
21st Century Community Learning Centers Offer Sales Opportunities for a Variety of Technology-Based Products

With the program now in its third operational year, more than 900 21st Century Community Learning Centers are operational. After a budget increase from \$453 million to about \$850 million for this year, there are numerous opportunities for a variety of product sales. Based on a report recently released by USED entitled “21st Century Community Learning Centers Providing Quality After School Learning Opportunities for America’s Families” (September 2000), virtually all centers provide courses and offerings which teach reading, math, and science, most of which is correlated to state content standards; 72% provide art and music enrichment programs for students while 64% offer social studies support activities; 70% engage in technology related activities such as computer literacy and training for both students and parents; and over 75% offer other types of enrichment activities. A recent survey of voters in communities where such centers exist conducted by the Mott Foundation and J.C. Penney found that the most important perceived outcomes of after-school programs are “to provide opportunities to learn and master new skills and improve academic achievement.” Also important is the development of social skills and opportunities for homework.

Almost 80% of the centers operate on an all-day or semi-daily basis and a third are open 20 or more hours a week. The average number of students served by a school district which has one or more Community Learning Centers is almost 700, while the average number of adults served is about 250. Over 85% of students served are at the elementary or middle school level. A summary of findings from a 1998 survey of community technology centers, many of which were funded by state and local resources (the Federal

21st Century Community Learning Centers initiative was just getting underway), as noted in TechMIS Washington Update, September 2000, another major funding source for extended learning programs, mostly after-school, are state “comp ed” funds in almost 30 states. Some Title I funds are also used to support after-school programs. The 1998 survey found that students at various grade levels spend between 110 and 135 instructional hours participating in such extended learning programs annually.

With the almost 100% funding increase this year, the 21st Century Community Learning Centers initiative, now in its third year, awarded \$213 million to 386 school districts on January 3. The competition for a new round of approximately \$200 million for after-school grants was also announced with proposals due March 30. Both offer good opportunities for potential sales of products that can be used in after-school programs.

Unlike most other ESEA programs, the 21st Century Community Learning Centers program is not “forward funded.” Hence, the USED recently funded 386 school districts who had submitted proposals that were reviewed last May which were “rated highly” but which were not funded until now when new funds became available. While the average grant was approximately \$500,000, some large districts received over \$1 million, including San Francisco; Duval County, Florida; and Prince Georges County, Maryland; among others. In many of these districts receiving new grants, numerous changes have occurred over the last 12 months when their proposals were originally written or the amount of funding requested could be different from that which they received. As a result, sales opportunities will exist in some of these districts. The January 3 press release (www.ed.gov/PressReleases/01-2001/010301.html) from USED includes the amount of funding received by the district, the key contact person, and a telephone number. The press release also highlights the types of activities that were proposed among the grantees, including tutoring and homework help, academic enrichment, college prep activities, technology education, drug and violence prevention counseling, and services for youth with disabilities. Firms with these types of product lines or

services should seriously consider contacting districts immediately to explore opportunities.

The Notice Inviting Applications for new awards under the 21st Century Community Learning Centers program, announced in the Federal Register January 3, will target rural or inner city schools or consortia of such schools and suggests some of the “invitational priorities” which should be included in grant proposals including:

- applications submitted by an LEA which includes at least one community-based organization that has experience in providing after-school services;
- projects that use a significant portion of funds to address substantial problems in Empowerment Zones or Enterprise Communities; and
- grantees which include at least four of the 13 authorized activities.

Some of the 13 activity categories include: literacy education; telecommunications and technology education for individuals of all ages; parenting skills education programs; employment counseling, training, and placement services for individuals who leave school before graduating from secondary school; and services for individuals with disabilities. Several “examples” of expanded learning opportunities noted in the application are instructional enrichment programs, tutoring, homework assistance, and opportunities to use advanced technology, particularly for community members who do not have access to computers or telecommunications at home. Grantee applicants must also clearly demonstrate how their projects are designed to help students meet or exceed state and local standards in core academic subjects.

The new application form, list of Empowerment Zones and Enterprise Communities, examples of successful applications, and a checklist of “dos and don’ts” when completing applications are available at www.ed.gov/21stccle/.

New American Schools (NAS) Guidelines for Selecting Vendors of Comprehensive School Reform Designs Could Have Significant Implications for Non-NAS Modeled Designers and Service Providers if Used Widely by Districts

The New American Schools, created late in the George Bush Administration (under a different name), has published a draft entitled “Guidelines for Ensuring the Quality of National Design-Based Assistance Providers” which was developed with the assistance of a “blue ribbon panel”. The guidelines and criteria included in the checklist, which is designed to be used by districts and schools, at the least provides a competitive advantage for New American Schools-supported model design providers. If it is widely adopted and used by districts, vendors and service providers of other comprehensive school reform solutions and/or components should be prepared to gather data on positive student achievement which is directly associated (if not correlated) with the use of their component solutions. As stated in the draft report, “Design-based assistance providers can use the guidelines as a tool to conduct self evaluations”.

The alleged need was based upon the increasing number (over 300) “comprehensive school reform providers” that have emerged according to NAS. Moreover, many of the current service providers, they argue, are being “challenged” in maintaining quality control over the services which they are providing.

As a prerequisite, the use of the “guidelines” requires the district to conduct a needs assessment which identifies a school’s strengths, weaknesses, opportunities and challenges under “indicators of success”. One important criterion is that the solution “demonstrates how the model has contributed to raising achievement for all students segmented by population, by meeting or exceeding state standards within 3-5 years”. Another is demonstration that the design has improved student performance, reduced discipline referrals, and reduced dropouts. Part of the comprehensive school design would include criteria related to whether technology “is integrated in the school

community to enhance instruction, assessment and administration.” Still another criterion is that the design draws on research that uses “reliable methods” and includes “evidence” of improving student achievement. Moreover, the vendor’s proposal should indicate how the needs assessment data and results are being used in customizing the implementation process and timeline for any design being proposed. Another critical criterion is whether or not the contract delineates roles and responsibilities between the provider and school, including “expectations for school commitment of resources”.

As reported in the April 2000 Washington Update , NAS has raised over \$10 million to be used for a number of purposes including improving the effectiveness of several of its original model designs that have been implemented over the last several years. NAS claims that some of the funds could also be used to provide support for other “promising approaches”. Many of the NAS school design providers were included by name as “models” in the Obey-Porter legislation creating the CSR program in 1997.

While the number of vendors with “model proven programs” on the list maintained by Northwest Regional Educational Laboratory has increased, so have criticisms from several national education associations, which hired American Institutes of Research to conduct their own assessment of the models to determine whether or not over 30 model claimants indeed had supporting empirical evidence that their programs worked. Many of these associations appear to be involved to varying degrees in the review of these new NAS guidelines through participation on the “blue ribbon panel.” If indeed these associations recommend that their constituents (e.g., elementary and high school principals) use such guidelines as a basis for selecting service providers, vendors and publishers with technology-based solutions should be aware of the types of data on effectiveness and other criteria which are going to be requested by school districts in the selection process. For a copy of the guidelines go to www.newamericanschools.org.

Annual Report to Congress Identifies Important Special Education (IDEA) Trends Over Last 25 Years

On the 25th anniversary of the passage of PL 94-142 (now IDEA), USED released its Annual Report to Congress on the Implementation of the Act and several important trends, some of which have direct implications for many TechMIS subscribers.

In 1975, when PL 94-142, the predecessor of IDEA, was passed, \$100 million of Federal funds was appropriated with the intent that Federal funds would eventually constitute 40% of total costs of implementing the mandated new special education programs. In FY 2000, the Federal portion amounted to \$6 billion; however it still represented only 10% of the total costs, which are estimated to be over \$60 billion. IDEA funding is, however, used to purchase over 50% of all technology-based programs, products and services used in special education programs. Over the last five years, IDEA expenditures per student served have increased from slightly less than \$500 per pupil to slightly over \$1,100 projected for FY 2001.

Since 1976, the percentage of special education students with specific “learning disabilities” has increased from 24% to 51% in 1997-1998, while the total number of students served has increased from 3.2 million to 5.3 million over the same time frame. The second largest category of disabilities is “speech or language impairment” which actually declined in terms of the percent of the total from 36% in 1976 to 20% in 1997-98. As previous TURNKEY surveys have shown, the types of instructional products used with learning disabled and speech or language impaired students are very similar to those computer-based products used in Title I, with the most widely used being writing software followed by other basic skills areas.

The report also includes information on graduation rates of different categories of special education students through 1997-98. Between 1994-95 and 1997-98, the percentages of

students with disabilities graduating with a standard diploma has increased gradually but continually from 23.5% to 25.5%. However, the percentage of special education students graduating with a standard diploma has varied considerably by state from a low of 6.8% to a high of 45%. Also, state graduation policies in 1997-98 varied considerably; for example, in nine states special education students had to meet all diploma requirements in order to graduate. Approximately 40 states at that time offered an alternative or modified diploma. New IDEA provisions that became effective this summer allow parents to require a school district to continue providing special education services through age 22 for their special education students if he or she did not receive a regular high school diploma. States with the largest percentage of special education students who graduate with a standard diploma included New Jersey (45%), Connecticut (38.7%), and Minnesota (38.5%); while those with the smallest percentage included Mississippi (6.8%) and Alabama (13%). These new mandates should result in significant changes in graduation rates among the states and, in a large number of states, should create a demand for effective programs which help students prepare for exit exams, basic skills remedial programs, as well as programs that help special education high school students transition from school to post-secondary education programs.

For the first time, the Annual Report addresses special education students with “co-occurring” disabilities. Approximately one-third of students with disabilities who receive special education and related services have at least two disabilities. The most common are learning disabilities along with speech/language impairment, and learning disabilities with emotional disturbance. Both parents and service providers agree that the adequacy of services for these students was significantly less than those services for students with only one disability.

Finally, the Report also traces the historical support provided by the Bureau of Education for the Handicapped during the 1960s and 1970s and subsequently the Office of Special Education Programs/USED in supporting the development, demonstration, and actual

marketing of technology-based special education technology-based products. During the 1980s, OSEP actively solicited firms and provided financial and marketing support to develop and adapt products which could be used by students with disabilities. The Office also provided financial support for states to have districts subscribe to SpecialNet which was an online telecommunications system which delivered over one million letters to Congress in 1982 when President Reagan attempted to abolish special education regulations for PL 94-142. Under the Technology Media Program as well as the Small Business Innovation Research (SBIR) program, funds are provided to for-profit and not-for-profit organizations for software development and research, and to publishing firms to develop products for this market. The report also highlights findings from a multitude of studies which have identified the critical ingredients related to the effective use of technology in special education, including administrative leadership, technical support, and release time to allow teachers to be trained and implement technology.

Any firm seriously considering entering the special education market niche should review the 22nd Annual Report to Congress in order to gain a perspective on significant trends and how to take advantage of funding and other opportunities in this growth market. For a copy go to www.ed.gov/offices/OSERS/OSEP/OSEP2000AnIRpt/.

New Early Childhood Longitudinal Findings Could Provide “National Norm” for Assessing Alternative Kindergarten Programs

The findings from the 1998-99 Early Childhood Longitudinal Study (ECLS) Kindergarten study have been released by USED and will likely become the early childhood “national norm” for K-1 program. The study focused on the following questions. What gains are children making from the fall of their kindergarten year to the spring of their kindergarten year in reading and mathematics knowledge and skills? Do these gains differ by child, family and kindergarten program characteristics? How do their knowledge and skills differ by child, family, and kindergarten program

characteristics? What gains are children making in specific knowledge and skills (e.g., recognizing letters, numbers, paying attention)?

The sample of 22,000 children in about 1,000 kindergarten programs is generally representative of kindergarten children and programs nationwide.

The findings were as follows:

- Children's reading scores increased by ten points from the fall to the spring, which was about one standard deviation.
- Math scores increased by eight points which again was about one standard deviation.
- Gains in reading and math knowledge skills did not differ markedly by child, family, program, and related variables.

With respect to specific cognitive and non-cognitive knowledge and skills in the area of reading, the pre-and post-test gains were greatest in beginning sounds (29 to 72 points) and ending sounds (17 to 52 points). In the area of mathematics large gains occurred in ordinality (21 to 56 points) and add/subtract (4 to 18 points). However, while the findings do indicate some improvement in specific skills for disadvantaged students, the "gap" between disadvantaged and more fortunate children exist as early as the kindergarten level. The risk factors took into account whether the student came from a single parent household receiving welfare, whether mothers have less than a high school education and whether English is not the primary language.

For publishers and distributors with early childhood programs, the ECLS findings constitute the first national benchmark (if not norm) of what is expected of students at the end of kindergarten. While some states have developed and are using different types of reading readiness tests, many rely only on those included in supplemental materials or textbooks. Very few states attempt to administer norm-referenced standardized tests at this level; for Title I reporting purposes norm-referenced tests can only be used down to

grade 2. The assessment instruments used in the ECLS -- which include student assessment instruments, teacher observation checklists, among others -- are available at the ECLS website and can be used by school districts to assess kindergarten progress using alternative kindergarten materials and programs. Vendors of such products may wish to administer these instruments in order to compare results of kindergarten students using their materials against national averages, taking into account the various risk factors. For a copy of the report go to www.nces.ed.gov/ecls/“thekindergartenyear”.

Technology Leadership and Knowledge of Administrators Likely to Emerge as a Large Issue Next Year

While professional development and teacher standards related to technology use have become a major issue over the last three years, particularly within this Administration and Congress, next year the focus is likely to turn to administrator leadership and knowledge-based decision-making related to the use of technology. In October, e School News sponsored the well-attended Superintendents’ Technology Summit in Palm Springs, California, where numerous speakers addressed the inevitability of expanded technology use implying the need for more indepth knowledge-based decision-making related to instructional and administrative use of technology.

A front page issue of Education Week (November 29, 2000) includes interviews with superintendents and other administrators regarding their perceived need for increased knowledge and perhaps direct training in the use of technology. The article states, “superintendents say what vexes them most is taking the practical step toward making their school technology ready”. As expected, many of the interviews relate to administrators’ perceived need to know how to react to politically sensitive areas such as: whether or not to use commercial Internet filters; whether students should be able to access websites which include advertising; whether to provide student data which could be used for market research; and other such issues. Or should they take a more proactive

role. As a former consultant and principal, one speaker noted administrators should address simple questions such as, “Is your school using technology efficiently to ensure the best possible teaching and learning; what is your current situation; how should you improve; and how will you improve?”

On December 12, 2000, ISTE held its second meeting with various stakeholders under its Technology Standards for School Administrators (TSSA) project. This followed an initial meeting of stakeholders in Denver earlier in the fall to review a “draft of standards” under eight categories ranging from foundation, knowledge, skills, and understandings to leadership for technology integration, to responsible and ethical leadership. Under these different categories more specific standards were drafted for review and comments by those attending the December 12 meeting. Examples included under foundation, knowledge, skills, and understandings: (a) “demonstrate understanding of technology operations and concepts”; and (b) “understand the potential technology offers for improving learning and teaching”. Under leadership for technology integration, an example would be: “model technology use which illustrates the vision for technology in schools”.

The ISTE Project Director of this effort -- which is supported by a USED PT3 self-development grant and a grant from NETSchools -- is Don Knezek, who also was involved in the development of the ISTE Teacher Standards and Competencies. As moderator, he emphasized that the draft standards were indeed drafts, and that he wanted respondents to provide constructive criticism in order to get perspectives of the various national associations representing education administrators as well as some of the university schools of education, particularly key administrator faculty.

Among the factors of which key project staff are keenly aware are the differences in district context which affect the specificity of standards. For example, in a school district with decentralized, site-based management, in order to provide technology leadership, a

principal would have to have “policy” as well as “implementation” skills and knowledge. Conversely, in a district with top-down management, leadership skills would likely focus primarily on implementation knowledge and skills. While many of the attendees felt that administrators, including superintendents, should model the use of technology (e.g., use personally sent e-mail to communicate with staff), others felt the standards should relate to providing guidance in the form of vision and expectations within cost constraints and that administrators should delegate specific implementation of configurations to technology coordinators or others more knowledgeable about technology’s potential and use.

The Project Director indicated that writing teams would be created early this year with specific drafts to be completed in February. TechMIS subscribers with whom we have discussed administrator standards have expressed interests in ensuring that standards address some of the problems which they have encountered. For example, one prevalent comment from marketeers is that a district’s instructional coordinator may understand the concept of “total cost of operation” and the need for including appropriate levels of professional development, while administrators (such as school business officials and financial officers) may object to such purchases due to the lack of knowledge and experience. Other vendors have pointed to problems related to funding, namely that many of the principals and even superintendents are not aware of the increased opportunities through recent flexibility provisions in Federal legislation that allow different Federal funds to be used to purchase technology under certain conditions (e.g., the new “incidental use” provision under IDEA, which allows IDEA funds to be used to purchase network solutions, sold on a site license basis, which can be used not only by special education students but all students in a school if the price is the same regardless of enrollment.)

The logical follow-up to development of technology standards for administrators would be ensuring that some funds are available to support professional development and

related activities to improve technology knowledge and skills among administrators. One way to achieve this would be to allow-- under Title III, Title II, Title VI, and other programs -- such funds to be used to support training for administrators. Over the last three decades, most ESEA programs limit the use of professional development to instructional staff. Indeed, a major issue over the last two years has been to ensure that more Federal dollars reach the classroom level for instruction as opposed to providing support for administrators. Another option would be to set aside a specific amount of funds at the Federal level for use in preparing administrators for more effective decision making related to technology use. Currently, one of the major funding sources for administrative leadership in the use of technology is the Melinda and Bill Gates Foundation which has provided multiple year grants to a large number of states in the range of \$1-\$3 million (see TechMIS state updates over the last 12 months.) The key person in Congress, who has proposed legislation in the past working through various education administrator associations, is Congressman Chet Edwards from Texas who for many years before coming to Washington was a key supporter of educational improvement in the Texas state legislature. If any TechMIS subscriber has specific questions, please feel free to contact Charles Blaschke directly.

Vendors who are interested in learning more about the TSSA project or wish to be involved should contact Don Knezek directly at 210/313-7538.

Web-Based Education Commission Reports Some Consensus on Issues Related to E-Learning and Should Serve as a Point of Reference for Future Debates in Congress and Among Other Policy Makers.

As expected, the Web-Based Education Commission, created by Congress last year with a mandate to submit a report to Congress within a year, does indeed address some of the issues related to expanded use of e-learning; however other issues reflect the positions and concerns of such entities as education associations and even the USED and other

Federal agencies which are the source of some of the barriers and problems confronting growth. One conclusion is that significant changes in the socio-political infrastructure of education will be required if the benefits of technology-based e-learning are to be realized and education reform is to have any impact.

One prime example is: “Too often today’s tests measure yesterday’s skills with yesterday’s testing technology --- paper and pencil... This mismatch between reforms and testing leads many to underestimate the impact of technology.”

In the December 19, 2000 press conference, Senator Robert Kerrey (Dem, NE) was asked by a reporter how big a barrier is represented by current assessment procedures. He responded, “very big”, strongly suggesting that this should be one of the issues to be address by Congress. In the past, the Senator has been very leery of the NAEP test scores which found computer-using students did worse on the 1994 and 1998 NAEP writing assessments than students who did not use computers, attributing poor results to the fact that all students had to use “paper and pencil” to take the test.

Another important issue addressed over the last several years in several TechMIS reports is the lack of clear guidelines on the “fair use” doctrine and its application in web-based education. Over the last four years, several attempts by the Conference on Fair Use (CONFU) have failed to develop guidelines because of differences primarily between software publishers’ associations, and various library groups, including the ALA. The Commission “endorses the U.S. Copyright Office proposal to convene education representatives and publisher stakeholders in order to build greater consensus and understanding of the fair use doctrine and its application in web-based education. The goal should be agreement on guidelines for appropriate digital uses of information and consensus on the licensing of content not covered by the fair use doctrine.”

The area in which the Commission appears to have reached greatest consensus and developed more specific recommendations is in the area of removing regulatory and other barriers to e-learning or, in the words of the Commission, “what is needed in short is a wholesale rethinking of the regulatory foundations governing our educational institution. The Internet cannot be ignored in any such effort of regulatory reform.” At the preK-12 level, the report cites specific issues identified by witnesses, including: (a) attendance policies that set the number of hours and days in the classroom by defining measures of achievement alongside other indicators of academic progress; and (b) transfer of teacher and student certification policies from district to district and state to state which inhibits the growth of online delivery of instruction and increases disincentives for the development of new online learning models. At the postsecondary level, the 12 R rule and the 50% rule (included in regulations by USED during the 1990s) have come under fire from distance learning providers from various private and public sectors which have called for an elimination of such rules or a moratorium on their enforcement. Most of the issues relate to whether seat time is necessary for a student to receive financial aid under the Pell grant and related programs.

Conspicuous by its absence was any discussion of “unfair competition” with private sector software publishers from Federal and/or state governments or subsidized nonprofit organizations. We and SIIA addressed this issue in our testimony citing the USED Federal Resources for Educational Excellence (FREE) website as a case in point. Rather, the Commission report states that “traditional content providers – publishers and software developers – are increasingly joined by new providers of online content. For example, the U.S. Department of Education sponsors Gateway to Education materials containing more than 14,000 lesson ideas and learning resources from over 200 organizations.” The Commission then identifies examples of different types of materials including the FREE website. Within states it notes, “the good news, however, is that some states are beginning to respond by investing in approaches that provide web-based content for educators when and where they need it.” One significant conclusion the Commission

notes, “Unless school districts and states create significant demand for innovative online learning materials, it may not be economically feasible for many online education content providers to stay in the business.”

The report addresses privacy and protection issues including forced advertising in return for free products and online access. It repeated concerns of numerous witnesses about the recently passed Children’s Online Privacy Protection Act (COPPA) and the recently Congressionally mandated use of filters or blocking software under the E-rate and other Federally-supported technology efforts. In several chapters, the Commission is to be commended for providing descriptions of alternative solutions to problems such as student privacy and protection. During the press conference, the Association of American Publishers came out very strongly against COPPA, accusing Congress of “going too far”.

In addition to relatively strong statements by Senator Kerrey and AAP Executive Director Pat Schroeder, other guests or commissioners expressed strong feelings on certain issues. For example, Jack Christie, former State Board of Education Chairman in Texas and advisor to President-Elect Bush, felt that technology and e-learning could provide a unique opportunity for special education students to grab on to the “brass ring”; that technology could contribute enormously to accountability, equity, and excellence in providing the most up-to-date information to students and teachers; and that technology can be used to “tailor instruction to individual student needs”. He mentioned the multifaceted pilot demonstration and evaluation currently being conducted in Texas incorporating different technology configurations ranging from laptop computers to more intensive configurations. Congressman and Co-Chairman Johnny Isakson (R, GA) from Georgia felt that more dollars should be provided for research and development with the intention of identifying the “best practices.” Most of the R&D would be conducted by universities. In response to a question from a supporter of the Alliance for Children asking whether a moratorium should be placed on expanded use of technology until we

know more about the effects, Senator Kerrey challenged her to select the most technology-rich schools in the country and to compare those schools with high tech industry to see how far behind the schools are in the use of technology, not only for instruction but for more efficient operations. Congressman and Commissioner Chaka Fattah (D, PA) responded that 20 years ago he had reviewed data on the use of the PLATO program being marketed by Control Data Corporation which clearly showed that it was much more cost-effective in teaching GED prep than alternative approaches.

The Commission did not recommend specifics on how to move from “promise to practice” regarding web-based education. Rather it identified issues, problems, barriers and alternatives that should be addressed in more detail and quickly by policy makers to ensure that the promise of the Internet does not dissipate and that existing barriers to realizing its benefits are reduced. The entire report is available on the Web-Based Education Commission website which is at <http://www.hpcnet.org/webcommission>.

USED Releases Second Five-Year National Technology Plan Which Recommends a Multi-Faceted Approach for Ensuring Development of Quality Digital Content

About the same time the Web-Based Education Commission Report was released, USED’s Office of Educational Technology (which provided offices for the Web Commission) released “e Learning: Putting a World-Class Education at the Fingertips of All Children”, the second five-year education technology plan. Several of the recommendations should have implications for many TechMIS subscribers, particularly those involved in developing or even transmitting quality digital content.

Under Goal V, “Digital Content and Network Applications Will Transform Teaching and Learning”, one approach which is recommended would “encourage the aggregation of demand for resources and services to attract better and more effective technology-based

services for improved teaching and learning.” Because of the large up-front cost and investment of resources, USED recommends that state and local education agencies, as well as associations and other organizations, should experiment with ways of aggregating purchasing power (e.g., through state-wide licensing, multi-state RFPs, etc.). If so, according to USED, “Content developers can be encouraged to make the large up-front investments required to develop high-quality interactive content.” A related recommendation would have the “Federal government, states, districts, and national education organizations and associations form ‘incubators’ to develop promising new ideas and ventures for education and commit resources to help bring to fruition the ideas with the greatest potential for education.”

Both of these recommendations have been included in numerous reports beginning with a series of committee reports from the Council of Economic Advisors during the 1960s which would have used the purchasing power of the military to encourage the development of computer-based instructional programs to be used in the military and then “spun-off” to the civilian side. During the 1990s, a small amount of DoD funding was set aside for implementing such initiatives which has resulted, within the last 12 months, in the commercialization of a limited number of high-quality products (e.g., intelligent tutors) into the civilian market. During the December 19, 2000 press conference, Web-Based Education Commission Co-Director, Senator Bob Kerrey noted similar opportunities being offered in the United States Department of the Army’s large (over \$600 million) procurement to provide laptops and free instruction for enlistees. He also noted that a similar large-scale effort would be difficult in public education because of “local control” issues which really don’t exist, at least conceptually, in the military.

On the civilian side, efforts to aggregate demand to encourage development of innovative approaches have been limited. The creation of consortia under the E-rate program could have benefited not only E-rate eligible districts but also those that were not eligible. However, only a small number of success stories actually occurred during Year 1 or Year

2. Several states, such as Virginia, are experimenting with large-scale statewide purchases. However, as described in the Virginia RFP, it would appear that the time allocated to the winning contractor to “develop” innovative approaches for assessment and remediation has been extremely limited. While the above USED recommendations could have positive implications, if adequately funded and seriously implemented at various government levels, one somewhat discouraging, but not surprising recommendation, is the “continuation and expansion of projects like Federal Resources for Educational Excellence (FREE) which contains hundreds of Federally supported education resources from over 30 Federal agencies [which] will contribute to this effort [making online content available].” Most would agree that the Federal government should make available public domain digital content in their market areas where the private sector has no incentive to invest. However, when such public domain software competes with private sector efforts, it becomes a form of unfair government competition; hence, the incentives for private sector investment in development of quality content is certainly reduced.

For the most part, the second five-year plan is pretty much a continuation of the first five-year plan. With the new Administration taking the reins of the Executive Branch shortly, one can anticipate numerous efforts to revise the plan, if not develop a totally new plan regarding the Federal role in education technology over the next four years. One might anticipate greater involvement of the private sector in developing and providing the quality digital content through various types of incentives and perhaps more serious efforts to identify what technology configurations work best. These might reflect some of the “planned variation evaluations” under way in Texas which were largely influenced by former Texas State Board of Education Chairman, Jack Christie, who is also an advisor to President-Elect Bush. For a copy of the plan, go to www.ed.gov/Technology/elearning/index.html.

USED Office for Civil Rights Releases Final Report Entitled “The Use of Tests When Making High-Stakes Decisions for Students: A Resource Guide for Educators and Policy-Makers”, which is Also a Must-Read for Publishers and Online Content Providers for Special Education and Limited-English-Proficient Niche Markets

After several years of draft, redraft, etc., USED’s Office for Civil Rights in December released the final version of its resource guide on high stakes testing. As the cover letter from Norma Cantu Assistant Secretary for OCR states, the resource guide has been developed by OCR in an effort to assemble the best information regarding test measurement standards, legal principles and resources to ensure high-stakes consequences for students are educationally sound and legally appropriate. The resource guide is intended to reflect existing test measurement and legal principles. The letter also cautions practitioners that the guide does not supplant applicable Federal requirements and that interpretations may change over time or in specific state courts. However, this guide is the first attempt to tie legal requirements and principles directly to the new standards for educational and psychological testing (referred to as the Joint Standards) adopted in 1999 by the American Educational Research Association, the American Psychological Association, and National Council on Measurement in Education, the three organizations most involved in test measurement and related issues. The resource guide also strongly urges that Joint Standards criteria be used not only by practitioners, but also by publishers and test developers.

The introductory chapter provides in “almost layman” wording of the most important Joint Standards test use principles which include:

- placement decisions, which usually determine the kinds of program services or interventions most appropriate for specific students;
- promotion decisions, which determine whether the student has mastered the subject area or content of instruction, and whether the student is likely to be able to master content at the next grade level; it emphasizes that there be evidence that the test adequacy covers only the specific or

generalized content and skills that the student has had an opportunity to learn;

- graduation decisions, which are generally certification decisions, be based upon whether students are provided a meaningful opportunity to acquire the knowledge and skills that are being tested and information should indicate an alignment among curriculum instruction material covered on the test used as a condition for graduation.

The primary target population and related issues addressed in the guide relate to “inclusion” and “accommodations” for limited English proficient (LEP) students and students with disabilities. Most of these issues have been addressed in numerous past TechMIS reports, particularly during the Spring and Summer of 1999, for special education students when the new assessment requirements under IDEA become effective in July. Moreover, the guide also addresses the emerging body of guidelines related to the use of tests in high-stakes decision-making for students that have surfaced in recent Federal and state Supreme Court rulings. Many of the recent Federal and state constitutional decisions have related to “due process” under the doctrine of “fundamental fairness” that students have a reasonable opportunity to learn the material covered by the tests where passing the tests is a condition of receiving a regular high school diploma or grade-to-grade promotion. The area of “fundamental fairness” is one in which changes and variations will likely occur among the states over the next few years.

The role for technology and hence the opportunity for vendors with products for LEP and special education students falls in two areas: (a) technology used to provide unique opportunities for LEP or special education students to access quality content and learning by compensating for handicapping and/or language barriers; and (b) opportunities for providing reasonable accommodation and alternative assessments, both of which are being required more and more among the states and under Federal law regulations and court interpretations. For all students there is also a role for technology to ensure not only that lessons and materials assigned to students are aligned with state content standards and assessment domains, but also that students actually cover the materials

adequately at the classroom level. The latter has been a major focus of attention based upon recent studies from the University of Wisconsin which found that the degree of materials covered and state test domains administered ranged between a high of 45% to a low of 5% in one state. (See TechMIS Washington Update, July 1999).

In December, a small but important meeting was held among members of the Software Industries Information Association, the USED Office of Educational Technology, and Assistant Secretary for Special Education Judith Heumann, to discuss Section 508 draft regulations which would require software and even websites that provide education content for students be accessible to those with various handicapping conditions. Thus far, such access issues have related to the availability of content in Braille format as part of statewide textbook and supplemental materials adoption. Such regulation would go far beyond this focus. Moreover, under Section 508 of the Rehabilitation Act, Federal officials have published final regulations related to numerous accessibility requirements for any technology-based products and solutions purchased by the Federal government (see related item and go to www.section508.gov). In December, during the Improving America's Schools Conference, studies were released by the Center for Advanced Technology and Education and the Center for Electronic Studying clearly indicating the ways that different technology aids, assistive technologies, and access adaptations have been effective in increasing student access to learning opportunities for both special education and LEP students (for more information go to www.ces.uoregon.edu or Education Daily December 20, 2000.)

The use of technology to provide reasonable accommodations during assessments would appear to be the high growth area now and in the immediate future providing greatest opportunities for technology vendors. This demand has been created primarily by state and Federal laws and regulations including: (a) the use of high-stakes testing in over 30 states; (b) increased pressures to enforce assessment and accountability systems used by the states in Title I programs (see related Washington Update Item); (c) the increased

demand for alternative types of assessments called for in IDEA and Supreme Court decisions related to LEP students; and (d) the availability of funding to address state assessments which go beyond state content and performance standards. Any vendor of print, CD ROM, or Internet-delivered content, which also includes opportunities for teachers and/or administrators to provide reasonable accommodation for special education and LEP students in conducting state assessments or alternative assessments (e.g., embedded test mastery items which could be considered valid alternative assessments), would have a major advantage over vendors without such capabilities and offerings.

The OCR report also includes a listing of the types of accommodations used in large-scale testing for LEP students and students with disabilities based upon a 1999 survey by the CCSSO. Some of the major accommodations for LEP students across the states include: presentation formats such as translation of directions into native language; use of word lists/dictionaries; and large print. Those related to “response format” include allowing students to respond orally in their native language and use of technology. Accommodations for students with disabilities which are widely used and could be technology-delivered or could include use of spell checkers, translation into sign language, templates to reduce visual fields, among others. Response format accommodations could include point-to response, use of templates for recording, and use of computers and word processors, among others.

The Resource Guide published by USED/OCR is a must reading for designers/developers and marketers of technology-based and technology-delivered content and instructional materials which could be used in niche markets with large enrollments of special education and LEP students. The full text of the resource guide is at www.ed.gov/offices/OCR and is also available on a computer diskette.

Final Regulations on Electronic and Information Technology Accessibility Standards Will Affect Publishers Selling or Licensing Multimedia Products to Federal or State Agencies

On December 21, 2000, the Architectural and Transportation Barriers Compliance Board published final regulations on electronic and information technology accessibility standards related to passage of the 1998 Section 508 amendments to the Rehabilitation Act of 1973. Effective June 27, 2001, any products purchased by or developed for Federal agencies must meet the new accessibility standards which primarily are used to provide accommodations for hearing- and sight-impaired individuals. In addition, any state which receives Federal funding under the Tech Act State Grant Program (which all states do) are also required to comply with new Section 508 standards. However, the effective date of this provision will not be set until USED publishes final regulations or non-regulatory guidance. Among the six categories of “technology” for which the new accessibility standards apply, is “video or multimedia products” which includes video programs, narrated slide productions, and computer-generated presentations. The standards address caption decoder circuitry and secondary audio channels for television tuners, including tuner cards for use in computers. The standard also requires captioning and audio description for certain training and informational multimedia productions developed by Federal agencies. Viewers must be able to turn captioning or video description features “on” or “off.”

Although Section 508 regulations related to accessibility standards are supposed to apply only to Federal agencies and subsequently to states, a meeting was held between SIIA and USED officials in December to discuss the implications of the accessibility standards on educational agencies for vendors. Depending upon USED’s final guidelines for states receiving Tech Act funding, if a state licenses a software product for use by districts, then the accessibility standards would apply to such a product. This could have direct implications as more and more states or state-subsidized regional entities are licensing software and online content for districts or members of their consortia. On December 22,

the U.S. 8th District Court of Appeals ruled that a state that receives Federal funding (in this case Arkansas), was not entitled to “sovereign immunity” from having to comply with Section 504 of the Rehabilitation Act of 1973. In this situation, a lawsuit was filed against one of the 16 area education agencies in Arkansas, which is funded by the state.

Although the preface to the new Section 508 standards states that its scope “does not apply to the private sector nor does it generally impose requirements on the recipients of Federal funds”, the first major impact will be upon publishers and online content providers who are seeking statewide licenses and that impact could be felt very soon. For those firms needing information and assistance in making their products/services compliant with Section 508, one good source is the RESNA website at www.resna.org/taproject, or call Nell Bailey (703)524-6684. For a copy of the final regulations go to the Federal Register, December 21, 2000, page 80500.

Title I Update

A number of new reports or compilations of data by USED recently made available to the press suggest important trends in the Title I program. Highlights are noted below.

Title I Participation

The number of districts participating in Title I have declined (between 1997 and 1998) from about 13,400 to 12,900, while the number of schools increased from 45,700 to 47,600. During the same time frame, the number of school-wide programs increased 28% to 19,200. While the number of students participating in Title I increased from 11.2 million to 12.5 million, due largely to the increase in school-wide programs where all students can be served or at least counted. The participation rates of LEP, migrant, special education, and other such students remained the same. One important increase

for technology vendors was the number of Title I schools “targeted for improvement” which increased from 7,600 to 9,200 between 1997 and 1998; the biggest percentage increase was among school-wide programs.

In terms of subject matter taught, 81% of Title I students in Targeted Assistance Schools received reading/language arts instruction which dropped almost 13 percentage points compared to the previous year, while 51% received mathematics instruction which is an increase from 46% the previous year. The percentage of Title I schools operating extended learning programs increased 15% to almost 16,000 schools. In Title I school-wide programs (in which all students can participate), Title I students are likely to receive instruction in regular reading/language arts and math programs which may be supplemented and provided in a remediation format.

Over the 1997-1998 time frame, the number of private school students participating in Title I jumped 15% from about 167,000 in 1997 to 193,000 in 1998. During that time, the Aguilar vs. Felton Supreme Court ruling was overturned by the 1997 Agostini decision. Using Title I “capital expenses” funds, many districts provided to non-public schools mobile vans with computer-based instruction to provide instruction because the earlier Aguilar vs. Felton court case ruled that public school teachers could no longer go to private schools and provide instruction to eligible private school students. Agostini overturned that and since that time, public school teachers have slowly begun returning to private schools to provide remedial supplemental instruction under Title I. The effect upon computer-assisted instruction and contractor operated tutoring programs has been great, particularly in certain cities where such operations no longer exist. Moreover, because the capital expenses budget has been reduced since Agostini from about \$40 million to about \$20 million for FY 2001, funding for mobile vans has pretty much dissipated. As far as software and instructional technology sales are concerned, however, such configurations can continue to be used for remedial and supplemental instruction

purposes in private schools and can, once again, be under the direction of public school teachers vs. private contractors.

Title I participation rates are summarized in Title I Report (December 2000) or go to ed.gov/offices/OUS/DES/used/eseatitle1.pbs.

Title I Reauthorization Positioning

For the first time in its history, Title I, which is part of ESEA, was not reauthorized as scheduled last year but must be reauthorized in 2001 in one form or another for its continuation. As a result, positioning for reauthorization has increased in both political parties and within the new Administration to take over in January. Highlights are noted below.

USED has announced that it will be publishing an update to its 1999 National Assessment of Title I which will include more up-to-date information on Title I including state accountability efforts. According to Title I Reports (December, 2000), the update will be released in January 2001.

The Independent Review Panel which advises USED on this Title I National Assessment, is planning to release its own report, most likely in January/February. The IRP as a whole -- or in some cases by some of its most vocal members -- is likely to take the following positions:

- Title I should be used to leverage more states toward tying Title I to standards-based reform and to use new assessment and accountability systems in Title I;
- Congress should attempt to incentivize more states to set expectations in terms of “adequate yearly progress” at higher levels while using fewer “cutoffs” and more growth increments for students at different levels;

- Title I funds should be more targeted to high-need schools and some of the recently-created tangential “initiatives” funded under Title I should be reduced or funded as separate programs (e.g., CSRSD); and
- Congress in the next appropriation should drop or radically reduce the “hold harmless” provisions in Title I funds allocation which is a major lost opportunity for districts that experience large increases in poverty student enrollments; “hold harmless” provisions divert funds to districts with reductions in Title I eligible children.

Positions on Consolidation

During the Title I reauthorization debate of 1999, the inevitability of some type of block grant consolidation involving some ESEA programs surfaced. Indeed, the Administration even proposed a block grant consolidation of various staff development initiatives including Title II, Goals 2000, Title VI, among others. At one time or another over the last year, the Association of School Administrators which in the past has been an ardent opponent of block grant consolidation (because of long-term reduced Federal funding due to a lack of political constituency), supported block grants as long as the integrity and identity of funding “streams” remained. As reported in Title I Report (December 2000), Past President Elizabeth Pinkerton of the National Association of Federal Education Program Administrators called for a consolidation of Federal programs aimed at poor children, those with special needs, teacher recruitment and quality, and accountability. Jack Jennings, who was involved beginning almost three decades ago in ESEA while staff director of the House Education Committee, argued that if one sees the inevitability of some form of consolidation, targeting should be an important part of that consolidation. Previous reports have shown that if states receive block grants without “targeting”, they are likely to allocate funds along state funding allocation formula which are detrimental to poor districts and poor students (see GAO Report in Washington Update October, 1998).

Thus far, President-Elect Bush has called for greater flexibility for states in return for accountability -- particularly in Title I -- and the only large block grant consolidation

would involve technology programs including the E-rate which, as noted in the last TechMIS Report, would require significant new legislation which in fact could kill the program. With the selection of Superintendent Rod Paige, Houston Independent School District, as nominee for Secretary of Education, the Bush strategy may be to build upon the existing flexibility in ESEA, and particularly Title I, encouraging charter schools rather than vouchers as the flagship of the “choice” position. It would increase accountability primarily through assessment in Title I with sanctions (including funds “cut off”) for schools that fail to increase student scores. The key to the new Administration’s position will be the proposed FY 2002 budget.