

# **Reading First Prescriptive Mandates Have Already Impacted Education Agencies and Have the Potential For An Even Greater Impact In The Future**

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

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Several recent reports have concluded that the Federal Reading First program and its prescriptive mandates have already had an impact on education agencies at various levels and, in turn, the instructional materials marketplace. Related impacts could extend to other Federal and state reading programs. The Center on Education Policy, which is documenting the implementation of NCLB, released its most recent findings on Reading First implementation at the state and district levels, concluding that, “Relatively little attention has been paid to Reading First, according to CEP survey data and other indicators, but the program is a ‘sleeper’ that could have a significant impact because of its budget, the involvement of all states, and its unusual degree of specificity for a Federal education program.” And, as CEP President Jack Jennings noted in Education Week (June 8, 2005), “We can say Reading First is having an impact --- districts are changing their Reading Programs --- but we don’t know yet if that’s for the better or for the worse.” That Education Week article, however, cited performance reports submitted by several states in the Fall 2004 as providing “anecdotal proof” that Reading First’s prescriptive mandates not only have affected schools and districts, but also, in certain states (e.g., Florida), appear to have contributed to increased student reading scores on state assessments.

The CEP report, entitled “Ensuring Academic Rigor or Inducing Rigor Mortis?: Issues to Watch in Reading First,” found that Reading First is being implemented in a “remarkable, consistent” manner across the states in several areas. In two areas, there exists “dramatic consistency” --- the use of the

Dynamic Indicators of Basic Early Learning Skills (DIBELS) in the states' assessment designs for Reading First and the use of A Consumer's Guide to Evaluating a Core Reading Program, Grades K-3: A Critical Elements Analysis. CEP found that 37 states required the use of DIBELS as part of or all of local school district assessments, with five additional states including DIBELS in a list of instruments from which districts could make selections. In their grant applications, 42 states indicated that they would use the Consumer's Guide at the state or local level in selecting instructional interventions. CEP examined the influence of the peer review process on these two items by comparing the initial application from ten states to the final versions and found, "In each case, 4 of the 10 states added DIBELS and the Consumer's Guide to their application after initial review and none dropped either item. In all, 9 of 10 states are using DIBELS and 8 of 10 states are using the Consumer's Guide." Both DIBELS and the Consumer's Guide were developed by the University of Oregon.

In his new policy brief, entitled "No Child Left Behind: Where Does the Money Go?," Gerald Bracey attributes the remarkable similarity across states to the influence of a select group or "in group" of researchers, national reading panel members, and others involved in the design of Reading First, and USED "energetically promoting" the Consumer's Guide.

As the CEP report notes, neither Reading First legislation nor USED requires districts to use a specific reading program. States must require schools which receive Reading First funding to adopt a "scientifically-proven" curriculum with "explicit and systematic instruction" being provided in all five essential reading elements (e.g., phonemic awareness, phonics, vocabulary, fluency, and comprehension). The April 2002 Federal Guidance states that Reading First activities "will not be layered on top of non-research-based programs already in use." Hence, the selected Reading First intervention must replace the existing curriculum. Interestingly, on June 16, the Institute on Education Sciences published a notice in the Federal Register inviting comments on proposed priorities. They stated long-term goals for IES as threefold, "First, to develop or identify a substantial number of programs, practices, policies, and approaches that are effective in enhancing academic achievement, and that are widely deployed and well-implemented; second, to identify what does not work and what is problematic and thereby encourage innovation and further research; and

third, to develop dissemination strategies and sources of information on the results of education research that are routinely used by policymakers, educators, and the general public when making education decisions.”

In addition to the peer review process and the influence of the “in group,” the second factor contributing to the consistency in Reading First implementation across states, is that CEP found 40 of 49 states felt USED was enforcing the Reading First program “strictly” or “very strictly.” States felt that USED enforcement was slightly greater in only one other area -- AYP progress requirements. Interestingly, only 15 states perceived USED enforcement as “strict” or “very strict” regarding requirements for the use of scientifically-based research (SBR) in selecting materials. The CEP report also found that only two states cited Reading First as having had positive effects on NCLB implementation in the state; both related to increased support and funding for professional development. CEP noted that no state included any recommended changes in the Federal Reading First program. The significant differences in state perceptions of USED enforcement between Reading First program provisions and scientifically-based research (SBR) provisions could be attributed to a degree of “fatalism” and concern that the SEA could lose large portions of its 20 percent state set-aside under Reading First if it complained or requested changes. Or, on the other hand, states could perceive that the operational definition of scientifically-based research, as applied to Reading First, was significantly different from that applied to other programs such as Title I. In his policy brief, Bracey cites an article by Kathleen Kennedy Manzo in Education Week (September 15, 2004) in which she argued that many Reading First-approved interventions did not meet the SBR gold bar. Specifically, “They don’t have randomized studies pitting their product against other methods or materials. The studies they have commissioned have not been published in quality journals; the companies have not documented improvements in student achievement across the range of schools and students. The programs have thrived, however, on their reputation among educators as having met the specified --- and perceived --- research standards in the Reading First legislation which is part of No Child Left Behind.”

The gold bar for SBR in Reading First appears to be whether or not an intervention or reading product is on the state adopted or recommended list, regardless of the basis, justification, or rationale

for being placed on the list. For other Federal programs, the type of evidence and the rigor of research and evaluation designs to determine the effectiveness of a particular intervention vary significantly among programs, partially as a result of perceptions by either states or districts of low SBR enforcement.

The emerging bottom line question for many publishers is: to what extent will Reading First prescriptive mandates and requirements impact other Federal and related reading programs? Part of the answer will depend upon its impact on reading achievement for students participating in current Reading First programs. At least three national evaluations are currently underway but will not report findings until 2006. For most states, the state performance reports which are supposed to include state assessment results in Reading First schools will not be available until this Fall. As noted earlier, the Education Week June 8 article, which was based upon a review of state performance reports submitted in the Fall of 2004, cited evidence for states such as Florida that students in Reading First schools appear to do somewhat better on state assessments than those students not participating in Reading First programs.

The Bracey Policy Brief and CEP report, along with the Education Week review, strongly suggest other areas of impact. The CEP study identifies one issue which should be addressed by policymakers: “Will Reading First districts change their Title I reading programs to use approved or recommended Reading First programs in Title I?” The Education Week (June 8) article specifically identifies California as a state which is “strongly encouraging” non-Reading First schools, including Title I schools, to purchase products on the state list of approved basal and supplemental materials, which include some Reading First programs. Bracey raises a related question regarding whether the Reading First approved materials for grades K-3 will be expanded beyond grade 3 into higher level reading programs, and also whether non-Reading First schools will be required to adopt such programs in the districts. Most states also report that the state 20 percent set-aside for professional development and technical assistance is also available for districts and schools which have not received Reading First grants. As the Education Week article noted, Florida reported that the SEA Reading First program has trained (or supported training for) 16,000 of its 35,000 K-3 teachers in research-based methods, and opening up Reading First training sessions to all K-3 teachers and

administrators in the state. The Education Week article also cites an incident in Madison, Wisconsin, where the superintendent withdrew five schools from the Reading First program because they disagreed with the recommendation from the Oregon Reading First technical assistance center staff that the district should “abandon its existing literacy program and adopt a commercial series,” according to Superintendent Art Rainwater.

As we have predicted over the last two years and in our last Special Report analyzing draft IDEA regulations, many of the prescriptive measures relating to Reading First requirements will likely apply to “early intervening services” and to implementation of Response To Intervention provisions. The impact could be immediate as the three regional Reading First technical assistance centers have been funded to help states select alternative assessment instruments and interventions for “academically disabled students” referred to as “gap” students. As Jack Jennings, President of the Center on Education Policy, noted in a recent discussion, the Reading First program is beginning to receive the policy scrutiny it deserves because it is the White House flagship program; and as the Education Week article notes, “complaints that the Federal program tends to favor a handful of reading texts and experts have persisted since the program rolled out in 2002. Federal officials have tried to dispel misconceptions that an approved list of products or consultants exist. Over the past several years, however, educators and publishers have continued to complain that the program is overly prescriptive.” Earlier this year, Robert Slavin, founder of Success for All, filed a legal complaint with the Office of Inspector General at USED alleging that districts have been pressured to select other commercial programs, other than Success for All, even though he argued that Success for All has perhaps the strongest research base of any commercial reading program, as reported in Education Week (May 11). The Office of Inspector General work plan for 2005 (submitted in the Fall of 2004) called for some audits of the peer review process used in approving state applications for Reading First funding. No findings have been announced thus far.

Given the amount of controversy surrounding the existence or nonexistence of official or unofficial lists of USED approved assessments and interventions for Reading First during 2002 as reported in the media and highlighted in the Bracey Policy Brief, it is conceivable that some education entity (i.e., an SEA and/or local districts) could file a lawsuit using the exact language in the Law as the

basis of the lawsuit, similar to what the National Education Association has done regarding “unfunded mandates” prohibitions in NCLB. The Reading First Act does state, “Nothing in this Act shall be construed to authorize an officer or employee of the Federal government to mandate, direct, or control a State, local education agency or a school’s specific instructional content, academic achievement standards and assessments, curriculum, or program of instruction, as a condition of eligibility to receive funds under this Act.” The plaintiff would not likely be a state education agency because of the enormous amount of funding set aside at the state level (slightly over \$200 million across the states) which could be removed. The most likely scenario for such a lawsuit would be a district or group of districts which would like to use a “home grown version” which has demonstrated its effectiveness in non-Reading First programs in the district or elsewhere.

We plan to continue monitoring developments in this area for TechMIS subscribers. In the meantime if a firm has one or more products on an existing Reading First or other state list of recommended basals or supplemental materials they should continue to collect evidence on the effectiveness of its programs. As the number on the list increases through updates, district officials will continue to apply their criteria for selecting specific programs among the alternatives on the list and do take into account new evidence which becomes available (see enclosed Washington Update item on Senate Report). For all products that are not included on state or district official or unofficial lists, firms should provide supporting evidence on their effectiveness, particularly in similar district settings with similar student populations. District officials’ interpretations and perceptions of the most important SBR-related criteria vary significantly. For a copy of the CEP report go to [www.cep-dc.org](http://www.cep-dc.org) (202-822-8065). The Gerald Bracey policy brief is available at <http://edpolicylab.org> (480-865-1886).