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## MEMORANDUM

**DATE:** July 31, 2007  
**TO:** TechMIS Subscribers  
**FROM:** Charles Blaschke and Blair Curry  
**SUBJ:** Targets of Opportunity, NCLB Reauthorization Practice Guide for English Language Instruction and State Profile Updates

While FY 2008 appropriations move ahead despite threats of Presidential vetoes, Congress keeps shifting gears on NCLB reauthorization, and states are significantly increasing budgets for K-12 education. Earlier this month, we sent a Special Marketing/Sales Alert suggesting groups of “similarly-situated” districts which should be targeted at different times over the next 12 months because of multiple but different purchasing cycles, based upon when Federal funding increases will be allocated.

In this TechMIS issue, we have included the following items of interest to most TechMIS subscribers:

- **Page 1**  
USED releases its reviews of SEA annual performance reports on implementing IDEA which indicate extremely wide, state-by-state variances in the degree to which early intervening services provisions are being implemented to meet compliance requirements. The highlights of these reviews should help subscribers determine which states have or will have significant numbers of districts which will have to reallocate up to 15 percent of their IDEA funds, because of disproportionality, for early intervening services/response to intervention activities;
- **Page 8**  
Results of a Rand study on the impact of supplemental educational services on student achievement will likely ensure continuation of SES in NCLB reauthorization, although a host of changes are likely to occur. Results were released during the June Summit on SES/Parent Choice which addressed practical problems and challenges rather than policy;

- **Page 10**  
Republican and Democratic NCBL reauthorization proposals suggest agreement on major changes, but reflect differences in others. Most changes would benefit most TechMIS subscribers;
- **Page 12**  
The Institute of Education Sciences released one of its first “practice guides” which could influence the types of materials and professional development purchased by districts. This guide which follows many of the “pillars” and guidance provided initially for Reading First, focuses on recommended best practices for English language instruction for English language learners at the elementary level;
- **Page 14**  
A recent White House Executive Order, with accompanying OMB guidance, will not only lengthen the amount of time for approving USED Non-Regulatory Guidance, but perhaps more critically will ensure that the President’s priorities and interpretation of new laws passed by Congress are reflected in the guidance. USED relied extensively on NRG to determine what provisions and laws to enforce and its interpretation is reflected in the guidance of what the law means, even though Congressional legislative intent may conflict;
- **Page 16**  
Center on Education Policy reports that under NCLB districts have devoted more instructional time to subjects which are tested and changed curriculum within these subjects to emphasize materials covered on state assessments;
- **Page 17**  
Transferability provision in NCLB are not being used by vast majority of districts, but those that do, use reallocated funds for specific priorities. SEA’s policies and priorities have the most significant influence over whether districts take advantage of the 50 percent transferability provision and to what they reallocate funds;
- **Page 19**  
House votes large increases in Title I and IDEA special education funding for FY 2008;
- **Page 22**  
New survey identifies effective strategies used by states, SEAs and districts that are perceived to be effective in improving schools identified for improvement suggesting opportunities for products and services which can be used to implement such strategies.

In a surprisingly large number of states that finalized their K-12 budgets for next year in May or June, significant funding increases have emerged. New or expanded initiatives will occur in pre-K and remediation and tutoring, among other areas.

# Washington Update

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Vol. 12, No. 8, July 31, 2007

## **First SEA Annual Performance Reports Using 2005 District Data Show Extremely Wide State-by-State Variances in the Degree to Which Early Intervening Services Provisions are Being Implemented to Meet Compliance Requirements**

In February, each SEA had to submit its first Annual Performance Report (APR) on progress being made toward implementing new requirements in IDEA regulations as indicated by more than 20 “indicators.” One of these “indicators” was the degree to which states have been able to identify the number of districts in the state which had over-representations of minorities in special education programs (i.e., disproportionality) generally and, specifically in each of six disability categories. Based on 2005 district-reported data, some states were able to report on the percentage of districts which had disproportionality generally, while a lesser number were able to report on disproportionality in the six disability categories. The SEAs were also asked to report on the percentage of districts in which over-representation of minorities could be attributed to “inappropriate placements” or “identification.” With only a few exceptions, states were not able to do so and, therefore, were out of compliance. Virtually all states are now required by USED to gather and analyze 2006 data to determine the percentage of districts with over-representations of minorities in special education programs and specific disabilities groups and the percentage of those that

could be attributed solely to inappropriate identification procedures. The February 2008 SEA APRs should include additional, accurate data on districts with disproportionality as determined in the fall 2007, which is supposed to be included in the 2008 APR.

Based on our recent discussions with Title I and special education directors in large districts and with a limited number of SEA special education officials, this summer, SEA guidance to districts on implementing EIS/RTI provisions is being provided in most states for the first time. Some of the guidance is official, while more is unofficial, with the selection of types of interventions to be used with mostly minority students who have not yet been placed in special education programs (and perhaps will not need to be so placed) being left up to local district discretion. However, as a result of USED’s recent “letters of determination” sent to SEAs based upon a review of their SEA APRs, for certain states which have identified districts with “disproportionate representation” or “significantly disproportionate representation” of minorities in special education programs SEAs are required to, among other things, “reserve the maximum amount of funds to be used for early intervening services,” which is 15 percent of the district’s IDEA allocation. Below, we highlight some of the findings on selected states regarding the percentage of districts identified (using 2005 data) for having disproportionality and IES-related information gathered from recent

discussions and other sources.

### **Michigan**

The SEA identified 43 districts with disproportionate representation in special education generally and 122 districts with disproportionate representation in at least one of the six disability categories (e.g. learning disabilities, emotionally disturbed, etc.). The SEA must require LEAs so identified to reallocate the 15 percent for early intervening services (EIS). The SEA has been very active providing technical assistance and sharing best practices among districts with over-representations. Many Michigan districts which received Reading First grants have reported significant student gains and are expanding the use of Reading First interventions (especially those with built-in universal design principles) in Title I programs using EIS set-asides from IDEA as well as Title I and some local funds.

### **North Carolina**

The SEA reported that 104 LEAs might be classified as having disproportionate representation based upon “desk audits;” however 20 LEAs were clearly identified for having disproportionate representation of minorities in one or more of the disability categories. The SEA must require LEAs to reallocate the 15 percent for EIS serving children in the minority group that were significantly over-identified. Several of the larger districts so identified, which had schools participating in Reading First, use Reading First interventions which have been proven to be successful to implement EIS, as encouraged in the state plan published more than two years ago.

### **Texas**

The SEA identified 25 districts with disproportionate representation, but did not

determine if this was a result of inappropriate identification. In addition, 81 districts had disproportionate representation of minorities in one or more of the six disability categories; however USED did not specifically require that the SEA require districts so identified to reallocate the 15 percent for early intervening services. The SEA guidance to districts, made available in February of this year, clearly allows supplemental materials which are aligned with core instructional programs to be used as part of EIS and RTI; moreover any questions districts have regarding selection of interventions are referred to their respective Education Service Centers of which there are 20 in the State.

### **Virginia**

Using 2005 data, the SEA reported that six percent of the districts had “significant disproportionality” that was a result of inappropriate identification and that nine percent of districts indicated some level of inappropriate identification related to at least one of the six designated disability categories. Discussions with SEA officials indicate that each of the districts are currently analyzing 2006 data and that some districts may be added to the list while others may be deleted for this coming school year. While the SEA has not indicated the specific types of interventions which can be used to implement EIS/RTI, it has suggested to districts that whatever interventions are used must be research-based and have evidence of their effectiveness with students with certain types of learning problems based upon research published in peer review journals.

### **Florida**

The SEA identified one district with disproportionate representation of African

American students in special education; however the SEA determined that the disproportionate representation was not a result of inappropriate identification, but for other factors. In conducting its analysis, the SEA used as the “risk ratio” for all districts the percentage of African-American students in mental retardation and emotional disturbance, which USED said was not in compliance. Discussions with district Title I officials and some district special education officials indicate that the Florida SEA, as of the end of last school year, had not provided any formal guidance regarding implementation of EIS/RTI; however in some of the larger districts, such as Hillsborough County, the Title I and special education offices have been implementing the equivalent of EIS for several years using a combination of commercially-available instructional software and teacher-made materials. In Pinellas County, over one million dollars was reallocated last year and was used for the most part to hire reading coaches.

### **Wisconsin**

The SEA identified slightly over two percent of the districts as having disproportionate representation of minorities in special education students resulting from inappropriate identification. Slightly over five percent of the districts have been identified because of over-representation in one or more of the six disability categories. As listed in the TechMIS State Profile Update (May 2007), 23 districts have been identified as having significant disproportionality and have been required to reallocate up to 15 percent of their IDEA funds for early intervening services. For a variety of reasons, Milwaukee was not one of the 23 districts identified most recently.

### **Illinois**

Only one district was identified, using 2005 data, as having over-representation of minorities in special education, with 30 districts being identified because of over-representation in one or more of the six disability categories. The SEA requires the districts to reserve the maximum amount of funds (15 percent) for early intervening services.

### **New York**

The SEA identified 10 school districts with significantly disproportionate representation of minorities in special education, with six of them attributing the over-representation to the use of inappropriate practices and procedures. Because the State used only 2004 data, it was not able to determine how many districts were identified for over-representation of minorities in one of the six disability categories. However, the SEA did identify 13 schools with significant disproportionate representation in specific disability categories, with six using inappropriate policies and procedures.

### **Ohio**

The USED letter of determination sent to the SEA indicated that the state did provide data on the percent of districts with disproportionate representation, but did not indicate how many there were or how many were identified as a result of inappropriate identification. The same was true with disproportionate representation determined by over representation in the six disability categories.

### **Pennsylvania**

Using 2005 baseline data, the SEA identified no districts as having disproportionate representation of minorities in special education or by categories of

disability. Recent discussions with one of the largest districts in the State, and confirmed with discussions with the Executive Director of the State's Title I Director's Association, indicated that the primary responsibilities for implementing EIS lie with the State's Intermediate Education Units referred to as BOCES. Most of the large urban districts, such as Philadelphia and Pittsburgh, are in fact reallocating portions of IDEA funding to the BOCES, which the districts also operate. These BOCES also provide supplemental educational services under Title I even though Philadelphia and Pittsburgh have been identified for improvement because the BOCES are a "separate and distinct" legal entity.

### **Indiana**

Using 2005 data, the SEA identified ten of 293 districts as having a disproportionate incidence rate of African-American students identified as students with disabilities. Six of the ten districts were required to examine and review their identification policies and practices to determine whether they were appropriate. The State also noted that most of the disproportionality was due to private residential facilities serving students with disabilities placed there by other agencies, and therefore officially no districts had disproportionate representation. USED found the SEA's rationale and procedures for determination to be in non-compliance and must be corrected using 2006 data. Discussions with SEA officials during the NECC Conference revealed that most of the urban districts, such as Indianapolis, Gary, and Hammond among others -- are using some of their IDEA funds to implement early intervening services. The Indiana CASE "alliance" has compiled and shares "best practice" interventions.

### **Georgia**

Using 2005 baseline data, the SEA reported that 25 percent of the districts have "significant disproportionality" in one or more of the six disability categories and another 23 percent of districts had the "most significant disproportionality." Like other states, Georgia was found to be out of compliance on the way it analyzed and reported the information; however those districts (we assume the 23.4 percent that had the "most significant disproportionality") are required to reallocate the 15 percent for early intervening services.

### **Alabama**

Based upon the review process used by the SEA, it identified eight percent (10 of 131) of the districts as having significant disproportionality as a result of inappropriate identification procedures used. Most of the disproportionate representation was African-American students identified for mental retardation programs. The types of interventions which are likely to be used by districts, which have to reallocate 15 percent for EIS, would be similar to those approved and encouraged by the State in its Reading First program, as well as the Federal Reading First program. Alabama was one of the first states to develop a list of supplemental products allowable for use in Reading First.

### **Kansas**

Using 2005 data, the SEA identified less than one percent of the districts as having disproportionate representation in specific disability categories resulting from inappropriate identification. However, in several respects, it was noted that the State was in non-compliance regarding EIS. The state indicated that it was reviewing

districts' policies and procedures before requiring LEAs to reserve the 15 percent for early intervening services. Since the report was submitted in February, one of the most outspoken advocates of early intervening services, Dr. Alexa Posny, former Deputy Assistant Secretary for Special Education at USED, in mid-July, took over as the Commissioner in the Kansas Department of Education. One can anticipate a significant increase in funding being allocated for EIS in the state. The models developed by several Kansas universities which are being field tested, particularly level 2 and level 3 interventions, will likely be the "models approaches" for interventions that will be followed in the State.

### **Missouri**

Thirteen districts were identified in 2004-05 as having significant disproportionality, but after reviews were conducted two of these districts were found not to be in violation. Of the remaining eleven, six used inappropriate identification measures resulting in disproportionality. USED found the process for determining over representation and identification of districts for disproportionality was inappropriate and out of compliance, which will likely result in more districts being identified for having significant disproportionality in the 2008 SEA annual performance report.

### **California**

The SEA indicated that, for 2005-06, of the 797 districts "with large enough student populations," 121 districts were identified as potentially disproportionate due to inappropriate identification and 15 were found to have non-compliant policies and procedures related to identification. USED, in its audit determination letter, criticized the use of "N" sizes in determining which

districts had "large enough student populations" to be included in the analysis and asked the state to report on all districts while reducing the "N" size in the report due February 2008.

### **Colorado**

The state reported that 1.8 percent of its districts had disproportionate representation, but did not determine whether this was a result of inappropriate identification or some other reason. Therefore, USED found the SEA out of compliance. To correct this non-compliance, the State is supposed to review 2006 data in the districts thought to have disproportionality and, in those districts where inappropriate identification procedures were used, the state must require the district to allocate 15 percent of its funds for early intervening services.

### **Maryland**

The situation in Maryland is somewhat ironic in that, beginning in 2005, the SEA identified 16 districts that they considered had over-representations of minorities in special education programs and required a total of almost \$80 million to be reallocated out of IDEA funds to Title I and other programs to serve such at-risk students to determine whether or not they need to be placed in special education programs. Maryland appeared to follow the draft IDEA regulations on early intervening services that were published in June 2005. However, the new Assistant Secretary for OSERS announced, in the fall of 2005, that states which had implemented EIS on the basis of the draft regs should be aware that the final regs could be significantly different. As a result the priority placed on EIS in the remainder of the year in Maryland was much lower than at the beginning of the year. The letter of determination from

USED on the Maryland SEA Annual Performance Report submitted in February found that Maryland was one of the few states which were considered to be in compliance with the indicator of monitoring disproportionality and provisions related to EIS. Most of the Maryland city and suburban county school systems continue to allocate funds, including IDEA portions, for early intervening services; Montgomery County has been cited by the Schott Foundation as a district which is been extremely successful in reducing inappropriate placements of minorities in special education programs.

### **Arkansas and Mississippi**

Arkansas reported that zero percent of its districts had disproportionate representation that resulted from inappropriate identification using 2005 data. The USED letter to the SEA indicated that Mississippi had identified districts with disproportionate representation, but did not indicate how many and that the SEA did not capture other information regarding the degree of over-representation by disability groups.

### **Kentucky**

In 2006, USED notified the state that it will have to set up a different set of procedures to identify the percent of districts with disproportionality. In the February 2007 report, the state explained the new procedures and identified the percent of districts with disproportionate representation of racial and ethnic groups, but did not determine whether disproportionate representation was the result of inappropriate identification. The state is supposed to make this determination during fall 2007 and report in next year's APR on the percentage of such districts.

### **Massachusetts**

The state proposed to use a risk ratio for a particular racial or ethnic group of 2.0 or greater over three consecutive years. The focus would be significant disproportionate over-representation and not under-representation. USED found the state to be out of compliance because third year data would not be available until fiscal year 2008. USED required the state to report the percentage of districts with both over- and under-representation of ethnic groups by February 2008 and to require all such LEAs to reallocate 15 percent to early intervening services during 2007-08 school year.

### **Oklahoma**

The state used a risk ratio of 2.5 or above in determining if districts had disproportionate over-representation of ethnic groups in special education. It did not, however, identify the percent of districts with under-representation, particularly of Hispanic students which was about the same risk ratio as Asian students. The State was found to be out of compliance and was required to determine the amount of over- and under-representation rather than using the term "some type of disproportionality" which it used in the February 2007 report. Apparently, USED approved the procedures used in Oklahoma to determine whether the degree of over-representation was due to inappropriate identification, although it's not clear based upon the letter of determination.

### **Oregon**

Using FY 2005 data, the State reported that 33 of its 198 districts were "currently identified" as having disproportionate representation. However, the State had not completed its process of determining whether or not disproportionate representation was a result of inappropriate



identification or whether it was “justified by the unique characteristics of the district.” The SEA has also required these districts to take corrective action, where appropriate, based upon the SEA’s review of district’s policies for identifying students placed in special education. USED also requires the State to determine the degree to which there is disproportionate representation in each of the six disability categories and report this information in February 2008.

### **Tennessee**

The SEA identified three districts with disproportionate representation of racial and ethnic groups in special education and related services, but in its February 2007 report, it did not determine if the over-representation was a result of inappropriate identification. In its 2008 report, the SEA is required to include all districts -- not just those with enrollments of 200 or more -- in its analysis and report. Districts that continue to be identified for disproportionality are required to reserve the maximum amount of funds used for early intervening services. Observers have noted that most of the operational responsibility for early intervening services in the State will be Title I offices within those districts identified for over-representation.

### **Washington**

The USED found the State’s procedures for determining over-representation to be out of compliance and that the 26 states which it reported, using 2005 data, had significant disproportionality required further analysis to determine whether it was a result of inappropriate identification. OSEP also required the SEA, in its 2008 report, to justify using factors such as “student proficiency levels, graduation and drop-out rates” as being relevant to the determination

of percent of districts that have disproportionate representation. While the SEA indicated that the names of the districts that were identified was on the State’s website, USED stated that it could not identify those districts using the data presented on the website. In its 2007 report, the SEA indicated that the 26 districts were identified because of over-representation of American Indians and African-Americans in one or more of the six disability groups.

### **West Virginia**

The SEA identified two (3.6 percent) of its districts as having disproportionate over-representation of minorities in one or more specific disability category as a result of inappropriate identification. In those two identified districts, the SEA directed districts to conduct a self-analysis to determine if over-representation was a direct result of inappropriate identification. The state is required to report on its analysis of the district’s self-analysis to ensure the districts are in compliance with child find, evaluation, and eligibility requirements in IDEA.

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As we have stated in numerous Washington Updates and Special Reports, SEAs are very hesitant to release the names of districts which have been identified as having significant disproportionality and which are having to reallocate 15 percent of IDEA for early intervening services. Even though the names of the districts were not included in the SEA reports to USED or otherwise were not available to the public, the percentage of districts identified in 2006-07 should help firms decide what states to consider priorities. In selecting what state “letters of determination” to review, we tried to include

most of the states with a five percent or more increase in Title I funding for next year and, in many of the districts in these states, a large portion of the 15 percent set-aside for EIS will eventually be made available to the Title I programs in these districts.

If anyone has any questions, please contact Charles Blaschke directly (703-536-2310).

**USED June Summit on Supplemental Educational Services/Parent Choice and the Results of a Rand Study on Their Impact on Student Achievement Will Likely Ensure Continuation of SES in NCLB Reauthorization Although a Host of Changes Will Likely Occur**

On June 27-28, USED held its annual summit on Supplemental Educational Services and parent choice intended to allow states and districts and some SES providers to share ideas on successful practices for implementing the SES and parent choice provisions of NCLB. Unlike the first SES conference held in 2002, which was open to the public, this conference was carefully orchestrated, allowing states to invite a number of district and other officials, including those from selected districts which have been involved in Secretary Spelling's six-month-old SES outreach initiative. Although more than 600 attendees were expected, only about half that number actually attended the two-day session which overlapped with the National Education Computing Conference in Atlanta. Reporters that covered the summit felt it was less policy-oriented, but much more practical with respect to meeting some of the major challenges to increasing participation

rates beyond the 19 percent for SES and one percent for parent choice transfers. During the conference, USED provided draft copies of a parent choice/SES handbook which, according to Education Daily, is based upon implementation ideas from Spellings' six-month outreach tour and which, USED officials said, includes "best practices for states and districts to build a better SES network." While Title I Reports characterized the June 2002 meeting as a political meeting of the cult of true believers, this meeting focused on guidance and assistance for solving problems with the SES provisions pointed out five years ago, but largely ignored by USED until the last two or three years.

Even though the formal policy orientation was minimal, USED did release the results of a recent Rand study on the impact of SES and parent choice transfer options on student achievement from which one can infer some significant policy considerations.

The Rand Volume I Study on Title I School Choice, Supplemental Educational Services, and Student Achievement captured student achievement data on students in nine districts that provided SES or parent choice transfers between 2002 and 2005. It compared students who participated in one of the two options with other eligible students who did not participate in either option as well as with students generally enrolled in the district. On the average, Rand found that students who actually participated in SES had lower achievement entry levels on the average than other eligible students who did not participate and lower achievement levels than those of average students enrolled in the districts. While the Rand findings reported that students participating in the parent choice

transfer option did not achieve any differently from eligible students not participating in the transfer option, it did find positive affects of students participating in SES during the first year and even greater gains in the second. The findings related to SES-participating students in seven of the nine districts for which enough data were available for analysis included the following:

- “Across the seven districts studied, students who participated in Title I supplemental educational services scored better in both reading and math in the first year. Many students scored even better in the second and subsequent years.”
- “Results for district versus non-district providers of supplemental educational services showed some differences but no clear patterns.”

In four of the seven districts, data were available that allows comparison, during all years of implementation, of student achievement scores in SES programs operated by the district with those of third-party providers. In two districts, achievement gains were the same, while in a third district, non-district providers showed significant gains in both reading and math, while the district provider showed significant gains in reading only. In the fourth district, the district provider results were statistically greater in both reading and math, while the non-district provider showed significant gains in math only.

One implication of the Rand findings is that both SES and the parent choice transfer option are likely to be included in the NCLB reauthorization. In fact, during this summit, Secretary Spellings endorsed the results, as reported in Education Week: “This is a

brand-new enterprise...It’s going to take more time and more energy and more resources for us to realize its potential.” Jack Jennings, President of the Center on Education Policy -- which is in the fifth year of its study of NCLB implementation -- noted in the same article that the findings have to be taken “seriously” and that Congress is not likely to eliminate SES or school choice, adding however, “this should put more of a burden on school districts to expand SES services.”

However, the findings also suggest a number of very likely changes, one of which would be to allow SES to be provided earlier than or at the same time as, the parent choice option becomes available, when a school is identified for improvement the first time. Virtually all education associations and other advocacy groups favor this strategy and USED has invited states whose accountability and assessment plans have been approved to varying degrees to allow up to seven districts to participate in the pilot program which began three years ago in four districts in Virginia. The names of districts that are approved to provide SES this coming year will likely be named shortly.

Another implication is that, if the achievement gains of eligible students participating in district-operated versus third-party-operated provider programs are essentially the same, there will be mounting pressures for USED to allow more districts “identified” for improvement to provide their own district-operated SES programs, if for no other reason, as studies in Chicago and elsewhere have shown, than the cost per student participating in district-operated SES programs is a third to a quarter of the cost of third-party-operated tutoring programs.

There currently exists strong bipartisan support to increase student participation rates in SES if not parent choice transfers.

Prior to the June 27-28 Summit, Secretary Spellings accompanied USED's monitoring review teams in conducting "outreach" with 14 large school districts to identify best practices used by districts to meet the challenges posed by SES and parent choice, particularly related to the need to increase parent and student participation in the two flagship programs. There was no actual mention of allowing more districts which have been identified for improvement to continue operating their own SES programs as part of the two-year-old pilot program which now includes Chicago, Memphis, Anchorage, Hillsborough County and Boston. The other nine districts involved in previous outreach efforts, who would appear to be good candidates for participating in the pilot program include: Baltimore, Chicago, Denver, Long Beach, Los Angeles, Palm Beach County, Philadelphia, San Diego, and the District of Columbia.

USED officials -- including Deputy Secretary Simon -- have stated on numerous occasions that, if district-operated SES programs prove to be more cost-effective than third-party provider's programs, then USED could change its policy through the Non-Regulatory Guidance process because the prohibition of districts identified for improvement from providing their own SES is not in the Law.

USED officials also hinted at several other possible changes as reported in June 29<sup>th</sup> Education Daily. A policy advisor in USED's Office of Innovation and Improvement, which is responsible for SES, indicated that allowing SES to be offered

during the regular school day during students' free blocks of time is being seriously considered, even though that practice is not in the Law. Also, during the last day of the conference, in an interview conducted with USA Today, Secretary Spellings proposed "a more nuanced way" of evaluating schools in differentiating sanctions that would apply to schools that are close to meeting state AYP reading proficiency levels from those sanctions applied to schools that are "chronic under-performers." Shortly before the last national election, Sandy Kress, a policy advisor to Spellings while she was on the Domestic Council in the White House and was also heavily involved in initially drafting NCLB, called for "differentiated" sanctions for schools who are on the borderline and those schools which are "most broken."

We will continue to follow closely developments in areas related to increased opportunities for firms to partner with districts which operate their own SES programs.

### **Republican and Democratic NCLB Reauthorization Proposals Suggest Agreement on Major Changes, But Reflect Differences in Others**

In mid-July, key Republican and Democratic leaders involved in the reauthorization of NCLB submitted proposals or provided additional information which suggests that there exists consensus on certain major changes which are likely to be incorporated into the reauthorization of NCLB (or whatever title surfaces). House Committee Chairman George Miller submitted a memo outlining at least nine changes which presented to freshman House members,

many of whom voiced opposition to NCLB provisions in their campaign rhetoric. On July 12<sup>th</sup>, Senator Richard Burr, along with Senator Judd Gregg, another architect of NCLB, submitted the NCLB Reauthorization Act of 2007, which includes several, but not all, of the Bush administration's reauthorization "blueprints" submitted in February. While the "devil is in the details" which emerge from negotiations, the areas in which major changes are very likely to occur are noted below.

Bipartisan support for the use of growth models appears to be one major change. The Republican proposal, S.1775, will allow for "child-centered funding" by which existing Title I and perhaps other funds are targeted more heavily on individual students and not on Title I schools; they would "follow the child" to whatever school the student enrolls in. Chairman Miller's proposal would allow a student's IEP to "trump" any conflict with existing NCLB policy such as allowing out-of-level assessments.

Both proposals would improve accountability and assessment practices for English language learners and students with disabilities. S.1775 would increase the authorized funding level for "enhancing" alternative and modified assessments for special education students and provide greater accommodations for English language learners whose test scores for AYP purposes would only count after two years. The amount of funding provided to SEAs for enhancing such assessments would be at least \$30 million annually. The current notice of applications for enhancement grants announced in the Federal Register on July 9<sup>th</sup> would allocate \$13 million for the

development of modified academic achievement standards and alternative academic achievement standards for so-called "gap students" (i.e., the 2% cap). Opportunities for firms to participate in the development of such assessments for ELL and students with disabilities should continue over time through stable or even increased Federal funding in this area.

Bipartisan support for the expanded use of formative assessments and multiple measures for determining AYP appears to be strong. Within the assessment arena, formative assessments already appear to be the major growth area which will be further bolstered by additional funding mandates, as S.1775 would provide. Both sides would also support increased funding for professional development related to the use of assessment data to prescribe instruction for students based upon diagnosed weaknesses.

Chairman Miller would differentiate the types of interventions (not sanctions as provided in existing NCLB language) based upon the degree to which a school needs improvement. Following the recommendations by the Council of Great City Schools, S.1775 would allow supplemental educational services to be provided before the parent choice option, which is a change virtually every education group supports. It is also likely that districts that are identified for improvement would be allowed to continue providing some SES, which would trump current USED policy. Both of these changes could provide increased opportunities for partnering with districts that provide their own SES. Also following the Council of Great City Schools recommendations, interventions would be provided earlier to schools identified for

improvement and be extended over a two to three-year period before additional interventions (e.g., restructuring) are mandated.

In several areas, S.1775 differs from both the White House “blueprint” and Democratic leadership as reflected in recent House appropriations mark-ups. While S.1775 does not propose increased NCLB assessments (as in the “blueprint”) at the high school level, it would create the Math Now program and codify Striving Readers, both of which are directed at middle and high schools. Math Now would target students in grades K-9 and would allow the use of “scientifically valid research,” as defined in the Education Sciences Reform Act of 2002, as the basis for selecting interventions to be used and evaluated. Districts which receive Math Now grants could use a variety of math instructional materials and assessments, including diagnostic informative assessments, remediation courses, after-school interventions, small group individualized instruction, and professional development. In addition to being based on “scientifically valid research,” the interventions would have to “reflect a demonstrated record of effectiveness.” The Striving Readers Program could use and evaluate instructional programs which have strong “research-based evidence” on adolescent literacy instruction. Any evaluation of a Striving Readers Project should be “rigorous” and also “measure whether interventions were properly implemented.” S.1775 includes Title VI flexibility and accountability which would provide incentives to expand the state and local Ed-Flex programs, allow Federal funds to “follow the child” to provide more parent options (e.g., child-centered program

funding), and provide greater flexibility in the use of funds in Title I school-wide programs. Regarding the latter, the Republican Senate proposal would not go as far as the flexibility proposal submitted by the House Committee’s ranking Republican Buck McKeon, as reported in the last TechMIS Washington Update.

As reported in the July 16<sup>th</sup> Education Daily, a spokesman for HELP Committee Chairman Senator Ted Kennedy indicated there were “good ideas” in the Burr-Gregg bill, noting that the final mark-up should reflect strong bipartisan support which is expected in September. A formal proposal from Chairman George Miller is expected in several weeks.

### **New Institute of Education Sciences Practice Guide for English Language Instruction for English Language Learners at the Elementary Level Could Influence the Types of Instructional Materials and Professional Development Purchased by Districts**

The Institute for Education Sciences has published one of its first “practice guides” which could influence district decisions as to what types of instructional interventions and staff development they will likely purchase. In the overview, IES states that only about a dozen studies “reach the level of rigor necessary to determine that specific instructional practices or programs do, in fact, produce significantly better academic outcomes with English language learners....Despite the paucity of rigorous experimental research, we believe the available evidence allows us to provide practical recommendations about aspects of instruction on which research has cast the

sharpest light. This research suggests -- as opposed to demonstrates -- the practices most likely to improve learning for English learners.” In a section entitled “Disclosure of Potential Conflicts of Interest,” IES identifies the key panel members whose recommendations were included in the guide and their publisher relationships; these include, among others, Dr. Russell Gersten and Dr. Tim Shanahan.

The panel’s recommendations are presented in a summary form, in a more detailed checklist for carrying out recommendations, and then in a detailed, rather extensive summary of the research basis and justification for the recommendations and checklist. In an appendix, technical information on studies that were cited and which influenced the recommendations are included, including several studies whose designs received high marks from the What Works Clearinghouse. Below, we highlight some of the recommendations in the checklists with findings that should be of interest to many TechMIS subscribers.

In screening English language learners to identify reading problems, the same measures and assessment approaches used with native English speakers should be used; progress monitoring data should be collected more than three times a year and more often for those with severe reading problems. The panel recommends that schools should not consider “below grade-level performance in reading as normal or something that will resolve itself when oral language proficiency in English improves.” Extensive training of teachers to use formative assessment data to guide instruction must be provided.

Suggesting that intensive small group

focused interventions be used, the panel recommends, “Explicit direct instruction should be the primary means of instructional delivery.” At least 30 minutes of intervention in small homogenous groups of three to six students should be provided with staff that has received extensive training. Such training should be on very specific instructional programs or assessment instruments.

Lists of essential words for vocabulary instruction should be developed relying on the textbooks used in such content areas as science and history. Instruction should emphasize the meaning of everyday words that native speakers know but that are not necessarily part of the academic curriculum.

English language learners should be taught academic English at the earliest grades with such instruction integrated into the core curriculum. Teachers should devote a specific block of time each day to building English learners academic English.

And last, the checklist recommends a schedule of regular peer-assisted learning opportunities -- about 90 minutes a week -- in reading and language arts. Here, student pairs work in a structured environment.

The practice guide appears to be a very useful tool for use by principals and/or district reading/curriculum staff in designing and then monitoring the implementation of English language instruction. It could also be used to select and/or review instructional products to ensure they include the five core reading elements: phonological awareness, phonics, reading fluency, vocabulary, and comprehension. The guide could help firms in positioning their products/interventions and fitting them into the recommended steps

and procedures, and firms could use the guide to determine where gaps exist in their solutions. This checklist could also be used to design a professional development regimen for teachers, teacher aides and other staff involved in providing instruction to English language learners.

For a copy of the guide go to: [http://ies.ed.gov/ncee/pdf/20074011\\_body.pdf](http://ies.ed.gov/ncee/pdf/20074011_body.pdf)

### **Recent White House Executive Order and Accompanying Guidance Will Not Only Lengthen the Amount of Time for Approving USED Non-Regulatory Guidance, but Perhaps Most Critically Will Ensure that the President's Priorities and Interpretations of New Laws Passed by Congress are Reflected in the Guidance**

From its beginning, the Bush Administration has relied extensively on Non-Regulatory Guidance (NRG) rather than "strict" interpretations of NCLB legislative provisions or regulations as it selectively implemented policies based upon its priorities and interpretations of the legal framework. This process was first reflected in the NRG to SEAs submitting their applications for Reading First funding in April 2002. Under Republican leadership, Congress exercised little "oversight;" now that Congressional leadership has changed with the potential of heightened oversight and likelihood of legislative changes to key NCLB provisions, very quietly in January 2007, the White House issued Executive Order 13422 and Office of Management and Budget (OMB) Bulletin entitled "Agency Good Guidance Practices." These could have the effect of ensuring White House

policies and priorities are reflected in NRGs even if they conflict with new legislative intent and actual provisions. At the least, as several veteran USED officials stated before state Title I directors in July, the amount of time before NRG's can be issued will be lengthened considerably as OMB plans to review "significant" guidance before official release.

The April 25, 2007 memorandum to implement the OMB Bulletin on Good Guidance Practices and the Executive Order dated January 18, 2007 require "that an agency's Regulatory Policy Officer be a Presidential appointee." In addition to several other changes, the OMB Bulletin would apply only to a "significant" Non-Regulatory Guidance document which raises "novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order." Other factors which define whether the guidance document is "significant" relates to whether it is inconsistent or it interferes with action taken by another agency and whether it materially alters the budget impact of entitlements, grants, user fees or loan programs of recipients. Another determinant would be if the annual effect or cost to implement would be \$100 million or more. In the July 23<sup>rd</sup> issue of Education Daily, USED Official Susan Wilhelm, during the recent Title I directors conference, reportedly said, "Anything that deals with Title I will be deemed significant."

The OMB bulletin states that the definition of "guidance" is not limited to written guidance as it "encompasses all guidance materials regardless of format, including guidance offered through video, audio tapes, interactive web-based software, or other



innovative formats. Guidance documents may be currently referred to by a variety of names, such as interpretive memoranda, policy statements, guidances, manuals, circulars, memoranda, bulletins, or advisories.” USED’s most prevalent forms of Non-Regulatory Guidance are through policy statements, policy letters to chief state school officers, letters of determination regarding compliance issues, and state Title I and other “workbooks.” The agency’s Regulatory Policy Officer (RPO), who was supposed to have been appointed no later than March 19<sup>th</sup>. The RPO’s official responsibilities include:

- Initiating the process of developing and justifying, before OMB, particular Non-Regulatory Guidance documents.
- Responding to public or other complaints about Non-Regulatory Guidance.
- Ensuring that the agency otherwise complies with other principles in the Executive Order including negotiations with OMB.

According to a number of news accounts over the last two or three years, President Bush has produced more “signing” documents or “signing” letters than any of the past five Presidents. These reflect his (or his staff’s) interpretation of new legislative provisions passed by Congress consistent with White House policy priorities. While such “signing” documents have not been made public, some proposed White House initiatives, for which it has requested new Federal funds from Congress, have in fact been implemented even though Congress did not appropriate such funding. Three years ago the USED Assistant Secretary for Career and Technical

Education noted that USED would fund the equivalent of a Math Now middle and high school initiative using funds from other programs. Last year, the Smaller Learning Communities program funded numerous projects which were very similar to the low-funded Striving Readers Program and the still no-funded Math Now Initiative.

While the differences between Congress and the White House on proposed changes are definitely emerging, perhaps the most immediate potential impact of the OMB Bulletin on any forthcoming guidance will be how FY 2008 funding will be allocated and reallocated given the large differences between the President’s FY 2008 budget request and appropriation markups which have occurred thus far in Congress. The House would cut Reading First by over 60 percent to \$400 million and would restore funding for most of the 40 programs which the President would zero fund. The degree to which the White House would be able to direct funds from its low-priority programs to Bush priorities unfunded by Congress would depend upon the specific language in the Conference Reports and the degree to which Congress will exercise its oversight responsibility. In short, the final FY 2008 budget negotiated between Congress and the White House could be, at first blush, very misleading especially if the President’s priorities are not included.

## **Center on Education Policy Reports that Under NCLB Districts Have Devoted More Instructional Time to Subjects Which are Tested and Changed Curriculum Within These Subjects to Emphasize Materials Covered on State Assessments**

As part of its five-year survey and case studies of the implementation of NCLB, the Center on Education Policy (CEP) has found that districts, especially those with one or more schools identified for improvement have increased the amount of instructional time in tested subjects such as English language arts and mathematics at the expense of less time devoted to science, social studies and other non-tested subject areas; at the same time, numerous changes have been made in their curriculum since NCLB was initiated in 2002. Findings related to curriculum changes and somewhat novel recommendations could have serious implications for education publishers.

Slightly over 60 percent of districts have increased instructional time for English language arts and/or math in elementary schools since 2002, while 20 percent reported increasing instructional time for the same subjects at the middle school level. Across the two subjects the districts reported a 42 percent increase in instructional time for these subjects. On the other hand, these increases came at the expense of an average 31 percent reduction in instructional time devoted to social studies, science, art and music, physical education, lunch and recess at the elementary level. Both the increases and decreases were greater in districts with one or more schools identified for improvement.

The CEP study confirmed expected findings

related to changes in the curriculum under NCLB. About 50 percent of the districts reported that they changed the elementary English language arts curriculum “to a great extent” and placed more emphasis on content and skills covered on the state test used for NCLB accountability purposes. In math, 41 percent reported doing the same. At the middle school level, slightly over 40 percent of the districts reported they changed their math and reading curriculums to a great extent. As reported in an earlier study, about 29 percent of the districts reported requiring classroom instruction and test taking skills to raise students’ achievement in Title I schools identified for improvement; however this study cautions that the respondents were at the district level and that it did not capture the views of teachers who may feel that greater emphasis has been placed upon test preparation skills than district level officials will admit to. As expected, the changes in the curriculum for science and social studies were significantly less than those subjects which were addressed in state assessments.

Two CEP recommendations are rather novel. One recommendation would include NCLB accountability tests and would stagger the testing requirements and include tests in other academic subjects. For example, math and English language arts would be assessed in grades three, five and seven, once in high schools; and social studies and sciences assessed in grades four, six, eight and once in high school. CEP also recommends that Federal funds be devoted to research and development to determine the best ways to teach reading and math skills in social studies and science curriculum. As it states, “By integrating reading and math instruction into other core academic subjects, students will be more

ensured of a rich, well-rounded curriculum. Funds should be provided through Title I and Title II of NCLB to train teachers in using these techniques.” Committee staff who are involved in the NCLB reauthorization have more than once pointed to CEP study findings and recommendations as “good starting points” for introducing and justifying proposed changes.

For a copy of the report go to: [www.cep-dc.org/](http://www.cep-dc.org/); look under *What’s New*.

### **Transferability Provision in NCLB Not Being Used by Vast Majority of Districts, but Those that Do, Use Reallocated Funds for Specific Priorities**

Under contract to USED, The Urban Institute released its report “Evaluation of Flexibility Under No Child Left Behind: Volume II Transferability,” which found that only 16 percent of districts in 2005-06 took advantage of the Transferability Program. Up to 50 percent of Title IIA Teacher Quality, Title IID State Technology Grants, Title IV Drug-Free Schools and Title V Innovative Programs can be transferred into other programs such as Title I, but no Title I funds can be transferred into other titles.

The Administration’s blueprint for NCLB reauthorization calls for a 100 percent transferability which essentially would be a “block grant” at the district level (see June 29<sup>th</sup> [Washington Update](#)). Almost 90 percent of the districts, however, which used transferability reallocated funds to high district priorities, which included improving teacher quality and increasing student performance in English/language arts,

especially among low-income students. These transfers could provide opportunities for firms with such products or services. Other uses of reallocated transfer funds were for purchasing curriculum and instructional materials (39 percent) or increased use of education technology (45 percent). Not unexpectedly, most of the title transfers went into Title I or Title V Innovative Programs. On the average, about \$12,000 was transferred into Title I which was used for two general purposes: (a) to help schools reach or maintain AYP through, for example, hiring qualified teacher aides or purchasing specific instructional materials and (b) to make up for cuts in Title I during the 2005-06 school year, which over half the districts experienced. As previous studies have also found, districts reallocating funds from other titles into Title V did so because of the increased flexibility allowed in using Title V funds, which is essentially a block grant often treated by superintendents as a “slush fund.”

The decision to take advantage of the Transferability provision at the district level was made by the superintendent in 71 percent of the cases or by the Director of Federal Programs in 73 percent of the cases, suggesting a joint decision-making process was used. While 81 percent of districts indicated some familiarity with transferability/flexibility provisions, the report concluded that SEAs played an important role in disseminating information about and providing technical assistance to help districts implementing transferability provisions. SEAs also provided an important function in developing accounting procedures that place a minimum burden on districts which was considered a barrier to participation by non-transferability using districts.

The study also identified reasons why districts reportedly do not use transferability, which included: (a) additional flexibility was not perceived to be needed by district officials; (b) the amount of eligible funds which could be transferred was too small to be useful and not worth the burden of additional record-keeping and reporting; and (c) lack of information on the part of about 20 percent of the respondents about the transferability option.

Both participants and non-participants in transferability were asked what sort of changes would increase participation. About three quarters of the transferability participants and a slightly lesser percent of non-participants indicated they would enroll in transferability if the transferred funds were not restricted by the rules and requirements of the receiving program. For example, on numerous occasions, Title I directors in districts which have been identified for improvement opted not to have funds transferred into Title I because up to 30 percent of the amount allocated could potentially be used for a combination of third-party supplemental educational services, staff development or transportation under existing set-asides. On the other hand, some large urban district Title I directors have argued that the schools that really could benefit from transferred funds would be those under “corrective action” or “restructuring” provisions in NCLB. One of the more interesting findings is relevant to the Administration’s push to remove the current 50 percent cap by allowing 100 percent of such eligible Title funds to be transferred, as reflected in recent Republican leadership proposals (see June 29<sup>th</sup> Washington Update). Seventy-seven percent of the current transferability participants indicated their interest in

transferability would be somewhat or much higher if 100 percent of funds could be transferred from an eligible title, while only 64 percent of the non-participants indicated as much. Hence, the Administration’s proposal would likely increase the amount of funds being transferred, but not necessarily the number of districts which would participate.

One other flexibility provision addressed in the study was the Rural Education Achievement Program (REAP Flex) which allows eligible small rural districts the opportunity to use funding from certain Federal sources for other Federal program purposes. Here, the survey found that slightly over 50 percent of the districts participate in REAP Flex in which up to 100 percent of applicable formula funds can be transferred to other Federal programs. Moreover, there are no set-asides or limits on how money from the eligible program may be used and there is no application process for districts to participate in the program; however, only if a district makes AYP, can it participate for more than three years in the REAP Flex program.

Another flexibility program included in the survey is Title I schoolwide programs, in which Title I funds can be commingled with other funds to support comprehensive school reform or improvement efforts. While 81 percent of the district respondents indicated they were aware of this flexibility provision, Volume II of the flexibility evaluation report did not include in its findings how many districts actually take advantage of this flexibility provision. As noted in the last TechMIS Washington Update (June 29<sup>th</sup>), we estimated about 70-75 percent of the districts were aware of the schoolwide flexibility provision, but only slightly less

than half took advantage of it.

For a copy of the report to go: [www.ed.gov/rschstat/eval/disadv/flexibility/index.html](http://www.ed.gov/rschstat/eval/disadv/flexibility/index.html)

## **House Votes Large Increases in Title I and IDEA Special Education Funding for FY 2008**

In spite of a threatened Presidential veto in late July, the House voted large increases in Title I and IDEA/Special Education funding along the lines of the House Appropriations Committee with only a few differences between the Senate committee FY 2008 markup. As displayed in the attached chart, Title I LEA grants would receive a \$1.5 billion increase to \$14.4 billion, along with an increase of \$375 million (to \$500 million) for school improvement grants. All of the formula grant increases would be in the “targeted” and “incentive” grants reflecting a 33 percent overall increase for each of these components which benefit, for the most part, large urban district Title I programs. None of the increases, however, will be allocated to districts until October; the funds will then be reallocated to districts, after adjustments are made, beginning in November through February.

While the House Committee markup reduced Reading First from slightly over \$1 billion to around \$400 million, the House voted to take an additional \$46 million out of Reading First and reallocate the money to Safe and Drug-Free Schools totaling \$347 million -- the same as last year. However, during the floor debate, Chairman David Obey of the Appropriations Committee later speculated that the Senate -- which reduced Reading First funds by 22 percent -- would

likely restore a large portion of the House’s Reading First cut, especially if USED provides clear evidence that it is “cleaning up its act” with respect to the mismanagement of the Reading First program (as reported by the Office of Inspector General in six recent audit reports). Pointing to Dr. Robert Slavin, the founder of *Success for All*, Chairman Obey accused USED of steering billions of dollars to favored publishers and individuals while discouraging states from using *Success for All*, which the USED Institute of Education Sciences found to be effective in a large scale study. Obey argued that the increases in Title I funding could be used to make up for any reductions in Reading First schools and that he would prefer the Title I definition of scientifically-based research be used instead of the criteria used in evaluating Reading First products, an argument which Dr. Slavin made in his official complaint filed over a year ago with the Office of Inspector General. This change could have significant implications beyond the change in the funding stream.

Other big winners in the House vote were Title III/English Language Acquisition, which would receive more than a \$100 million increase, and Title IIA/Teacher Quality which would receive an increase of about \$300 million. The House vote would also increase IDEA/Special Education funding by slightly over \$550 million for a total of \$11.3 billion. As in the past, one can expect Senate Appropriations Subcommittee Chairman Tom Harkin, as well as several key Republicans, to increase IDEA funding even more during the full Committee and Senate votes.

Differing from the President’s budget request in February, the House voted to

level-fund, rather than increase, Striving Readers and did not provide any funding for Math Now. However, at the last moment the House did increase the Math Science Partnership by \$16 million. Technology state grants Title IID would be level-funded.

The next step is in the hands of the Senate. After the floor vote, most likely in September, the FY 2008 appropriations bill will go to conference resulting in a bill which the President has already stated publicly he will veto and then the negotiations will seriously begin.

**U.S. DEPARTMENT OF EDUCATION  
FUNDS AVAILABLE TO  
PURCHASE TECHNOLOGY-BASED  
PRODUCTS AND SERVICES**

(millions of dollars)

	<b>FY2006</b>	<b>FY2007 Continuing Resolution</b>	<b>FY2008 House Mark-up</b>
Title I (Total)	14,481	14,726	15,217
Total LEA Grants (Part A)	12,713	12,838	14,363
Basic	6,808	6,808	6,809
Concentration	1,365	1,365	1,365
Targeted Grants	2,270	2,332	3,095
Finance Incentive Grants	2,270	2,332	3,094
Migrant	387	387	394
Even Start	99	82	99
Reading First/Early Reading First	1,132	1,029	354
Striving Readers	30	32	32
School Improvement Grants	--	125	500
State Innovation Grants(Title V A)	99	99	99
Improving Teacher Quality(Title II A)	2,887	2,887	3,187
English Acquisition	669	669	775
Math Science Partnerships	182	182	198
Advanced Placement	32	37	50
Teacher Incentive Fund	99	*	99
Technology State Grants(Title II D)	272	272	272
Special Education (EHA/IDEA)	10,600	10,783	11,342
Adult Education	580	564	589
Vocational/Technical	1,296	1,182	1,207
Safe & Drug-Free Schools and Communities State Grants	347	347	347
21st Century Community Learning Centers	981	981	1,106
College Mentoring (GEAR-UP)	303	303	323
HEA TRIO Program	828	828	868

\* reduced to \$200,000 in FY 2007

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## **New Survey Identifies Effective Strategies Used by States, SEAs and Districts That are Perceived to be Effective in Improving Schools Identified for Improvement Suggesting Opportunities for Products and Services Which Can be Used to Implement Such Strategies**

As part of its five-year study of the implementation of NCLB, the Center on Education Policy has released one of its more in-depth studies identifying strategies that are perceived by state and district officials to be effective in improving schools identified for improvement; these strategies could provide opportunities for firms with certain products and services which can facilitate the implementation of such strategies. The report also identifies how SEAs have used 4% set-aside funds for school improvement in the past which could portend how the new \$125 million dedicated grants for school improvement, and possible \$500 million next year, would be used.

SEAs rated the effectiveness of strategies they used to improve the performance of “identified” schools as follows:

- 21 states used professional development through Reading First as a strategy to a “great extent;” 48 states perceived it to be a “very effective” strategy.
- 47 states perceived the strategy of providing curriculum and assessment materials through Reading First as being “effective.”
- 47 states felt offering special grants to districts to support school improvement efforts was “very” or “moderately effective,” with about the same number of states feeling

curriculum alignment and instruction with standards and/or assessments was “very” or “moderately effective.”

- Other prevalent state-level activities, such as the use of support teams, providing after-school programs, or hiring school-based staff to support professional development, were rated lower in terms of effectiveness.

Districts with schools in improvement also rated state and Federal strategies with similar results as follows:

- For both reading and math improvement, school district policies and programs unrelated to NCLB were found to be very important by about 70 percent of respondents; about 68 percent felt the Reading First assessment and instructional programs are important for reading improvement.
- Only about 45-50 percent of the districts felt NCLB’s requirements for instructional programs to be scientifically-based were “very” or “somewhat important.”
- Less than ten percent of the districts felt that supplemental educational services in public school choice requirements were “important” or “very important” in improving math or reading.

While the above perceived strategies were used for schools identified for improvement generally, the survey also attempted to identify strategies used by schools “in corrective action” or “restructuring” (which this year will be about 2,500). The two most prevalent strategies here were implementing a new research-based



curriculum/instructional program and appointing an outside expert to advise the school (i.e., turnaround expert).

Across all schools identified for improvement, almost 98 percent of the districts provided training for staff in the effective use of curriculum and instructional strategies. Between 35 and 50 percent of the districts felt they lacked funding capacity to provide initiatives such as extending the school day or year, entering into a contract with a private management company, or reopening the school as a public charter school. This suggests that there exists a pent-up demand for some of these services which could be realized if funding for school improvement grants increase in the future.

Beyond those strategies which were rated as effective noted above, the most frequently used district strategies for school improvement were: use of student achievement data to inform instruction and other decisions (97 percent); increase in the quality and quantity of teacher and principal professional development (94 percent); aligning curriculum and instruction with standards and assessments (92 percent); and using research to inform decisions about improvement strategies (87 percent).

At the elementary level, districts with schools in improvement spent significantly more time on English/language arts (568 minutes per week on the average) than districts without schools in improvement (483 minutes per week). However, there was no significant difference in additional time being spent between the two groups of schools for math. At the middle school level, 34 percent of districts with at least one school in improvement devoted increased

instructional time to math, more than that of twice the percent of districts without schools in improvement

In order to address the achievement gaps between groups of students in reading and math, the three strategies reported by the largest percentage of districts were: tutoring of low-performing subgroups of students; improving collaboration between special education and regular classroom teachers; and training teachers in specific methods to address academic needs of low-performing subgroups of students. Almost half of the districts implemented the equivalent of “early intervening services” by revising or “fine tuning” procedures for identifying students for special education services. In urban districts, a much larger percentage used similar strategies with English language learners. Interestingly, less than 25 percent of all the districts preferred using strategies to improve student test-taking skills, which may have been perceived to be part of tutoring.

CEP also identified some strategies that were not used that extensively, but which were effective when used; for example only 28 percent of districts reported implementing a school reform model for school improvement, but 66 percent of those that did felt that it was “very” or “somewhat effective.” Similarly, about a quarter of the districts used classroom instruction in test-taking skills; in almost 50 percent of the cases it was felt to be “effective.” And while only about 25 percent of districts provided mentoring or coaches for principals, over half of those that did felt it was very successful.

Looking at \$125 million of new funding for school improvement grants in 2007-08 and a

projected increase to \$500 million the following year, CEP addressed how SEAs allocated the 4% set-aside for school improvement. In 2005-06, only 42 states that responded to the survey set aside a portion of the 4% amount and responded in enough detail for analysis. CEP found that about half of these states said some or all of the set-aside went to schools, about a third said some or all of the funding went to districts and about 10% said funding went to both schools and districts with a similar amount going to regional assistance centers, such as county school systems in California or BOCES in Pennsylvania. SEAs also reported in 50 percent of the cases that all of the five percent SEA set-aside of the overall four percent set-aside were used to fund SEA “support” teams, provide special grants to districts, or to hire consultants. While no state funds were used for such purposes in more than 50 percent of the states, state funds were used for other initiatives such as providing after-school programs, teacher professional development (including the use of coaches for principals), and aligning curriculum and instruction with standards or assessments.

One of the important findings from the conduct of case studies was that if districts had additional funding, it would generally be used to hire additional coaches, purchase or update technology, or increase or replace instructional materials and supplies.

The CEP findings also suggest areas where opportunities exist in terms of state-provided strategies and funding for third parties. For example, 13 of 38 states used private contractors to implement Reading First professional development, while 15 states used private contractors to assist in implementing curriculum and instructional

alignment with state standards and/or assessments. Almost 20 states used state regional assistance centers to provide support team technical assistance, which could provide promotion opportunities for private firm products and services or for collaboration. Almost 40 states hired private contractors to help the SEA implement mentoring or coaching programs for principals or to provide management consulting services.

Based on the study findings and discussions with knowledgeable observers, one can speculate on a number of probable trends in the use of additional funds next year for school improvement for SEAs and, in turn, some increases for LEAs for districts for school improvement including:

- SEA funding for capacity-building or capacity “retention,” especially if the SEA 20 percent state set-aside for Reading First is reduced which is likely based on the FY 2008 appropriations.
- Greater reliance and use of regional service centers, BOCES and intermediate units to provide technical assistance and support, including services such as supplemental educational services and early intervening services.
- Continuation and/or expansion of schools which will use Reading First-type programs in Reading First schools whose funding may be reduced.
- Expansion of district-operated or supported after-school programs, perhaps beyond supplemental educational services.
- Increased opportunities for firms that have comprehensive curriculum or

whole school models which can be used in schools under corrective action or entering restructuring, the number of which could increase from over 2,000 this year to 4,000-5,000 over the next two years.

# Alabama Update

## August 2007

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According to the Electronic Education Report, Alabama has passed an FY 2008 education budget of \$6.7 billion representing a 12 percent increase over last year. The budget bill increases funding for the State's Math, Science and Technology Initiative from \$22 million to \$35.8 million and nearly doubles funding for Alabama's distance learning initiative -- ACCESS -- from \$10.3 million to \$20.3 million. ACCESS started in the Spring 2006 with 650 enrolled students; this Spring it had 5,000. The State has purchased online courses and developed some of its own. It expects to add 17 new courses for the next school year including AP foreign languages.

# Alaska Update

## August 2007

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An Alaska Superior Court judge has ruled that it is unconstitutional to require high school students to pass the State exit exam in order to graduate because the students are not getting “a meaningful opportunity to acquire proficiency in the subject areas tested by the state.” Based on a lawsuit claiming that the State does not give its schools enough money as guaranteed by the State’s Constitution, the ruling gives the State until June 2008 to fix the problem.

# Arizona Update

## August 2007

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As reported in Education Week, the Arizona legislature has approved an FY 2008 budget for K-12 education of \$4.4 billion, up from \$4.1 billion last year. The budget includes: (a) \$2.5 million for each of two private school voucher programs (one for students with disabilities, the other for foster children); (b) \$1 million for a pilot program to establish a model school for innovative use of technology; and (c) \$1 million to implement reading programs modeled after the Federal Reading first initiative. The legislature rejected a program that would have created Internet-based, personalized learning plans for students in grades 7-12.

The Arizona Republic reports that Arizona has received a three-year \$5.95 million grant from the U.S. Department of Education to strengthen the State's student data collection system. Known as the Arizona Education Data Warehouse, the system had previously received \$2.5 million from the State legislature. Arizona is one of 13 states to receive the three-year grants from the U.S. Department of Education to design and implement a Statewide longitudinal data system. The State will use the Federal grant to expand its initial Arizona Education Data Warehouse (AEDW) into a longitudinal data system, including: (1) broadening data collection capabilities; (2) creating a unified data dictionary; (3) establishing a unified data architecture; (4) creating online data collection capabilities for rural districts; (5) standardizing methodologies for data exchange and; (6) establishing formative and preventative evaluation procedures. Arizona plans to collaborate with Maine and Connecticut for some of these development activities.

The Arizona Republic also reports that, based upon a new law passed this summer, all Arizona students who are learning English will be required to spend four hours out of their 5-6 hour school day in English classes. State education officials hope the new, more intensive approach will help students become English proficient within a year or two so that they can more effectively study other subjects.

Education Week reports that the Arizona Department of Education has been sued by a group of

charter school operators who claim the State is interfering with the schools “curricular independence.” The State, on the other hand, argues that it is merely ensuring that the charter schools teach to standards. The plaintiffs are among the best-performing schools in Arizona, a State known for its friendliness toward charter schools.

# California Update

August 2007

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The San Diego Union-Tribune reports that a recent sharp drop in State revenues has resulted in the elimination of \$65 million that was to be used for the development of a computerized student tracking system. Known as CALPADS (California Longitudinal Pupil Achievement Data System), the system is intended to enable districts and schools to track student attendance, graduation and dropout rates, and individual student achievement over time. The State has received a bid of \$33 million from a consortium of IBM, Microsoft, and ESP Solutions for the operation of the system. The money cut from the budget was to be used to help districts provide quality information to CALPADS.

California's long battle over the State's high school exit exam has apparently been settled. The State has imposed the requirement that all students must pass the California High School Exit Exam (CAHSEE) in order to receive a diploma. The exam is not rigorous -- aimed at eighth- and ninth-grade math skills and tenth-grade English skills. As reported in Education Daily, a series of court actions culminated in mid-July when a Superior Court judge ruled that students who fail the CAHSEE must be given up to two year's assistance if they wish to retake the exam. A bill currently in the legislature (AB 347) would allocate \$72.7 million to provide this assistance.

The Associated Press reports that 80 percent of the incoming students at California's community college system are not academically prepared for college-level courses. Because the 109-campus system allows anyone to sign up for classes at a minimum cost, it is among the lowest in the nation at moving them out -- either through graduation or transfer to a four-year institution.

Education Daily reports that the Bill & Melinda Gates Foundation has donated \$7.8 million to Green Dot Public Schools, a charter school operator, to establish ten new college-prep high schools in poor areas of Los Angeles. The new schools will serve the area around Alain Leroy Locke Senior High School which shows a graduation rate of only about 25 percent. Last year,



the Gates Foundation donated \$1.8 million to Green Dot for the operation of five charter schools near another low-performing Los Angeles high school. The latest grant means that Green dot will operate a total of 20 schools in the Los Angeles area.

The Associated Press reports that California has returned partial control of the Oakland school district to a seven-member local board. In May 2003, the State assumed control of Oakland schools and the State legislature approved an emergency \$100 million loan. Reports from the State's Fiscal Crisis and Management Assistance Team show improvement in the district's student achievement and fiscal management.

# Colorado Update

## August 2007

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As reported in Education Week, Colorado has passed a law – Senate Bill 215 – that tightens controls on virtual schools. The measure establishes a new division of online learning within the State department of education that will certify the authorizers of virtual programs. In response to criticism that online schools had little oversight, the new law requires annual reports on each program on how the programs have met quality standards as well as providing student and teacher data.

Colorado is one of 13 states to receive a three-year grant from the U.S. Department of Education to design and implement a State-wide longitudinal data system. Known as the Longitudinal Education Data Action Plan (LEAP), the project entails:

- Expansion of the State's Education Data Warehouse;
- Transfer of Transcript/Student Data between LEAs and between LEAs and higher education to support appropriate student placement; and
- Expansion of data analysis and reporting capabilities.

# Connecticut Update

August 2007

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In a special session, the Connecticut legislature and Governor Jodi Rell agreed on an FY 2008 budget for K-12 education of \$256 million, an 11 percent increase over FY 2007. As reported in Education Week, the Governor did, however, veto a bill that would have allowed undocumented graduates of Connecticut high schools to pay in-State tuition at Connecticut colleges and universities.

# Delaware Update

## August 2007

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Education Week reports that the new FY 2008 budget for K-12 education will be \$1.1 billion, a \$62 million (six percent) increase over the current year. The budget includes \$1.9 million to fund all-day kindergarten Statewide, \$2.7 million for math specialists in middle schools, and \$2.3 million to provide free tuition at State universities for students with Associate's degrees from a State community college.

# Florida Update

August 2007

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According to the Orlando Sentinel, grades on Florida's school report cards have dropped substantially from last year due, in large part, to tougher grading standards and the inclusion of science scores in the this year's calculations. Based on the Florida Comprehensive Assessment Test (FCAT), scores show fewer schools (1,941 schools, down from 2,077) earning A or B ratings and many more schools (302, up from 143) getting a D or F. The ratings for every school in Florida are available at: <http://schoolgrades.fdoe.org/xls/0607/sgschool20062007.xls>.

# Illinois Update

## August 2007

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The Chicago Tribune reports that a new State law in Illinois, effective July 1, will revoke the driver's licenses of students who drop out of school, are expelled, or have more than 18 unexcused absences. Statewide, the number of dropouts has declined from 36,000 five years ago to 24,000 last year, but State officials believe the new law will cut the dropout rate even further.

According to Education Week, the U.S. Department of Education's Office of Inspector General has recommended that Illinois be required to pay back nearly \$17 million in Federal Title I funds allocated to two school districts – Chicago and Troy Community. The OIG report says the State failed to monitor the districts adequately with respect to how they used Title I funds. In Chicago, for example, the district included vacant teaching positions as it sought to ensure that its Title I schools had equivalent staffing to non-Title I schools. The State and districts are, of course, arguing against repayment.

# Indiana Update

## August 2007

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As reported in The Indianapolis Star, Indiana will provide nearly all school districts in the State with grants to implement full-day kindergarten programs. This year's budget includes \$33.5 million in full-day kindergarten grants in 2007-08 and another \$58.5 million in the 2008-09 school year. The Indianapolis school system, for example, last year used \$5.5 million from a combination of Federal grants and local funds to support full-day kindergarten for 3,000 students. The State grants will provide the district with \$2 million to supplement the Federal and local funds.

The U.S. Department of Education has awarded a five-year, \$500,000 grant -- through USED's Special Education Pre-service Training Improvement Grant program -- to Indiana University's School of Education to support research into improving teacher quality among special educators. The project is intended to improve special education masters and graduate certification programs and to address the requirements special educators must meet under the highly qualified teacher mandates of the No Child Left Behind Act.

Indiana is one of 13 states that have received three-year grants from the U.S. Department of Education to design and implement a statewide longitudinal data system. The \$5.2 million grant will be used to build upon the State's existing data collection system to establish a comprehensive P-20 data system. The project will represent the collaboration of a number of stakeholders including many State agency divisions and the State's Commission for Higher Education.

# Iowa Update

## August 2007

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The Associated Press reports that school districts in Iowa will receive a total of \$15 million each year for the next four years to make pre-kindergarten programs available to more than 90 percent of the four-year-olds in the State. For the current year's grants 52 districts – out of 176 applicants – were selected. For a list of grantees, see [The Des Moines Register](#), July 18, 2007.



# Kansas Update

August 2007

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Kansas is one of 13 states that have received a three-year grant from the U.S. Department of Education to design and implement a Statewide longitudinal data system. Of the grant's \$3.8 million total, \$2.4 million will go towards increasing the capacity of the KSDE Enterprise Data System by 2009 and enhancing the quality of data collected. The data system is intended to facilitate:

- understanding the impact of teacher preparation on student outcomes;
- identifying best practices in instruction;
- comparing teacher assignments to teacher licensures;
- evaluating supplemental program data in relation to student outcomes; and
- accurately tracking student transfers and dropouts.

# Louisiana Update

## August 2007

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Education Daily reports that a Louisiana legislative committee has rejected a bill (HB623) that would have created a four-year pilot program to allow students attending a failing school to enroll in a private school at State expense. The program would have provided transferring students with vouchers in the amount of the State's average per-pupil funding and would include students in the Recovery School District established to manage schools in areas damaged by Hurricane Katrina.

Education Week also reports that the new Superintendent of the State-operated Recovery School District (RSD) in New Orleans, Paul Vallas, plans significant changes in the district by the start of the next school year on September 4. Of the 58 public schools in New Orleans, 39 are run by the RSD. It is expected that, by September, the RSD will add 21 schools -- half of them charter schools -- and 14,000 more students (from about 26,000 to 40,000). The Superintendent is also planning two alternative schools and a "welcome" school designed to serve newly enrolled students. The district plans to staff all schools with literacy and mathematics coaches, phase in a new curriculum over the next two years, and implement benchmark quizzes every 6-10 weeks. Standard curriculum in fourth and eighth-grade reading and math will be implemented for the 2007-08 school years and extend to all prek-12 grades by 2008-09. The school day will also be extended by one or two hours between October and March, for struggling students.

# Maine Update

## August 2007

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Maine is one of the 13 states that have received three-year grants from the U.S. Department of Education to develop a statewide longitudinal data system. Maine's \$3.2 million grant, known as the Tools for Educational Achievement in Maine (TEACHME) project, is intended to build upon the State's existing Maine Educational Data Management System (MEDMS) which does not currently collect adequate student-level data to analyze student performance. The TEACHME project will collaborate with LEAs, the Maine Higher Education Council, and similar efforts being conducted by the Departments of Education in Arizona and Connecticut.

As reported by Education Week, the Maine legislature and Governor John Baldacci have agreed on a two-year budget of \$6.3 billion including \$2 billion for education, a 17 percent increase over the previous biennium. The budget proposed brings the State's share of education costs up to 55 percent by FY 2009 and consolidates Maine's existing 290 school districts into about 80.

# Maryland Update

## August 2007

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As reported in the Baltimore Sun, this past Spring, about a third of Maryland's fifth- and eighth-graders took the science component of the Maryland School Assessment online for the first time. The percentage of online test-takers varied greatly across the State – from 100 percent in Harford County to 13 percent in Prince George's County. State officials believe online testing facilitates faster grading, minimizes cheating, and uses technology students are accustomed to. Critics of the testing argue that students from poorer schools may have less access to computer resources which could put them at a disadvantage in testing.

A recent study by a professor at Johns Hopkins University argues that two-thirds of the reading gap between ninth-grade students of high and low socioeconomic status in Baltimore can be attributed to inadequate summer learning activities. As reported in Education Week, the study tracked 325 students and found a number of educational factors were related to the summer reading difference, called by researchers "the Harry Potter divide." Poorer students tended to read far less during the summer months than did more well-to-do students.

The Washington Post reports that Montgomery County, in suburban Washington, D.C., has begun a three-year, \$10 million initiative to improve the County's 38 middle schools through a package of curriculum, staffing, and training enhancements. Among the components of the County's plan are: (a) an internship program for middle school principals; (b) on-site literacy coaches and math specialists; (c) pathways for accelerated study; (d) continued consistent assessments throughout the school year; (e) expanded offerings of high school courses; and (f) expanded summer and after-school programs to improve reading, writing, and math skills. The first phase of the plan, budgeted at \$2.5 million, will focus on an accelerated curriculum and teacher training in five County schools – Benjamin Banneker, Roberto W. Clemente, Earle B. Wood, Montgomery Village, and Sligo.

Recently, Anne Arundel County announced that it would close one of its two charter schools –

KIPP Harbor Academy in Edgewater – for lack of space. However, the County school board has, at least temporarily, agreed to provide and partially pay for portable classrooms which will keep the school open. The long-term future for the school – one of 52 KIPP academics – is still unclear.

# Massachusetts Update

## August 2007

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The Associated Press reports that ten more Massachusetts schools have agreed to add at least 300 hours to their school year, bringing the total to 19 schools that have expanded their school year. The State has allocated \$1,300 per student – a total of \$13 million – in hopes that the lengthened school day will show positive academic results. Some schools have considered the idea but not adopted the plan due to questions about continued State funding and the effects on students' after-school activities.

Carol R. Johnson has been selected as the new superintendent of the Boston school district. Ms. Johnson has served as superintendent in Memphis for a number of years and, before that, was superintendent in Minneapolis.

# Mississippi Update

## August 2007

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On July 1, a new State law went into effect that requires the State to develop screening materials to help schools identify students with specific learning disabilities. Although no funds have been allocated this year (FY 2007), the screening tools will be developed beginning this Fall for kindergarten through second grade; a pilot program could be in operation by the Spring. The legislature expects to allocate \$1.8 million - \$3 million in FY 2008 so that implementation can take place in 2008-09.

# Missouri Update

## August 2007

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Missouri's budget for K-12 education during FY 2008 will be \$5.2 billion, a four-percent (\$133 million) increase over the previous year. As reported in Education Week, the new budget includes a \$2 million increase for the State's Parents as Teachers program for infants and their families. It also includes funds to establish 100 state-of-the-art technology classrooms in the State and to have the State assume a portion of students' fees for Advanced Placement exams.

Missouri is establishing a virtual school program, allowing students to take courses over the Internet with State funding. Starting in the Spring of 2009, the State will implement Statewide final exams in English, Algebra, and Biology and is considering an online option for those tests. Among the most popular courses for the program's first semester is one on personal finance. The State is contemplating a pilot project that would create an online completion exam for the newly required personal finance course; the exam could be available for use by January.



# Montana Update

## August 2007

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According to the Billings Gazette, the Montana Department of Education reports that, in 2006, the State had an overall high school dropout rate of 3.6 percent. Local district officials, however, believe that the dropout situation is considerably worse. The State counts dropouts from ninth grade and includes students counted in October of their senior year. District administrators think the true four-year rate is closer to 20 percent; it should use the end of eighth grade as the starting point (many Montana students drop out between eighth grade and high school) and count only seniors who graduate.

The Missoulian reports that Montana has not renewed its contract to use the Iowa Test of Basic Skills, the elementary assessment the State has used since 2000. The State will focus its assessment on the MontCAS, a new format designed to meet Federal testing requirements.

# Nebraska Update

August 2007

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Nebraska is one of 13 states to receive a three-year grant from the U.S. Department of Education to design and implement a statewide longitudinal data system. The \$3.5 million grant will be used to complete the State's existing system, much of which is scheduled to be implemented next school year. The specific components of the system to be developed under this grant are: (1) adding special education and curriculum data; (2) creating an electronic transcript facility; (3) developing a comprehensive decision support system; and (4) adding resources to assist the State's regional training partners.

# Nevada Update

## August 2007

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According to Education Week, Nevada's budget for K-12 education for the 2007-09 biennium will be \$2.7 billion -- an 18 percent increase over the prior two-year budget. The new budget includes: (1) a six-percent salary increase for teachers; (2) \$7 million for career/technical education; (3) \$99.2 million (a \$17 million increase) for Innovation and Prevention of Remediation, a program to raise student achievement; and (4) \$9 million for a pilot effort under the Governor's Empowerment Schools program which will, beginning this Fall, give 30 schools in ten districts more flexibility on spending, scheduling, and instructional design.

As reported in the Las Vegas Sun, Nevada's 2007 legislature allocated \$69.5 million for school renovation and improvement grants during the current biennium. This month, \$56 million worth of grants were awarded to individual schools (districts could not apply). Higher priority went to schools that were eligible for, but that did not receive, Federal Title I funding. A total of \$161 million in grant requests were submitted by nearly 500 schools. Seventy-two schools had their grants fully funded, 105 schools received no money, and the remainder were partially funded.

Nevada has received one of 13 three-year grants from the U.S. Department of Education to design and implement a Statewide longitudinal data system. The \$6.0 million grant will supplement State funds to expand the System of Accountability Information in Nevada (SAIN) by: (1) creating a Federal reporting system; (2) adding new data elements; (3) incorporating a unique teacher identification system; (4) integrating teacher licensure data; and (5) incorporating fiscal data.

The Las Vegas Review-Journal reports that Clark County (Las Vegas) had been looking at a shortage of more than 1,100 teachers for the upcoming school year, more than twice the number it was short just a year ago. In June 2006, the district was short 635 teachers and ended up with between 400 and 450 vacancies for most of the year, with substitutes working instead of licensed teachers. However, in the past six weeks, Clark County has cut the teacher shortfall by more

than half primarily through recruiting effort in Midwestern cities, particularly those -- like Detroit and Cleveland -- that have had teacher layoffs. The district, one of the fastest growing in the nation, has been recruiting in 39 states and 122 cities.

# New Hampshire Update

## August 2007

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New Hampshire's budget for K-12 education during the next biennium will be \$1.96 billion, less than a one percent increase over last two-year budget. As reported in Education Week, the budget includes \$4 million for alternative high school programs for students who have struggled at traditional schools.

The Nashua Telegraph reports that 47 percent of New Hampshire's students with disabilities drop out before graduating from high school, one of the highest rates in the nation. This runs counter to the general trend that shows the overall dropout rate in New Hampshire decreasing. The State legislature has rejected five bills intended to make the schools more accountable for helping disabled students stay in school and perform better on tests.

The Associated Press reports that New Hampshire has raised the school dropout age from 16 to 18 effective in 2009. The new law says students must have a plan for completing their education before they can exit the school system. The plan might include GED prep, night school, work study or alternative programs. The State's budget being considered by the legislature includes \$4 million for alternative programs to help potential dropouts. It is estimated that the new dropout age will keep 1,100 students in school.

New Hampshire is one of 13 states to receive a three-year grant from the U.S. Department of Education to design and implement a Statewide longitudinal data system. The State's \$3.2 million grant includes three major components: (1) establishment of a central repository for student, school, and district data designed to facilitate State and Federal reporting and analysis; (2) expansion of the state's Follow the Child Assistance Center to allow teachers to create their own assessments, track student progress, and access a library of curriculum and lesson plans; and (3) establishment of a longitudinal link to higher education institutions.

# New Jersey Update

## August 2007

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As reported in The New York Times, the Newark Teachers Union is participating in the takeover operation of the Newton Street School, one of the Newark school district's poorest performers. As part of the takeover, the union, working with the school, the district, and Seton Hall University, has had to fire teachers and has allocated \$200,000 out of its \$3.5 million budget to provide professional development and supplies for the teachers in the school. Teachers' unions in New York, Los Angeles, Chicago, Boston, Baltimore, Miami, and Minneapolis have also been participating in the operation of local schools.

# New York Update

August 2007

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As reported in The New York Times, New York City has opened 47 new, small public high schools in the last five years. Graduation rates at the new schools are substantially higher than the city-wide average, with an average rate of 73 percent this year, compared with the City's average of 60 percent in 2006. Eight of the new schools graduated more than 90 percent of their seniors. The district acknowledges that the new smaller schools serve fewer students with disabilities and English language learners. However, more than 90 percent of the students in the small schools are Black or Hispanic, compared with 72 percent for the district as a whole.

# North Carolina Update

## August 2007

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North Carolina is one of 13 states receiving three-year grants from the U.S. Department of Education for the design and implementation of a longitudinal data system. Known as the NC Common Education Data Analysis and Reporting System (NC CEDARS), the North Carolina system will use \$6.0 million in Federal funds and another \$6.1 million in State and other funds to produce a secure, quality-controlled data repository for use by teachers, principals, and researchers.



# Ohio Update

## August 2007

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The Cleveland Plain Dealer reports that the number of Ohio students receiving Ohio Ed Choice vouchers for private school tuition is expected to more than double this year -- from 2,900 last year to about 6,000. A total of about 8,000 students have applied for the vouchers worth between \$4,250 (for elementary students) and \$5,000 (for high schoolers) who otherwise would be enrolled in low-performing public schools. The larger number of eligible students is the result of more schools being identified as low-performing. The Ed Choice program was in jeopardy earlier this year when the Governor dropped it from his proposed budget, but it survived because of strong Republican support in the State legislature.

Beginning in 2010, Ohio high school students will be required to take courses in economics and personal finance. As reported in The Cincinnati Enquirer, the subject may be taught as a new discrete course or integrated into an existing course, at the discretion of the school district. During June and July, the State conducted seven teacher workshops on personal finance curriculum issues; a total of 285 teachers Statewide participated.

# Oregon Update

## August 2007

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As reported in Education Week, Oregon's budget for K-12 education during the 2007-09 biennium will be \$6.2 billion -- an 18 percent increase over the previous two-year budget. The new budget includes: (1) \$39 billion to increase the number of children who can participate in Head Start; (2) \$260 million in new funding for the School Improvement Fund which offers districts a menu of State-approved priorities (e.g., lower class sizes, all-day kindergarten, enhanced professional development); and (3) \$5 million for teacher mentoring.

Oregon is one of 13 states to receive three-year grants from the U.S. Department of Education to design and implement a Statewide longitudinal data system. Known as the Oregon DATA (Direct Access to Achievement) Project, the \$4.7 million grant is intended to supplement the State's Pre-Kindergarten thru Grade 16 Integrated Data System (KIDS) by providing a system of regional data warehouses and effective professional development that will allow educators to analyze student-level data from anywhere in the State.

# Pennsylvania Update

## August 2007

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As reported in the Pittsburgh Post-Gazette, the Pennsylvania State Board of Education has declined to require all students to take a foreign language. All school districts are required to offer at least two foreign languages, but students are not required to take them. It was estimated that mandating foreign language would require more than 2,600 more foreign language teachers (only 300 are certified each year in Pennsylvania) at a cost of about \$115 million.

Education Daily reports that Pennsylvania's Education Improvement Tax Credit (EITC) program has seen its State funding increase from \$59 million to \$75 million next year. The money will be used for scholarships (\$44.7 million), innovative educational programs (\$22.3 million), and pre-Kindergarten scholarships (\$8 million). Since the EITC was established, more than 2,100 companies have contributed more than \$260 million through tax credits.

As reported in Education Week, the Philadelphia school district has agreed to allow the outside operators of 38 of the district's poorest performing schools to continue for one more year under an extension to the firm's five-year contracts totaling \$107 million. The contractors are Edison Schools, Victory Schools, Temple University, the University of Pennsylvania, and two community organizations -- Universal Companies and Foundations, Inc. The district also plans to issue a Request for Proposals for the operation of more than 60 schools that are in "corrective action two" under the No Child Left Behind Act -- including 17 under outside management.

The Pittsburgh Post-Gazette reports that the Pittsburgh school district has undertaken a five-year plan to remake the district's high schools. Among the new strategies planned are: mentors for ninth-graders, expansion of high-level course offerings, establishment of a "teen center," and decreased use of out-of-school suspensions. District officials plan to use "alternative learning settings outside the home school" instead of suspensions so students can continue their course work. The district will also introduce a new local-oriented Civics course for ninth-graders, make SAT preparation more readily available, and expand Advanced Placement and International

Baccalaureate courses.

# Rhode Island Update

August 2007

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The Rhode Island legislature has approved an FY 2008 budget for K-12 education of \$679 million -- virtually the same as the current year. As reported by Education Week, State education officials were actually relieved, citing many programs that were cut to address the State's \$450 million budget deficit.

Starting next school year, high school seniors in Rhode Island, in order to graduate, will have to demonstrate their mastery of subjects using options offered by the State -- a portfolio of work, a major project, or an end-of-course exam -- in English, math, science, social studies, art, and technology. As reported in The Providence Journal, districts must select two of the three measures and can develop their own approaches to their selections. Students will continue to be required to take the required number of courses and Statewide assessments to graduate. This Fall, school districts will submit updated graduation plans to the State and will be informed in January of their status.

# South Dakota Update

August 2007

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The Associated Press reports that South Dakota has approved standards for the teaching of technology at every level from kindergarten to high school. The State will conduct a pilot project in 20 schools during the next school year to assess students at the beginning and end of the school year. The State has pushed to expand computer and high-speed Internet access in all schools, including a high school laptop program.

# Tennessee Update

August 2007

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In an effort to fill math and science teaching positions, Tennessee is planning to expand its two-year-old program to “fast-track” teacher training. As reported in the Chattanooga Times Free Press, the program known as Teach Tennessee screens candidates (who must have an undergraduate degree and five years of relevant experience) and conducts an intensive two-week training program after which they can apply for an alternative teaching license. Initially funded with \$500,000 in 2005, the program has put 141 professionals through the process.

# Texas Update

## August 2007

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As reported in The Dallas Morning News, the Texas legislature has cut back on textbook funding and, in fact, in two of the last five years, has ordered that no new textbooks be adopted. In Texas, textbooks are paid for from the State's \$26 billion Permanent School Fund, but the legislature determines how much money to appropriate. Over the next three years, the State will spend \$255 million for textbooks -- far less than proposed by State education officials. As a result, some textbooks -- including U.S. History -- will be in use for more than ten years, despite the State policy calling a six-year replacement cycle.

The Associated Press reports that Texas has postponed for one year the adoption of new reading and writing standards for the State's public school students. A decade ago, the State spent \$9 million to develop a language arts curriculum. The State Board expects the new curriculum to be in place for the 2009-10 school year, along with new instructional materials and end-of-course exams.



# Utah Update

## August 2007

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The Salt Lake Tribune also reports that only 74 percent of Utah's high school seniors passed the State's high school exit exam, the Utah Basic Skills Competency Test (UBSCT). Starting in tenth grade, students have five opportunities to pass the reading, writing, and math portions of the UBSCT. The remaining 26 percent of seniors -- many of them English language learners or students with disabilities -- either dropped out, failed to show on test day, or received a footnoted diploma saying they failed at least one section three times.

According to the Deseret Morning News, a report from the Utah legislature estimates the State spent between \$55 million and \$85.4 million to educate illegal immigrant students during the 2005-06 school year. State legislators are seeking ways to address the issue of undocumented students, including ensuring that employers do not hire undocumented immigrants and trying to get Federal reimbursement for the costs of the nation's "failed immigration policy."

The Salt Lake Tribune reports that, last year, of Utah's more than 53,000 special needs students, only about 300 received the State's Carson Smith scholarships which provides private school tuition for special needs children. This year, the State expects to spend as much as \$2.4 million for more than 400 students. Many disability advocates say there is little evidence such programs (like Florida's McKay Scholarships) are effective; however, many parents are extremely satisfied with the scholarship program even though it typically does not cover the full cost of the private school and often provides only limited special education services. Like Florida, Utah does not track the academic achievement of voucher recipients, and will only report participation levels.

According to a poll conducted by the Deseret Morning News, 45 percent of Utahans said they were "very likely" to vote against vouchers in the upcoming Fall election and 12 percent were "somewhat likely" to oppose the voucher program. The State's voucher program, which would give between \$500 and \$3,000 for each student who enrolls in a non-public school, has met with considerable opposition. Opponents were able to collect enough petition signatures to suspend

the program and put it to a Statewide vote in November.

Utah is one of 13 states that have received three-year grants from the U.S. Department of Education to develop a statewide longitudinal data system. The \$4.6 million grant will allow Utah to supplement its existing data system with a component known as the Utah Student Records Exchange (USRE). USRE will: (1) allow all users to use national standards for student record/transcript exchanges; (2) allow on-demand exchange of student records between the State and LEAs and between LEAs; and (3) allow records exchange with in-State public post-secondary institutions, out-of-State LEAs, and most out-of-State post-secondary institutions.

# Virginia Update

## August 2007

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As reported in The Virginia Pilot, Virginia is in the process of establishing a grading system for the State's schools as a way to motivate and reward success with their students. Known as the Virginia Index of Performance (VIP), the system would be measured on a 100-point scale based on the number of students scoring at each level -- below basic, basic, proficient, and advanced -- on the State's Standards of Learning assessment system. Bonus points could be earned for other improvements like increasing the percentage of students taking algebra by the eighth grade or increasing the percentage earning advanced studies diplomas. Most Virginia schools already meet Federal (78 percent of schools) and State (90 percent) requirements.

Virginia is one of 13 states that have received three-year grants from the U.S. Department of Education to design and implement a Statewide longitudinal data system. Virginia's \$6.1 million project is an expansion of its existing Educational Information Management System (EIMS) intended to "support instructional decision-making by delivering building-level data as well as state assessment data to teachers and administrators with an easy-to-use interface." The project will add two components to the existing system: (1) easyCONNECT which will provide educators access to both local and state assessment data; and (2) easySTUDENT which will allow schools to transfer student records from school to school.

# Washington Update

## August 2007

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According to Education Week, a report calls for more rigorous math standards in Washington, despite the fact that nearly 40 percent of the State's high school students have been unable to pass the existing State assessment. Prepared by Strategic Teaching, the report says Washington's math standards are too low, some subjects are not taught early enough, and there is not enough emphasis on math mechanics. It makes seven specific recommendations for math instruction. The State expects to recommend three-five commercial math programs that meet the State's math standards.

According to The Seattle Times, the Seattle school district is offering iPod shuffles (retail value - \$79) as incentives to get students who have failed the reading or math sections of the tenth-grade Washington Assessment of Student Learning (WASL) to enroll in a summer WASL-prep program. The programs are available at no cost but, as of mid-July, only 80 students have signed up to fill the 350 available slots. District officials attribute the low turnout to the fact that, last year, the State legislature voted to postpone the requirement that students pass the WASL math test until the Class of 2014.

# West Virginia Update

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As reported in the Charleston Daily Mail, the number of preschool programs in West Virginia has continued to grow. Enrollment of four-year-olds in prekindergarten programs has increased from 7,980 in 2004-05, to 8,942 in 2005-06, and to 10,673 last school year. Currently, according to State officials, ten West Virginia counties are serving all pre-K children without a waiting list, up from five a year ago. In Kanawha County, the State's largest school district, next year there will be 60 half-day preschool sessions in elementary schools and 28 sessions at other sites.

West Virginia has allocated \$10 million toward a school security effort according to Education Week. The funds are available to schools that apply for the money to improve safety through such basics as locks and doors. Applicants must commit to match 25 percent of the State grants.