year for instructional materials and other current expenses. In doing so, the committee has enraged teachers in the State who were hoping the funds would go toward salary increases. The committee did vote for a three percent raise for public school employees, but made it contingent upon improvement in State tax collections. The committee also approved an \$81 million (nearly two percent) increase in Alabama's Education Trust Fund for the 2003 budget year. The Trust Fund shortfall for FY 2002 was covered by other budget cuts.

## Arizona Update – March 2002

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The only earmarked funds in Arizona are being administrated by a separate School Facilities Board which has awarded contracts to a consortium of contractors under the \$30+ million ASP project and, last year, over \$100 million to Qwest for statewide telecommunications. The State Department of Education, however, has expended funds on several technology-based administrative and related tools to assist in the implementation of its new Statewide assessment, the AIMS. One such contract was for online assessments and a data mining application which can be used by various decision-makers, including parents, in reporting assessment data.

A total of \$200 million was cut from the State's FY 2002 budget. A shortfall of \$800 million is projected for FY 2003.

Delays in getting accurate scores from last year's AIMS (Arizona's Instrument to Measure Standards) tests have put Arizona educators and parents into an uproar. Students in grades 3, 5, and 8 will be taking the AIMS in April, but the scores from last year were only sent to parents during the first week of March this year. Laying much of the blame for the problems on the former testing contractors, the State Superintendent is convening a panel of testing experts to ensure that the AIMS meets professional measurement standards.

## California Update - March 2002

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For the past few years, California school districts have participated in a voluntary program to keep class sizes in first through third grades at no more than 20 students. Because of the current budget crisis, many districts are abandoning the program and are raising class sizes to as many as 30 students.

For FY 2002, the Governor has proposed nearly \$2.2 billion in budget cuts, \$843 million of which will come out of K-12 education. A budget shortfall of \$8 billion is projected for FY 2003.

In February, a Federal judge in San Francisco ruled that California must make appropriate accommodations for disabled students taking the State exit exam for high school graduation. As a result of the suit filed by Disability Rights Advocates, students taking the tests have the right to have the tests read to them and to use calculators and spell checkers. On last year's test (which did not count against students), disabled students failed at twice the rate of other students; 82 percent failed the language component and 90 failed the math component. The sophomores who will take the test in March will be the first to be required to pass the exam in order to graduate.

As a result of the settlement of a Federal lawsuit in 1996 and the development of an implementation plan last year, Los Angeles Public Schools is beginning to mainstream about 35,000 special education students who have heretofore been taught in special education centers. The process is expected to take four years. Under the plan, all schools in the district would have disabled enrollments of between seven percent and 17 percent. Officials from the school district have not yet determined how the substantial costs of this mandate can be accommodated within the existing budget and with the shortage of teachers trained in special education.

In coordination with AIMS Multimedia Services, Los Angeles County is developing an on-line program that will allow students and teachers across the State to have access to videos and supplementary lesson materials on demand. As many as 300,000 students in the County are expected to use the program.

## Florida Update - March 2002

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In coordination with the State's A+ plan which grades schools based on student test scores, Charter Schools in Florida are required to adopt similar accountability approaches. Charter schools in operation for at least one year (and which serve at least 30 students) will receive grades based on student scores on the Florida Comprehensive Assessment Test. In 1990, seven Charter Schools in Florida received bonuses for their high achievement.

Last Summer, the legislature passed a budget which had an unexpected \$10 million increase allegedly earmarked for several vendors' products. In the Fall, the total fund was suspended because of budget pressures. Some of the funds were released in December to pay contractors to align content with State assessments and for virtual schools. However, the total amount released was less than 10 percent of the \$10 million allocated last summer.

State standards have been adopted in core subject areas with a combination of tests constituting the FCAT exams in math and reading; criterion tests are administered at all three levels. Report cards are required to be sent home. Rewards are provided to schools that graduate from a lower level to a higher level (e.g., F to D). Students who fail end-of-course exams are required to take remedial courses which are paid for by the State. Funds that are used to purchase instructional materials come from the Instructional Materials Fund which has been between \$50 and \$100 million a year or Incentive Grants which have amounted to \$50 to \$80 million.

The number of teachers using the State-developed Dynamic Indicators of Basic Early Literacy Skills (DIBELS) for diagnosing literacy problems is increasing. DIBELS are described as a set of standardized, individually-administered measures of early literacy development that allows teachers to assess children's skills related to chronological awareness, alphabet principals, and fluency with connected texts. It takes about five minutes to administer per child. Increasingly, it is being used to assess the effectiveness of intervention strategies for students who fail to meet Sunshine State standard benchmarks.

The Governor has included a large increase from \$7 million to \$13 million for the Florida Instruction Resource Network which officials believe is safe because it included specifically in the Office of the Governor's budget. Technology incentive grants are likely to be funded at between \$60 and \$70 million. However, unlike last year, there are not expected to be additional earmarks for technology projects.

A new office, created to implement the Reading First initiative, is directed by Barbara Elzie (850/488-1701). While Florida has developed -- and provides at no cost -- some diagnostic and assessment tools, the State plans to "approve" or recommend additional instruments. Currently, a national task force is developing a list of diagnostic assessments which were included in a forthcoming report which the State will likely adopt. On the other hand, the State does not plan to develop a list of approved supplemental services for Reading First and Title I. However, Florida has adopted five basal reading texts for which publishers have agreed to provide training to districts who purchase their textbooks. While the State would prefer that a totally integrated comprehensive solution be implemented in a classroom setting and not in a pull-out or remedial situation, it would likely approve a bundled package from different publishers which represents a comprehensive solution meeting the five criteria in the law.

Released on February 15, the final report from the Florida Department of Education (as required in the Governor's Executive Order 01-260), entitled "Just Read Florida," is designed to parallel the Reading First component of the new ESEA. One of the report's general recommendations is that the Florida DOE disseminate standards which can guide districts, schools, teacher preparation institutions, and other stakeholders in identifying, evaluating, selecting, and implementing effective reading programs and practices. The standards would be grounded in scientifically-based reading research and address the new five new reading components and three types of assessments. The report can be accessed at [www.myflorida.com/eog/test/government/governorinitiative/reading/index](http://www.myflorida.com/eog/test/government/governorinitiative/reading/index). During the recent FETC conference, State Secretary of Education Horn called for significant increases in State funding for K-12 technology initiatives. He also indicated that he would be on the negotiated rule-making team for ESEA which has been meeting in March. He is considered to be a leading technology advocate in Florida.

In 1999, Dixon Elementary School in Pensacola (Escambia County) was one of two schools identified by the State accountability program as “failing” and whose students were offered private school vouchers. Now, it appears the school will be closed at the end of the school year, the victim of district financial problems and an enrollment decrease to some degree attributable to the vouchers. Despite an improvement in student test scores, the School Board has voted to close the school in a consolidation effort designed to offset the district’s loss of more than \$5 million in State aid.



## Georgia Update - March 2002

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According to knowledgeable individuals, the FY 2003 budget looks pretty good as far as technology is concerned. Approximately \$30 million has been allocated over the last several years to districts to purchase technology products and services. Some of these funds have been used to hire technology coordinators at the district level. Over the last year, the Office of the Governor has been able to allocate \$1-\$2 million in discretionary money for technology demonstrations in 5-10 schools.

In response to criticisms of the existing Quality Core Curriculum, Georgia's State Superintendent, Linda Shrenko, has proposed a multi-year plan to rewrite the State's curriculum standards. The cost of the revision is expected to be \$2 million, about \$750,000 of which would go toward increased staffing at the State level and another \$750,000 a year would be devoted to teacher training and other expenses. After the revised standards have been reviewed by teachers and administrators across the State and approved by the State Board, a series of booklets and CDs will be produced for distribution to parents.

State assessments consist of both multiple choice and extended responses and are administered at all three grade levels in math and reading. Report cards which disaggregate scores for subgroups of students are provided but not required to be sent home. The Governor recently introduced a State accountability system which is now in the process of being implemented; it includes rewards for low-performing schools whose student scores improve. Graduation is contingent upon passage of end-of-course exams. If students fail such courses, they must participate in remedial programs which are paid for by the State. (Quality Counts, 2002)

The Title I director in Georgia is Dr. Bob Bonner (404)656-2436. His office is responsible for the Reading Excellence Act. The State has issued RFPs to eligible districts and schools and applications have been received. Awards are likely to be made in the next two months. It is likely that the Reading First initiative will also be under Dr. Bonner's office.

## Idaho Update - March 2002

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Idaho, over each of the last few years, has allocated approximately \$10 million to its technology fund which is distributed to districts, primarily based upon average daily attendance. However, for FY 2003, the Governor has proposed a slight cut to \$8.4 million. The State has developed a new technology plan and has included assistive technology as an important growing component.

The FY 2003 budget for Idaho's education programs will show significant decreases. A total of \$50 million will be cut from education funding, including \$20 million from K-12 schools, \$23 million from four-year colleges, \$2 million from community colleges, and \$5 million from vocational education. The cut in post-secondary technical programs eliminating professional and technical education for as many as 720 students, will have the greatest impact because enrollments have grown rapidly. Last year, vocational education enrollment increased 16 percent after averaging only a five-percent increase for the prior five years.

Last year, the State Board of Education approved development of a battery of "adaptive" tests designed to assess student achievement and guide instruction regardless of the students' grade levels. The U.S. Department of Education has indicated that these tests do not meet the new accountability and assessment provisions for comparable tests; they must "assess students on grade level using the aligned content and performance standards for each selected grade level." As much as \$30 million in Federal Title I funding could be withheld from Idaho school districts if the assessment issue is not resolved to Federal satisfaction.

## Illinois Update – March 2002

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State standards have been adopted in core subjects while multiple choice and extended response criterion tests are administered at all three levels. State alignment has been reviewed by an external group. Report cards are provided by schools on disaggregated data basis and are required to be sent home. Only sanctions without rewards are provided as part of the Statewide accountability system. (Quality Counts, 2002)

The Reading Excellence Act is administered by Linda Baysden (217)557-7323. She will likely be the person also responsible for the State's Reading First initiative. The Title I director is Sharon Roberts (217)782-3810.

For FY 2002, all State agencies have been asked to hold back two percent of their allocation. For FY 2003, however, an increase in revenues of as much as \$500 million is expected.

## Indiana Update – March 2002

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During the first week of February, the Indiana SEA invited more than 20 companies to demonstrate their products to over 70 Title I schools which have been “targeted” for improvement and which will be given priority for funding under the first allocation of Federal Reading First funds. Districts were told that they will receive approximately \$100 million each year for three years to implement their research-based approaches to ensure all students read by the third grade. In Indiana, the vast majority of special education students take State assessments and special education students must pass the State graduation exam in order to receive a regular high school diploma, in spite of lawsuits filed by parents on-again/off-again over the last two years. For severely handicapped students, Indiana has developed a technology-based alternative assessment which records actual student’s work as part of portfolios.

Last year, Indiana legislators approved a charter school law which created unintended “dual obligations” for the State education department. Ten approved charter schools will open this fall and will receive up to \$7.5 million in State funds. The State’s Attorney General has ruled that these funds cannot be taken from traditional school funding, but no special funds were appropriated for the Charter schools.

The Governor has ordered all State agencies to cut their FY 2002 budget by seven percent; the State’s overall budget shortfall for the 2002-03 biennium is \$1.2 billion.

## Kansas Update – March 2002

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While some funds have been included in the State budget earmarked for technology in the past, none is likely to be included for FY 2003. The Governor has proposed tax increases for purchases of tobacco and fuel, and a higher general sales tax. These sources could result in a \$100 million revenue increase, which is necessary to ensure K-12 funding is not touched.

A member of the Kansas legislature has proposed a plan to free up as much as \$432 million for public education. The bill would allow local school districts to transfer funds left over in various accounts and use them for more urgent purposes. Critics have suggested that the plan could violate Federal education law and the State Constitution. In fact, most of the funds at issue are in capital outlay accounts earmarked by referendum for specific other purposes.

K-12 education was exempted from the two percent across-the-board rescission passed by the legislature for FY 2002. A four percent across-the-board cut may be needed next year.

## Kentucky Update – March 2002

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While technology earmarks have maintained prior levels, and in certain cases have actually been increased, there are tremendous pressures this year on the overall State budget for reductions that could affect technology. There is also pressure this election year for the Governor to allocate more funding for teacher salary increases in the FY 2003 budget.

The Kentucky Department of Adult Education and Literacy and the State's Virtual University (which is the State's virtual campus for college credit and professional development), have entered into an agreement with PLATO to provide adult education courses which will include: GED 2002 preparation courses because the new GED test will be given for the first time on January 1, 2003; life and job skill lessons; and basic skills enrichment, along with other programs which can be accessed through PLATO. State officials anticipate that the most used courses will be those related to preparation for high school equivalency certificates or the new GED.

## Louisiana Update – March 2002

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Louisiana, concerned about teacher shortages in the State, has established a website -- [www.teachlouisiana.net](http://www.teachlouisiana.net) -- which is intended to provide teachers with an online capability to locate job openings, identify professional development opportunities, and find out about the State's certification process. Using a \$3 million grant, the website was pilot tested last year and is expected to be fully operational by the end of the calendar year.

A coordinated effort of local school district technology coordinators and the Louisiana Center for Educational Technology has produced a CD entitled "Louisiana Educators Speak." The CD, which is also available on the State website ([www.doe.state.la.us/speak](http://www.doe.state.la.us/speak)), contains video presentations of educators showing ways by which they use technology in the classroom.

## Maine Update – March 2002

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This month marks the first implementation of a planned four-year, \$37 million project to put laptop computers in the hands of many middle school students in Maine. Known as the Maine Middle Schools for Learning Technology Initiative, the project is providing Apple iBooks to seventh and eighth grade students in nine middle school demonstration sites across the State. More middle schools are scheduled to receive their computers at the beginning of next school year. Each participating site is making a decision as to whether students will be allowed to take their laptops home with them. The current budget crunch, however, is causing legislators to reconsider the implementation schedule. Because Maine is looking at a revenue shortfall of close to \$250 million, cuts in a wide range of programs -- including the laptop program -- are under consideration.



## Maryland Update – March 2002

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The new head of the Bush Administration's \$975 million Reading First initiative will be Christopher Doherty, who was Executive Director of the Baltimore Curriculum Project. Over the last several years, this group has promoted the use of *Direct Instruction* and *Core Knowledge* -- two of the phonics-based reading systems that are on the CSRD "list" -- to several elementary schools which, according to the Washington Post, generally outperformed their peers on national standardized tests last spring.

In January, Maryland became the tenth state to receive Ed-Flex authority from the U.S. Department of Education. Maryland and its school districts may be exempted from some Federal requirements under ESEA and vocational education law.

For FY 2002, K-12 education did not face the budget cuts in some other State programs. The budget gap for FY 2003 of about \$1 billion could cause trouble for education next year.

## Massachusetts Update – March 2002

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Massachusetts' Virtual Education Space (VES) project is expanding beyond its initial phase. Educators across the State have used VES to access a broad range of Internet information on the State's curriculum framework and other instructional matters. Now, VES will allow users more communication with other educators in the State and will demonstrate how educators are integrating the curriculum framework with their classroom instruction.

The Massachusetts Department of Education has proposed that student scores on the Massachusetts Comprehensive Assessment System (MCAS) test be included on high school transcripts. The MCAS is taken by tenth-graders in the Spring and passage of the test will become a graduation requirement for the class of 2003. Critics of the proposal argue that it would be an inappropriate use of the test, that private school students would not have the same requirement, and that out-of-state reviewers could easily misinterpret the scores.

In January, Massachusetts approved an appeals process for students who have not been able to pass the MCAS. The process will allow an estimated 2-5 percent of students to file appeals in which they could demonstrate academic success by other measures.

Acting Governor Jane Swift, in her State of the State address, raised the key issue of bilingual education. Indicating that about 40 percent of the students not taking the MCAS tests were limited-English-proficient students, the Governor proposed to limit bilingual classes for each student to two years, rather than the current three.

A new report entitled Ed Tech 2001 found that, last year, the portion of districts offering technology professional development decreased to 51 percent. Although per-pupil spending on technology has increased to \$260, the report suggests that school districts need to provide more curriculum support and professional development for teachers. The report is available at [www.doe.mass.edu](http://www.doe.mass.edu).

Massachusetts is currently addressing a \$1.5 billion budget shortfall for FY 2002 and projects a \$2 billion gap next year.

## Michigan Update – March 2002

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While the State has adopted standards in core subject areas, those in English and language arts have been found to lack clarity. Tests consist of multiple choice, short answer, extended response, as well as other State assessment components and are administered at all three levels. The State assessment system has undergone external review and rewards are provided to low-performing schools if student scores improve. While the State does not finance remedial programs, it does provide opportunities for districts to assign students who fail end-of-course exams to participate in remedial programs financed under the State's compensatory education program which funds about \$15-\$20 million worth of supplemental materials purchases annually.

Michigan did not receive a Reading Excellence Act grant during the three competitive grant rounds. It will receive Reading First funds. The officials likely to be responsible for administering that program are Mary Davidson or Faith Stevens (517) 241-2479; they are not under Title I. It should be noted that the USED Assistant Secretary is responsible for the Reading First initiative is Dr. Susan Neuman from Michigan, who with an associate developed a program that is used widely in Los Angeles Unified School District called *Building Language for Learning*. The Title I director who is responsible for Michigan's 39A compensatory education program -- which is funded at well over \$260 million -- is Linda Brown (517)373-3921.

The State of Michigan, through its Michigan Virtual High School, is providing a series of courses designed to help students improve their performance on the Michigan Educational Assessment Program (MEAP) tests. Aimed at eleventh grade students, the courses (called the MEAP *Smart Curriculum*) are available online and include skill diagnostics, test-taking strategies, and practice tests. The *Smart Curriculum* is available to all students at no cost through July 1, 2002; after then Michigan schools that subscribe to the Michigan Virtual High School can provide their students with complete access to the courses.

Intel, the Michigan Virtual University, and the Michigan Association for Computer Uses in Learning,

are undertaking a joint venture that will train over 400 master teachers on the Intel *Teacher to the Future* program. These master teachers will attempt to train about 8,000 other teachers by the end of 2003. Beginning last year, Michigan teachers were provided 90,000 laptop computers under the \$110 million teacher technology initiative. The emphasis of the new training will be technology integration. A contact at MVU is Janey Fitzpatrick, 517/336-7733.

Michigan is projecting a \$540 million budget shortfall for FY 2003.

## Minnesota Update – March 2002

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Under a State grant, a group of special educators has developed a standards-referenced vs. standards-driven system for special education students as part of graduation requirements. Goals are organized around individual student needs identified in the IEP. During an IEP session, teachers examine standards within the context of goals and objectives for particular students. They then determine whether a modified version of standards can be completed or whether the student should be exempted from completing a standard. A Statewide web-cast was held earlier this year to introduce the approach to teachers across the State. In addition, a series of multimedia products have been developed and a framework manual is available to assist teachers in implementing the new system.

Minnesota is facing a budget shortfall of \$1.9 billion for the biennium with about \$360 million coming in FY 2002. All State agencies have been asked to cut their budgets by five percent.

## Montana Update – March 2002

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The Reading First Initiative, like the current Reading Excellence Act program, will be under the Education Opportunity and Equity Office within the SEA which is headed by B.J. Granberry, (406/444-4420). Approximately 15 districts have been targeted for improvement for three consecutive years; all are on or in close proximity to Native American reservations. Meetings are being held with these districts to help them develop proposals for Reading Excellence Act funding which will be for two years. (Montana was one of the 13 states that were funded in August 2001.) While the State does not plan to invite groups with products and professional development services, it will be putting together a list compiled from similar lists developed by other states under the Reading Excellent Act. Current priorities are to implement the Reading Excellence Act and then worry about the Reading First Initiative. Many of the 15 districts, as well as others, will be receiving sizable increases in Title I funding as these districts all have poverty rates of 50 percent or higher. One district has 100 percent poverty. Any firm which has a demonstrated track record of providing increasing student performance in either BIA boarding schools or reservation schools, should seriously consider contacting these districts; please contact Charles Blaschke directly.

## New Hampshire Update – March 2002

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Governor Shaheen ordered an across-the-board tax cut of one percent beginning January 1, 2002. The Governor also vetoed Senate Bill 164 which would have established voluntary performance standards for school districts and allocated \$2.5 million for implementation. The Governor said the Bill did not provide enough funding to accomplish its objectives.

A February audit of New Hampshire's education aid accounts conducted by the State legislature has suggested that the State has underpaid local school districts by \$66 per student -- a total of \$32 million -- over the last two years. This finding has been disputed by the head of the legislative Finance Committee that oversees the funding, although the State aid calculations have since been revised.

In a series of local bond referenda, New Hampshire voters approved a number of small renovation issues while generally rejecting many new school construction projects. Only two major school construction projects were approved -- a high school in Londonderry and middle school in Hooksett.



## New Jersey Update – March 2002

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In an attempt to reduce the adversarial relationship which has existed for several years between the SEA and the 30 Abbott districts, the new Governor has appointed a seven-person commission to redirect the focus of State aid -- amounting to almost a quarter billion a year -- to improve performance of students. In addition, the new Commissioner of Education, William Librera, has established the position of Assistant Commissioner of Education for Abbott programs will be filled by Gordon MacInnes, a former Democratic Senator. One of the key issues for this position relates to a previous mandate which required Abbott schools to adopt school reform models such as those eligible under the Comprehensive School Reform Demonstration Act. One of the first priorities for the new Assistant Commissioner is to ensure that the models are indeed as effective as vendors claim and, if not, come up with alternatives.

New Governor, James McGreevey, has chosen to delay submitting his proposed FY 2002-03 budget to the legislature until March 26. New Jersey faced a \$3 billion shortfall for the current fiscal year and another \$3.5 billion is projected for next year.

The New Jersey State assessment for K-8 for English and Math is administered at grades 4 and 8. These criterion-referenced tests are aligned to State standards and have undergone external alignment reviews in 2001. School report cards at a general level are made public. Financial rewards are provided to districts whose performance increases and the State requires remediation for students failing end-of-course or exit exams. While there are no State compensatory education funds, a large portion of the additional quarter billion dollars given to the 30 Abbott districts are used to provide remediation for low-achieving students. In these districts, almost \$30 million is spent on supplemental services, test prep, etc.

New Jersey has not received a Reading Excellence Act grant and is anxiously awaiting the availability of the State application forms to apply for a Reading First grant. On February 27, the newly-elected Governor announced an Executive Order creating an Early Childhood and Literacy

Commission. One of the purposes of the Commission is to come up with criteria and guidelines for identifying proven practices that are based upon scientific research. The person most likely to head the Reading First initiative is Dr. Jean Voorhees (609/292-0189). She attended a recent Reading Academy in Washington sponsored by USED and noted that the presenters mentioned a number of models and districts who are using these models, including *Open Court* and *Direct Instruction*. She also indicated that USED has recently sent to participants in the Reading Academy a list of criteria that should be used in identifying and selecting approaches. The Governor is also planning “education forums” this Spring and next Fall at which firms will be invited to demonstrate programs which could meet the new effectiveness criteria from the Department of Education. The Governor also has requested State funds to ensure that a “reading coach” will be available in most schools, particularly the lowest performing schools in the State. One model program that was supposed to have been widely used in the State, particularly in the 30 districts referred to as the Abbott districts (which receive an additional quarter billion dollars each year in funding), was *Success for All*. However, rather than 250 schools adopting *Success for All*, the number currently is only approximately half that.

## New Mexico Update – March 2002

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One casualty of the economic slowdown in the K-12 arena could be a reduction in capital outlay funds, some of which are used for infrastructure and hardware purchases. However, while last year's budget had approximately \$150 million in new funding, for this year, only \$37 million in new funding has been approved. The technology budget has been cut by \$1 million.

Governor Gary Johnson has vetoed a plan to split the Albuquerque school district into smaller districts. As a trade-off, the Albuquerque School Board agreed to allow private companies to bid on the management of at least two low-performing schools. Albuquerque Public Schools is developing a plan (including a Request for Proposals) for private firms to take over these schools for a period of five years.

## New York Update – March 2002

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The State has established standards in core subject areas and conducts assessments which are a combination of multiple choice and extended answers at elementary, middle, and high school levels. Most tests are criterion-referenced and aligned to State standards. Report cards include disaggregated data by subgroups of students and report cards must be sent home. Sanctions are provided for schools targeted for improvement and graduation is contingent upon passage of exit exams; the State pays for interventions for students who score below benchmarks on end-of-course exams. The State compensatory education program spends approximately \$30 million on supplemental materials and about \$4 million is spent on such materials in State-supported summer school programs (Quality Counts 2002).

New York was one of the thirteen states which received Reading Excellence grants in August 2001. The RFP for funding LEAs and local partnerships has not been developed yet. When it is developed it will be posted on the New York Education Department website. A person that is likely to be involved in both the Reading Excellence and Reading First initiative is Jim Gaughan at (518/474-4715).

As reported in the National Education Goals Panel Monthly (March 2002), over the last decade New York's math scores on the NAEP improved 20 points for the bottom quartile and 10 points in the top quartile at the 8<sup>th</sup> grade level, with slightly lesser gains at the 4<sup>th</sup> grade level. Such increases were statistically significant. The State has been phasing in the new Regents exam that all students must take when they begin the 10<sup>th</sup> grade and continue taking it until they pass. The State has relied heavily on the ten regional BOCES centers to provide professional development related to the State math assessment.

New York is projecting a \$5.7 billion budget shortfall in FY 2003.

## North Carolina Update – March 2002

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In an effort to consolidate job training programs in the State, the North Carolina General Assembly has voted to transfer two programs from the State Department of Labor to the Community College System. Officials of the Community College System must still submit a reorganization plan to accommodate the \$1-million-per-year JOBS program, but they believe the shift will save funds by eliminating duplication and streamlining workforce training.

Last year, the technology trust fund, which was maintained from last year at between \$20 and \$30 million, required local matching of 20 percent, which has leveraged an additional \$10-\$12 million over the last two years. For FY 2003, the Governor is requesting that only an additional \$10 million be allocated to the State technology trust fund, which could result in an overall reduction in the fund's balance depending upon how many districts decide to "draw upon" this trust fund. The fund has been used in the past to budget for non-eligible E-Rate items as districts apply for the E-Rate.

The Rural Internet Access Authority recently found in a survey that household computer penetration rose from 53 percent in 1999 to 68 percent in 2001 across the State. However, 39 percent of those without access indicated they could not afford a PC. As a result, the group is planning to provide public access computer centers to all 85 rural North Carolina counties by the end of 2003. The plan is to have each center house between six and 25 computers. Funding will be through Federal sources and the private sector.

The North Carolina Department of Education, faced with parent complaints and possible lawsuits, will develop a system that ensures that the State's 589 visually impaired students will have timely access to appropriate textbooks. Traditionally, local school districts have ordered textbooks for visually impaired students from the State, but often they don't arrive until well after the beginning of school year September. The State has been reluctant to stock Braille, large-text, and audio books because they are not mass-produced and thus tend to be quite expensive.

North Carolina has cut most State agency budgets by four percent for FY 2002 with K-12 education being cut somewhat less. For FY 2003, the State projects a budget gap of up to \$600 million.

## Ohio Update – March 2002

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State core standards have been established for all three levels in math and reading with combination State assessments administered at all levels. Alignment of State criterion test standards has been reviewed by an outside group. Report cards on a school basis, broken down by subgroups of students, are provided and required to be sent home. Graduation depends upon passage of exit or end-of-course exams. Students failing end-of-course exams must take remedial courses that are financed by the State. Between \$10 and \$20 million is expended on supplemental materials under the Ohio Read and State remedial programs.

The Title I director is Ann Stevens (614)752-1594. Steven Barr, who is new to the department, is handling the last year of funding under the Reading Excellence Act and is likely to administer the Reading First initiative. His office will have two subgroups: one which will be responsible for staff development; and the other responsible for program administration. The State is currently developing the criteria which will be used for identifying and approving groups to conduct training and to identify programs that could be selected by districts as alternative supplemental services.

Although the Governor ordered a six percent across-the-board cut for FY 2002, K-12 education was exempted.

## Oklahoma Update – March 2002

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Governor Frank Keating has reaffirmed his support for his plan to enhance the core academic program in the State and to toughen high school graduation requirements. The plan -- “Four-by-Four” -- would require high school students to take four years of four core subjects -- English, math, science, and social studies -- in order to graduate. Oklahoma’s vocational educators are concerned that the plan would cause many students to drop career-tech programs. The Governor’s plan would, however, allow applied math and science courses given in vocational programs to count toward the graduation requirement.

Oklahoma City Public Schools has won voter approval of a \$700 million revenue package which will be used to implement Metropolitan Area Public Schools (MAPS) for Kids, a four-year rebuilding and renovation plan. It is expected that about \$50 million will go toward information technology. The funds, which will come from a combination of sales tax and bond issues, will be divided among the Oklahoma City school district (70 percent) and surrounding suburban districts (30 percent). Oklahoma City’s technology plan indicates that \$17 million will be invested in technology during the first year, including \$6.6 million for teacher laptops and \$1 million for mobile computer labs. Over the four years covered by the plan, the district will spend more than \$10 million for laptops, \$2.7 million for mobile labs, and \$23 million for desktop computers.

For FY 2002, all State agencies have been ordered to cut their budgets by about two percent. Budget shortfalls of \$260 million are projected for FY 2003.



## Pennsylvania Update – March 2002

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Pennsylvania has begun a new program designed to help low-income families pay tuition in non-public schools. The Educational Improvement Tax Credit program provides \$20 million annually in tax credits for private firms that donate scholarship money for private schools. The program also gives \$10 million in tax credits for companies that donate to organizations whose goals are to improve instruction for public school students.

In order to conform with the new Federal education law, Pennsylvania will begin compiling the results of its statewide assessment, the Pennsylvania System of School Assessment (PSSA), according to subcategories of students. As a means of addressing the achievement gaps among types of students, these “granular” data -- as the State calls them -- will be compiled by race, gender, Title I (poverty) status, migrant status, limited-English proficiency status, and special education status.

The State has adopted standards in core subject areas; English language and math exams are administered at all three levels and consist of multiple choice and extended response questions. The State’s criterion tests have been evaluated for alignment by an external group and report cards are submitted to parents by districts. Rewards are provided to low-performing schools when student performance increases.

Pennsylvania is not likely to have great difficulties in implementing the new Title I legislation on time. State standards and assessments are in place even though a number of the accountability sanctions have not been strictly enforced. The Reading Excellence Act, in its last year, is administered under the SEA Title I office. Because of the large 20 percent set aside under Reading First for the SEA, a number of different offices are likely to be involved in implementing the technical assistance systems and staff development efforts Statewide. This Reading First State set-aside is much larger than that under Reading Excellence Act. For both Title I and the State’s remedial program, the SEA has already developed a list of approved tutorial service providers. It is not clear whether online tutoring will be encouraged even though there are six cyber charter schools

in the State and many other online providers outside the State. While the precise number of schools that have been targeted for improvement for three consecutive years is not known (because this year's State assessment has not been completed), the majority of such schools are likely to be in Philadelphia, which under varying definitions has 40-60 schools designated as "failing."

The Pennsylvania Alternative Systems of Assessment (PASA) reflects the State's response to a requirement that special education students, particularly those with significant cognitive disabilities, must pass the Pennsylvania System of School Assessments (PSSA) or a validated alternative. Even though a small percentage of students take the PASA, those that do are given tasks in State content areas such as reading and mathematics and student performances are recorded on video tape and through other means. Teams of educators have been trained in the use of the scoring rubrics. Each component of the task is scored on a five-point scale. The decision whether or not the student takes the alternative PASA or the regular PSSA is made by the IEP team. For more information contact the Pennsylvania Bureau of Special Education (717/783-6879).

## South Dakota Update – March 2002

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As reported in the Argus Leader-News, the State Board of Regents recently approved a proposal which would require students to complete two years of foreign language classes before they can be admitted to a State higher education institution. The Regents have agreed to ask lawmakers to repeal a current ban on universities requiring foreign language training for college entry. Some local districts have expressed opposition to repealing the current ban because it takes away some local control.

The State program to implement the State online assessment and related technology initiatives is likely to be level-funded for FY 2003 as technology is a major priority of Governor Janklow. However, because this is his last year he can serve because of term limits, the future of technology support in the State is uncertain.

## Tennessee Update – March 2002

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By spending a large portion of the State's tobacco settlement and other rainy day funds, the Governor has been able to reduce the deficit to \$350 million. However, the projected deficit for next year is slightly over \$1 billion. Both legislators and the Office of the Governor seem to support new tax increases.

Tennessee is in the midst of a heated battle over the continued inclusion of gifted students under the special education umbrella. A bill to move gifted students into regular education was withdrawn largely as the result of pressure from the Tennessee Initiative for Gifted Education Reform (TIGER). In early March, the Tennessee legislator who had proposed a plan to separate gifted education from special education backed down. Yielding to parent protests, Representative Mark Maddox dropped his proposal which parents believe would have the effect of eliminating or seriously reducing services for gifted students.

## Texas Update – March 2002

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State standards have been established in core subjects with State math and English assessments given at all three levels. Most of the tests are multiple choice. Report cards are required to be sent home with disaggregated data by subgroups of students. State scores and other information are used for developing school report cards. Both sanctions and rewards are provided as part of the State accountability system and promotion will be contingent on performance of State exams beginning in 2003. Students are required to participate in remedial programs if they fail end-of-course exams beginning in 2003 and the State partially finances such remedial programs. During this school year, approximately \$25 million under several compensatory and remedial training programs will be expended on supplemental materials. Texas is one of the few states whose State assessment system appears to be in compliance with the newly-authorized ESEA assessment provisions.

The person responsible for the Reading Excellence Act is Melanie Pritchett (512/463-9027). She, or her office, is also likely to be responsible for the Reading First initiative, although it may be handled by the Title I office which is directed by Ms. B. J. Gibson (512/463-9374).

## Utah Update – March 2002

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Under its Title I accountability plan, the Utah State Department of Education is proposing to develop and use a standards-based test for accountability while de-emphasizing the current weighting given to SAT 9 results.

Three four-year colleges in Utah are considering establishment of undergraduate degree programs in applied technology. Currently, many students receive associate degrees through a technical college system known as the Utah College of Applied Technology (UCAT). The new programs will expand opportunities for these students.

In order to address the State's \$202 million revenue shortfall, Utah legislators are considering a transfer of \$21 million from the State's "rainy day" account to public education. These funds would partly offset a planned \$51 million cut in the budget for public education.

## Virginia Update – March 2002

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Last Fall, then-Governor Gilmore decided not to release the remaining \$55 million of the two-year \$110 million appropriation to pilot and then implement the State's online assessment for the Standards of Learning (SOL). Most of the funds allocated over the two-year period to the State Education Department for planning and administration of the major new SOL online initiative were released. However, according to knowledgeable officials, the remainder of the funds are likely to be released in FY 2003. Also, according to officials, by extending the \$55 million allocation over two years rather than one, the actual implementation of the overall project is likely to be more effective than the short-term deadline initially imposed on the project. For example, the initial RFP came out in September 2000 with proposals due shortly thereafter and implementation scheduled in February 2001 in several demonstration districts; this was an almost impossible-to-meet timetable.

The SOL core standards have been adopted for several years with assessments conducted in math and reading at all three levels. Several external reviews of the alignment of criterion-referenced tests with standards have been undertaken. School report cards are required to be sent to parents. Only student test scores are used to evaluate schools and some funds are provided for remedial courses for students failing end-of-course exams. (Quality Counts, 2002)

As reported in National Education Goals Panel Monthly (March 2002), over the last decade, the gap between the bottom and top quartiles on the State SOL assessments has narrowed by 10 points. The bottom quartile scores improved 14 points. The State math SOL assessment is correlated closely with the NCTM mathematics framework and the NAEP. At the middle school level, a State-developed diagnostic test is used to identify students having difficulty in algebra to help teachers design an intervention strategy.

Confronting slightly over a \$1 billion shortfall in the current budget, newly-elected Governor Mark Warner has proposed an increase in the State sales tax and to allow jurisdictions within the state to approve sales tax increases. The former increases would be allocated to education, while the latter

would go for transportation.

As with Reading Excellence Act, the Reading First initiative is likely to be administered by an office outside of Title I. The person who is likely to handle this new initiative will be Dr. John Hayward at 804/225-2865. Within his office, a key person will be Dr. Gail Barnes.

Across-the-board cuts of between two and three percent have been implemented for FY 2002, with a budget gap of \$2 billion projected for FY 2003.



## West Virginia Update – March 2002

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A plan currently in the State legislature would eliminate personal property taxes on vehicles but would increase taxes on real property. Legislators believe this approach would significantly increase funds available for education in West Virginia.

The elementary and secondary technology initiative, which has been fully funded by the legislature over the last two years, continues to be implemented. However, in the Governor's proposal there is a planned \$300,000 reduction for FY 2003.

Over the last decade, the achievement gap between the lowest and the highest quartiles on the NAEP assessment has been reduced by seven points. The NAEP framework is used as the focus of professional development across the State. The State curriculum deleted many "old" arithmetic lessons and adding new lessons where there were gaps in the correlation to the NAEP. The State will be initiating this year the Elementary Math Academy and the Algebra for All workshops, working closely with higher education institutions. Certification policies now require elementary teachers to have more background in mathematics and middle grade teachers must have math certification. The Governor's School for Math and Science is scheduled to open this year.

The West Virginia Department of Education is developing a reading program which focuses on intense phonemic awareness implemented by collaborative school teams. It has been pilot-tested in 15 sites. The long-term objective of using this program is to increase the number of students reading on grade level by the end of the third grade and to convince teachers of the importance of teaching phonemic awareness as an early teachable reading skill. For more information contact Cathy Knighton (304/558-2696).

## Wisconsin Update – March 2002

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Wisconsin has deferred its plan to require that all high school graduates in the State take a graduation test before they could be admitted to the State university system. Expected to go into effect in 2003, the plan will be delayed until the State studies a number of related issues including the test's content and funding, as well as the fact that private school and out-of-state students are not required to take the test.

The major technology initiative in the State, Wisconsin TEACH, is currently being audited which could result in some cuts for FY 2003. The State is currently running about \$1 billion in the red with uncertainty about how this deficit is going to be handled.

Faced with a total revenue shortfall of \$1.12 billion for this biennium, Wisconsin is planning budget cuts of 3.5 percent in FY 2002 and five percent in FY 2003.

## Wyoming Update – March 2002

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The Governor will be requesting \$11.2 million for continued implementation of technology initiatives in the State for FY 2003. While online assessment appears to be expanding quickly among Western states, it is likely that online assessments will not become a reality for another two years. Officials believe that the current technology for using assessment rubrics is not advanced enough to ensure that all of the items related to the State standards could be scored quickly and accurately.