

Alabama Update – October 2005

Alabama offers free online tutoring for its fourth- through twelfth-grade students from 3 P.M. to midnight, seven days a week. Students can receive live assistance from trained professionals in English, math, science, and social studies. Begun in 2002 in ten public libraries, the program will expand to all 219 public libraries in the State this school year.

The Birmingham News reports that, as of early September, Alabama had enrolled more than 4,000 students displaced from Louisiana and Mississippi by Hurricane Katrina. State officials estimate the cost of the disaster to Alabama schools will exceed \$43 million, including as much as \$20 million to hire at least 250 additional teachers for displaced students from other states.

As reported in Education Daily, September 22, at the present time SEA officials have indicated that they do not plan to request waivers from provisions under NCLB related to assessment and calculation of AYP for all schools. This is partially in response to the letter sent by Secretary Spellings to Mississippi State Superintendent Bounds a week earlier that indicated USED would postpone any consideration of such a waiver request until later. Officials, however, did indicate there may be a need to request approval of amendments to their state accountability plan in order to serve displaced students who would now be designated as homeless under the McKinney-Vento Homeless Assistance Act.

Arizona Update – October 2005

Currently, scores of English language learners in Arizona Instrument to Measure Standards (AIMS) are not counted during their first three years of English instruction. Arizona is the only state with such flexibility. The U.S. Department of Education (USED) is determined to require the State to count these scores, while Arizona is trying to convince USED to continue the current practice.

As reported in Education Week, the Arizona legislature has approved a K-12 education spending plan for FY 2006 that provides \$4.3 billion, a ten percent increase over the previous year. Included in the package is funding to expand the State's voluntary full-day kindergarten from the 10,000 students served in 2004-05. The legislature also passed a bill that would address the need for adequate funding for English language learners. The Arizona Center for Law in the Public Interest has filed a court motion asking the Federal government to withhold the State's highway funding as a sanction for failing to provide such funding.

As expected, the U.S. Department of Education has ruled that Arizona's for-profit charter schools cannot receive Federal Title I or IDEA funds. The rationale for this ruling is that, in Arizona, charter for-profit schools are independent entities, whereas, in other states they are subcontractors of a not-for-profit organization. Serving 12,000 students, Arizona's for-profit charters stand to lose \$3.6 million in funding for the 2005-06 school year.

The Arizona State Board for Charter Schools is developing criteria for charter schools that fail to meet State academic targets. As many as 46 of the State's 500 charter schools could be closed, beginning in October 2006, if they fail to meet State criteria.

California Update – October 2005

A study conducted by research centers at UCLA and Harvard found that schools with low pass rates on the State's required high school exit exam tend to have more poor students, be more racially segregated, and have high concentrations of English language learners. Because California relies solely on the exit exams for graduation, the State is showing low graduation rates for its minority students.

California's rigorous exit exam requirements have made it difficult for many special education students to earn high school diplomas. Only 54 percent of the State's 35,000 special education students in the Class of 2006 have passed the English portion of the California High School Exit Exam (CAHSEE) and only about 50 percent have passed the math portion. This year's incoming seniors are the first class to face the exit exam requirement which makes no exceptions for special education or limited-English-proficient students.

As reported in Education Daily, special education students in California this year will not be required to pass the CAHSEE in order to graduate from high school. This ruling came in a lawsuit which charged that the exam discriminated against students with disabilities because it did not offer adequate accommodations. The State will be required to propose legislation to create procedures by which special education students can graduate without passing the CAHSEE. To receive an exemption from the exam requirement, students must show they have taken the test at least twice (at least once in their senior year) and that they plan to take special remediation courses related to the skills covered by the CAHSEE. Originally, the exit exam -- which is set at the tenth-grade level in English and the eighth-grade level in mathematics -- was scheduled to become a graduation requirement for the Class of 2004; but implementation was delayed two years because of low pass rates for special education and minority students.

As reported in Education Daily, last school year, 30 percent of California's Title I schools (1,772 out of 5,887) have been identified for improvement for failing to make adequate yearly progress (AYP) under the No Child Left Behind Act (NCLB) for two consecutive years. That represents a net increase of 199 failing schools over the previous year. Of the schools in "Improvement"

status, 414 have been identified for one year; 545 have been identified for two years; 409 for three years; 155 for four years; and 249 for five years.

The Los Angeles Times reports that more than a quarter of the schools in California that met State achievement goals last school year failed to meet Federal targets under the No Child Left Behind Act (NCLB). Overall, 81 percent of the State's schools met State academic improvement standards (as measured by the State's Academic Performance Index -- API) -- up from 64 percent the year before. But 2,300 such schools failed to make adequate yearly progress (AYP) under NCLB. In Los Angeles Unified, for example, 271 schools made API goals but missed NCLB targets. A total of 279 L.A. Schools met Federal standards, down from 369 the previous year. Moreover, the Los Angeles district itself failed to meet NCLB standards because of low proficiency gains by special education students and English language learners.

The Los Angeles Times reports that California is planning to spend an additional \$20 million to expand the State's vocational education programs. Among the initiatives to be undertaken are: (1) expanding afterschool enrichment programs to include career and technical education; (2) including in each school's "accountability report card" course completion and graduation data for vocational education students; (3) ensuring that vocational education includes such fields as robotics, biotechnology, and computer design; and (4) allocating funds to better align high school career-tech curricula with those of community colleges.

The Los Angeles school district has opened 32 new schools this Fall as a result of the District's 2000 school construction and improvement program.

During the last week in September, the LAUSD Board of Education voted 6-0 to extend the registration deadline for parents to select one of 40 SES providers of remediation for their students. It is estimated that nearly 300,000 students -- or about 40 percent of the total enrollment -- are entitled to receive supplemental educational services because about 175 schools have been identified for improvement for two or more years. LAUSD earmarked slightly over \$70 million for SES, if enough students enrolled in SES programs. Last year, about half of all students participated in the LAUSD-operated SES program, Beyond the Bell, which, under

Federal policy, no longer can be funded by Title I for SES because the district as a whole was identified for improvement. The proposal to extend the SES registration date was made by Board President Marlene Canter and another board member according to an article in the Los Angeles Times (September 28). Canter was one of the founders of Canter Associates, a successful professional development service organization that was acquired by Sylvan Learning several years ago. According to the Los Angeles Times, if the registration deadline had not been extended, much of the \$70 million could have been reallocated for other purposes, which obviously would have upset the 40 independent third-party SES providers. Reliable sources indicate that LAUSD continues to negotiate with USED in hopes of receiving a waiver to allow it to continue using Title I funds to operate its district-operated afterschool SES program (following a recent policy reversal by USED regarding the Chicago Public Schools).

The Fresno Unified School District has established two new technology-based elementary schools that include digital projectors, integrated sound systems, and interactive “SMART” boards. As reported by the Council of the Great City Schools, the “SMART” boards will serve as laptop touch screens and transform laptop material to the classrooms hanging boards.

Colorado Update – October 2005

As reported in the Denver Post, last school year, about 75 percent of Colorado's schools made adequate yearly progress (AYP) under the Federal No Child Left Behind Act (NCLB), down from 79 percent the previous year. A total of 450 schools missed AYP, 97 of them because of higher standards implemented in 2004-05. In prior years, for example, 47 percent of high school students had to be rated "proficient" in mathematics; last year the requirement went up to 60.25 percent. A total of 107 Title I schools -- up from 89 the previous year -- were in "Improvement" status having failed to make AYP for two consecutive years.

As reported in Education Week, ten Denver schools stand to lose \$1.8 million in Federal Reading First funds because the districts are out of compliance with program requirements. State officials cancelled the schools' grants after determining the conditions of the grants could not be met.

Connecticut Update – October 2005

According to Education Daily, last school year, 72 percent of Connecticut's 181 high schools made adequate yearly progress (AYP) under the Federal No Child Left Behind Act (NCLB), from 76 percent the year before. In 2004-05, high schools had to meet higher standards: 72 percent proficiency in reading (an increase over 62 percent the year before) and 69 percent proficiency in math (up from 59 percent). Of 42 high schools that missed AYP in 2003-04, 11 made AYP in 2004-05.

The Hartford Courant reports that 26 Connecticut high schools were identified for improvement for the second consecutive year, requiring them to offer free tutoring services for their students. Six additional high schools -- including two each in Bridgeport and Hartford and one each in New Britain and Stamford -- were cited as needing improvement for a third consecutive year calling for revisions in the curriculum or replacing staff.

Higher-than-expected State revenues have allowed the budget for PreK-12 education in Connecticut to increase from \$2.1 billion last year to \$2.2 billion in FY 2006. As reported in Education Week, spending for high-cost special education students will increase from \$67 million to \$83 million, a 19 percent hike. Magnet schools will receive \$85 million, up from \$68 million, to fund more seats. The legislature rejected a \$15.5 million laptop initiative.

Delaware Update – October 2006

The House Majority Leader, Wayne Smith, has called for the State to request a waiver from USED so that all special education students in Delaware will be allowed to take an alternative test to the Delaware Student Testing Program (DSTP). Currently, Federal guidelines permit about 30 percent of the students with disabilities in the State to take alternative assessments. The Majority Leader also recommends replacing the DSTP with a nationally recognized test like the Measures of Academic Progress, developed by the Northwest Evaluation Association and currently being pilot tested in several school districts and charter schools.

Florida Update – October 2005

The former education commissioner in Minnesota, Cheri Pierson Yecke, has been appointed as Florida's new chancellor of K-12 education. Yecke has served as Education Secretary in Virginia, as Director of Teacher Quality and School Choice for the U.S. Department of Education, and as a White House education advisor. A Republican, her appointment as Minnesota's education commissioner was rejected by the State's Democratic-controlled State Senate.

Florida's Bright Futures scholarship program pays 75 percent to 100 percent of college tuition and fees for Florida graduates with good high school grades and college-entrance exam scores. In 2003-04, the program, funded by the State lottery, helped 123,000 students. The State expects the costs of the program to rise more than 11 percent next year -- from \$312 million to \$347 million. It is likely that the State will be increasing the standards for receiving a Bright Futures scholarship. Currently, to earn a 100 percent award, students must have a 3.5 grade point average and a 1270 SAT (or 28 ACT) score among other requirements. For a 75 percent scholarship students must have 3.0 GPA and a 970 SAT (or 20 ACT).

The Miami Herald reports that, for the first time, the State will release a complete version of the Florida Comprehensive Assessment Test (FCAT) online. The tenth-grade reading and math FCAT exams were available in September and the fourth- and eighth-grade exams (given last March) will be available online later in the fall. The State acknowledges that releasing the actual tests -- rather than sample questions that have been available for years -- is likely to be expensive because test developers will have to prepare new questions.

The Orlando Sentinel reports that Florida's \$2 billion plan to reduce average class size is being reconsidered by the Governor and the legislature. A number of legislators indicated that the cost of smaller classes could be paid for only through substantial cuts in other programs. At least one legislator has suggested that he would look at an alternative that included more technology in the classroom. Governor Jeb Bush plans to submit an alternative proposal.

As reported in eSchool News, Broward County schools has embarked on a four-year, \$68 million program to “refresh” the district’s computer technology. Under the program, Broward County has replaced 40,000 outdated computers with new laptops – 30,000 Apple iBooks and 10,000 Dell Latitudes. The new laptops are the next step in the district’s Digital Learning Environment Study which began last school year with a four-school pilot that included wireless laptops and digital textbooks.

Illinois Update – October 2005

Education Daily reports that the U.S. Department of Education's (USED) Inspector General has cited Illinois as not having an adequate process in place to monitor school district compliance with Federal requirements regarding school choice and supplemental educational services (SES). The State, according to USED, also failed to provide adequate yearly progress (AYP) results in a timely fashion. The USED report also criticized Chicago Public Schools for offering SES to all of the district's students, including those in schools not identified for improvement, a misuse of NCLB funds.

Education Week reports that Illinois' interim superintendent, Randy Dunn, has been appointed the post permanently through January 31, 2007.

Also reported in Education Week, K-12 school spending for FY 2006 has increased to \$6.1 billion, a five percent increase over the previous year. The legislature also approved a tightening of high school graduation requirements. Starting this Fall, all entering ninth-graders will have to take three years of mathematics before graduating, including Algebra I, and geometry. Entering ninth-graders in the Fall of 2007 will be required to take two years of science and other more rigorous requirements will be phased in between now and 2012.

As reported in Education Week, the number of Chicago students retained in grade this year is the lowest since "social promotions" in the district were ended eight years ago. Of the nearly 24,000 students who had to attend summer school, only 27 percent were kept back. District officials attribute the change to improved academic performance and a policy change which eliminated math tests as part of retention decisions.

Education Week also reports that Chicago Public Schools has dropped the Iowa Tests of Basic Skills as a reading assessment and replacing them with assessments that give teachers and students more immediate feedback. The new assessments will be Stanford Learning First (SLF) which are aligned with standards measured by the Illinois Standards Achievement Test. SLF will be given in October, January, and May to students who will be taking the State assessment.

The new assessment will be purely diagnostic and will not be used to measure schools' accountability ratings.

The Chicago Tribune reports that, in late September, a Federal court ordered the Chicago Public Schools to equalize its funding of remedial programs in racially isolated schools versus magnet programs. Federal attorneys have indicated that as much as \$17 million may have to be redirected to students in predominantly Black and Hispanic neighborhood schools. The court suggested that the amount would be somewhat less.

The Chicago Sun-Times reports that Chicago Public Schools has developed a ten-year plan to improve the district's high schools at a cost of \$50-\$100 million. The plan is the result of a \$2.3 million study funded by the Gates Foundation. At the heart of the plan are "instructional support packages" in English, mathematics, and science. The packages include new curricula aligned among grades and with State standards, more teacher professional development, and enhanced assessments. The district is looking for teams -- including universities, teacher trainers, and publishing companies -- to create two or three packages for each subject. It expects 15 schools to volunteer to implement the packages beginning in the Fall of 2006, with 30 more schools participating each subsequent year.

Illinois is one of the first states to require SES providers to submit a report of their costs incurred when providing SES during the 2004-05 school year. Costs must be self-reported in categories such as direct program, occupancy, curriculum and training, administrative and general expenses. NCLB requires a district to make available for each child at a school offering SES, an amount up to the Title I per eligible pupil allocation for that school or the "actual cost" of providing SES received by the child. USED policy guidance has stated that the "actual cost" is the fee that is charged by the SES provider. According to the State analysis, SES providers serving Chicago Public Schools (CPS) last year spent 56 percent on direct tutoring, eight percent on curriculum and training, 33 percent on administrative activities, and three percent on occupancy. Chicago officials did not know whether the SES program operated by CPS had submitted its breakdown of expenditures for inclusion in the SEA report. Before USED reversed its policy and allowed CPS to continue operating its own SES program, CPS released a study on

the grade level gains of students participating in each of the service providers. Participants in the two online service providers, Progressive Learning and Socratic Learning, achieved significant gains. However, the state analysis of the \$1,750 per participant spent by Progressive Learning, showed that almost \$900 was reported as administrative with only \$674 per pupil for direct tutoring. Socratic Learning reportedly spent \$2,300 per student of which only \$1,000 was direct instruction. Discussions with an official at Socratic Learning indicated that its allocation of \$833 for curriculum and training was higher than one would expect, partly because more than \$600 was spent on computers which had to be provided to the schools for free. Because the definitions of the categories were ambiguous and firms used self-reporting, the accuracy of the individual SES provider's expenditures -- especially during the first year of such reporting -- can be questioned.

Indiana Update – October 2005

Under the Federal Comprehensive School Reform program, Indiana will distribute \$2.3 million to seven schools. As reported in Education Daily, the grants -- ranging from \$300,000 to \$366,000 -- are intended to help schools implement “research-based strategies that encourage change by addressing issues such as curriculum and instruction, ongoing teacher training, parental and community development, funding issues, and school management.” More information on the grants is available at: www.doe.state.in.us/TitleI/csr.html.

Iowa Update – October 2005

Education Daily reports that 96 percent of school districts and 94 percent of schools in Iowa made adequate yearly progress (AYP) last school year compared with 98 percent and 96 percent, respectively, the year before. Twelve Iowa schools -- the same number as in 2003-04 -- failed to make AYP. The State is, however, concerned about the lack of progress for most high school students.

Education Week reports that an Iowa child protection law has been invoked to forbid schools from collecting student fingerprints that was part of a new technology effort to improve library and cafeteria operations. A few Iowa school districts have been using fingertip recognition systems in place of library and lunch cards to identify children. The Law says they must not fingerprint students.

Kansas Update – October 2005

Education Week reports that, after a two-week special session, the Kansas legislature has passed a \$2.6 billion education budget for FY 2006, a 12 percent increase over the previous fiscal year. As the culmination of a prolonged legal battle, the budget included \$49 million in new funding for special education, \$22 million for bilingual education, and \$80 million for programs for at-risk students. The basic per-pupil allocation will increase from \$3,863 to \$4,257.

Kentucky Update – October 2005

The Council of the Great City Schools reports that Jefferson County (Louisville) is establishing new programs in ten elementary schools to help students with behavior-related learning problems. Each school will have a resource teacher who will work with identified students, in small groups, to provide instructional support and behavioral intervention.

The Louisville Courier-Journal reports that Kentucky is beginning to take a tougher stand regarding low-performing schools. In September, the State sent warning e-mails to school districts that had at least one school that scored poorly on the Commonwealth Accountability Testing System or failed to meet Federal standard under the No Child Left Behind Act (NCLB) for at least two consecutive years. The State can threaten low-performing schools but does not have the resources to take over districts.

Louisiana Update – October 2005

In the wake of the hurricane situation in Louisiana, the State School Board made a number of policy changes including: (a) allowing shorter school years in affected parishes; (b) allow large class sizes to accommodate displaced students; (c) allow high school seniors who were forced to go to out-of-state schools to qualify for a Louisiana diploma; and (d) postpone the requirement that fourth- and eighth-graders pass the Louisiana Educational Assessment Program (LEAP) exams in order to move to the next grade (although they will still be required to take the exam).

Louisiana has received a \$20.9 million grant, through the U.S. Department of Education's Charter Schools Program, to reopen hurricane-damaged charter schools, create ten new charter schools, and expand the capacity of existing charter schools to handle the more than 300,000 students displaced by the hurricanes. A number of the new charter schools are expected to open their doors to students in January.

Maine Update – October 2005

Education Daily reports that, last school year, 69 percent of Maine's schools made adequate yearly progress (AYP) under the No Child Left Behind Act, down from 73 percent the year before. Only grades 4, 8, and 11 were tested last year; during 2005-06, testing will cover grades 3-8 and grade 11. Proficiency standards will continue to increase each year.

As reported by Stateline.org, Maine's former Governor, Angus King, is heading an initiative to provide free home Internet access to students from low-income families. King, who established the nation's first and only statewide laptop program during his term as Governor, has created the Maine Learning Technology Foundation to offer the free Internet service, raising \$850,000 in private funds (including \$100,000 of his own money). The initiative builds on Maine's four-year, \$37 million program to provide laptops to all seventh- and eighth-graders in the State.

Maryland Update – October 2005

Maryland has renewed its testing contract with Harcourt Assessment through the 2011-2012 school year. Harcourt will develop end-of-year tests for reading and mathematics in grades 3-8 and will implement formative assessments for teachers to administer during the school year to help develop effective teaching strategies.

The Governor's Commission on Quality Education in Maryland has set forth a series of 30 recommendations for improving schools in the State. Specifically, the Commission's report called for public schools to be graded on their performance and for a teacher pay model based on "demonstrated effectiveness," subject matter expertise, and willingness to work at low-performing schools. As reported in the Washington Post, the Commission recommended strengthening the State's charter school activities but specifically excluded vouchers from the recommendations.

Five school districts in Maryland are facing State sanctions because the number of minority students in special education is disproportionately high relative to the number in the student population overall. According to the Washington Post, starting this school year, these five counties will be required to spend 15 percent of their IDEA funding on remedial (prereferral) programs: Anne Arundel (\$2.1 million), Calvert (\$426,000), Harford (\$1.1 million), Montgomery (\$3.9 million), and St. Mary's (\$442,000). Calvert County, for example, must provide 30 minutes a day of special literacy instruction for struggling reading students for 100 school days. Anne Arundel County will be providing 100 hours of remedial instruction to struggling reading students in second and third grades. Overall, 18 of the 24 school districts in Maryland have "significantly disproportional" shares of Black students in special education.

As reported in the Baltimore Sun, a U.S. District Court has ordered that Baltimore City's beleaguered school system be overseen by a team of outside managers. The court order is an outgrowth of a 21-year-old lawsuit, filed by the Maryland Disability Law Center, saying that the City had repeatedly failed to provide proper services to special education students. Heading the oversight team of eight managers will be Harry T. Fogle, assistant superintendent of school

management and instruction in nearly Carroll County. The Baltimore City school system is planning to spend as much as \$10 million to provide 90,000 hours of services to special education students, including speech and language therapy, psychology, occupational therapy, physical therapy, counseling, and social work. This activity will place an even greater burden on the district which is facing a \$58 million budget deficit.

Massachusetts Update – October 2005

As reported in Education Week, Mass Insight Education, a research and advocacy group, is developing a plan to fix the State's lowest-performing schools. Supported by a \$600,000 grant from the Gates Foundation, Mass Insight Education is hoping the effort will lead to a national model for improving failing schools. This initiative supplements the Great Schools Campaign, a coalition of education, community and business leaders to lobby the Massachusetts legislature for a \$30 million a year increase in State funds for the State's lowest-performing schools. Achieve Inc., an organization of governors and business leaders, will seek to identify other states that could adopt recommendations coming from the Massachusetts initiative.

Governor Mitt Romney has proposed an initiative that calls for providing a laptop computer to every public middle and high school student in Massachusetts. A total of \$54 million would be spent to purchase the computers for 500,000 secondary students. The plan, which would be phased in over three years, was spurred by the development of a low-price laptop by MIT's Media Lab. The Governor's plan is opposed by the teachers' union and must be approved in the legislature. The Governor's overall \$600 million, six-year education package includes, in addition to the laptop program, merit pay for teachers, parent training, college-level math and science courses for high school students, and an effort to fix low-performing schools.

Last school year, a total of 409 schools in Massachusetts failed to make adequate yearly progress (AYP) under the Federal No Child Left Behind Act (NCLB), up from 373 the year before. Most of the schools on the failing list are attributable to low scores by special education students on the Massachusetts Comprehensive Assessment System exams. More than half of the schools with at least the minimum number of special education students (i.e., 40) failed to make AYP. Ten school districts -- up from six the previous year -- failed to make AYP with all of their students; 146 districts failed because of specific subgroup (usually special education). The total of 156 school systems (64 percent of all districts) were on the State's list, up from 129 the year before.

Michigan Update – October 2005

The Michigan Department of Education recently analyzed the December 1, 2004 child count to determine the degree to which disproportionality or over-representation of minorities in special education existed that school year within intermediate school districts. Using a RIF factor ratio of 2 or greater, they found that, in 52 of the 57 ISDs in the state, there was over-identification of African-American students placed in special education programs for cognitively impaired students. A ratio of 2 or more means that this group of students is two times more likely to be identified as a student placed in special education than other groups of students.

Minnesota Update – October 2005

The Minneapolis Star-Tribune reports that results from last Spring's Minnesota Comprehensive Assessments show higher test scores and fewer schools failing to meet standards. A total of 247 schools (19 percent) failed to make adequate yearly progress (AYP) under the No Child Left Behind Act (NCLB), compared to 464 schools (29 percent) the previous year. Moreover, 79 percent of students scored as "proficient" in reading – up from 73 percent last year – and 76 percent scored as "proficient" in math compared with 70 percent last year. A change in the subgroup size for English language learners (from 20 to 40 last Spring) meant that 199 fewer schools missed AYP because of the scores of English language learners. On the other hand, 79 Title I schools were identified for improvement -- for failing to make AYP for two consecutive years -- up from 48 in 2003-04. A total of 25 schools on the improvement list made AYP last year and would be taken off the list if they make AYP in 2005-06.

For the past decade, the number of Minnesota K-12 students participating in alternative programs has grown continuously. More than 150,000 of the State's 840,000 students are attending alternative programs, many designed for at-risk students. The charter school enrollment in Minnesota has increased from 2,100 in the 1996-97 school year to nearly 18,000 in 2004-05. School officials expect close to 20,000 students to attend charter schools this year and 30 new charters (in addition to the current 125) are expected to open by the end of 2006.

Montana Update – October 2005

The year-old Montana Schools E-Learning Consortium (MSELC) has, this Fall, begun offering classes -- most at no cost -- for Montana students in remote communities, as well as for those in larger districts who want to take extra or missed classes. Among the subjects taught by the MSELC are English, science, social studies, mathematics, art, physical education, business, and foreign languages. All online courses are taught by certified teachers in compliance with State standards. A total of 54 courses -- 41 high school classes, 10 middle school, and three elementary -- are offered through the MSELC. Through September, 45 school districts have signed up to participate in the Consortium.

The Montana Quality Education Coalition, consisting of school districts, unions, parents, and education groups, has developed a plan that would increase public school expenditures in Montana by at least \$260 million per year. As reported in the Billings Gazette, among the elements of the Coalition's plan are: (a) an increase in per-pupil payments to elementary schools of \$500 (total cost: \$50 million per year); (b) an increase in per-pupil payments based on district enrollment of special education students from low-income families (cost: \$120 million per year); and (c) adjusting per-school payments to account for school size (cost: \$15 million). Currently, it is estimated that the State has a surplus of nearly \$300 million, most of which will go to non-education programs.

New Mexico Update – October 2005

As reported in The Albuquerque Tribune, New Mexico was the recipient of \$216 million more than expected in FY 2005 from oil and gas revenues and expects the additional revenues to continue at approximately the same levels for the next four years. With the next legislative session to begin in January 2006, the State is contemplating a number of K-12 education initiatives. Among these are physical education every day, more eye and ear exams, healthy breakfasts before schools, preschool for every four-year-old, more early reading and math programs, teacher pay raises, and more extensive childcare.

New York Update – October 2005

According to Newsday, a New York State analysis of charter schools in the State indicates some academic gains but also presents fiscal implications for many school districts. Of the State's 50 charter schools, 18 are operated by private firms and 24 are located in New York City. In New York City, the drain on the public school budget was determined to be only 0.4 percent while, in Albany, the drain is nearly six percent. On the other hand, Albany charter schools serve ten percent of the district's enrollment.

The New York Times reports that New York City's summer school program has helped many third-graders who would have been held back by the City's new rules against social promotions. Nearly 55 percent of the 6,259 third-grade students who attended summer school scored high enough on the reading and math tests to be promoted, an increase over the 49 percent who make it last summer. That means that 45 percent of the third-graders -- as well as 57 percent of the fifth graders -- who took the summer school program will have to repeat the grade.

New York City has decided to extend its "no-social-promotions" policy from the third and fifth grades to include seventh-graders. As reported in Education Week, starting this school year, seventh-grade students must pass the City's language arts test in order to be promoted. The following year, math test scores will become part of the promotion decision.

The New York Times reports that an agreement between the State and New York City education officials has resolved a dispute over multiple standardized testing. Under State law, all students in grades 3-8 must be tested under the Federal No Child Left Behind Act (NCLB). The City claimed that State exam results would not be available in time to make promotion decisions and scheduled its own additional tests. Under the agreement, the City will not implement its testing plan; the test publisher will provide preliminary results early enough to give district officials time to identify students at risk of failing and urge them to attend summer school.

A recent study has indicated that New York could save as much as \$220 million annually if it adopted special education approaches in use in other states. Specifically, it could implement a

voucher program for students with disabilities, like Florida, allowing parents to choose the best school for their child with a voucher worth the State's full per-pupil aid amount. Also the study suggests that nearly 18,000 students would be placed in special education each year if the State provides "lump sum" funds to schools for each special education student.

The New York Times reports that another recent study of the New York City special education program concluded that the City's programs for students with disabilities were moving in a positive direction despite administration problems. Headed by a Harvard University researcher, the study identified a number of shortcomings in the system including: confusion about staff responsibilities, insufficient data collection, inadequate evaluation and referral practices, segregated classes, and poor handling of parent hearings. The City plans to spend \$38 million over the next two years to implement the study's recommendations, including \$30 million on a new data system and \$8 million for teacher training and support.

North Dakota Update – October 2005

As reported in Education Daily, 86 percent of the schools in North Dakota made adequate yearly progress (AYP) during the 2004-05 school year, a slight improvement over the 84 percent who made AYP the previous year. Of the schools that failed to make AYP, more than half did so because of low achievement scores by the special education subgroup.

Students in K-12 schools along the South Dakota border will be allowed to attend schools in either State as a result of a new cross-border enrollment program similar to the State's existing programs with Minnesota and Montana. Cross-border students will be treated as residents of the state in which they go to school; out-of-state tuition negotiations will not be necessary.

As reported in eSchool News, North Dakota has purchase *Guidance Central* software from Bridges Transition, Inc. for implementation in all of the State's 225 schools. Available at no cost to all North Dakota students and parents, *Guidance Central* includes three programs: *Choices Explorer* for career exploration; *Choices Planner* for school/career planning; and *testGEAR* for online test preparation. The *testGEAR* program provides full-time access to standards-aligned content including more than 60 interactive lessons as well as practice exams for the SAT and ACT. The North Dakota package includes training for all of the State's counselors.

Ohio Update – October 2005

The Cleveland Plain Dealer reports that Ohio's Secretary of State, Ken Blackwell, has proposed that all public schools in Ohio be required to spend 65 percent of their budgets on classroom instruction. The current average Statewide is 57 percent. Blackwell says that if the legislature does not pass a law enforcing his proposal, he will petition to have it included as a referendum on the November 2006 ballot. Other states -- Arizona, Colorado, Kansas, Louisiana, Texas, and Washington -- are considering similar proposals.

As reported in School Reform News, Ohio Governor Robert Taft has approved a new scholarship program for students in low-performing schools and expanded the State's two existing choice programs. The new program targets students in public schools that have been in "academic emergency" for three consecutive years. Starting in FY 2007, as many as 14,000 students will receive vouchers -- worth between \$4,250 and \$5,000 -- to attend private schools of their choice.

Columbus Public Schools has established a program that will allow students who have failed courses to complete the course for credit. As reported by the Council of the Great City Schools, the Credit Recovery Program includes technology-based individualized instruction.

Oklahoma Update – October 2005

As reported in Education Week, the Oklahoma legislature has approved a \$2.15 billion budget for K-12 education in FY 2006, a seven percent increase over the previous year. The new budget includes \$21 million for a new full-day kindergarten program and more rigorous course requirements for middle and high school students. Starting in the 2008-09 school year, all high school students must take a college-preparatory curriculum (unless parents opt out) and end-of-year tests will be phased in for eighth-grade and high school students as requirements for advancement or graduation. The Governor's Achieving Classroom Excellence (ACE) initiative includes \$2 million for math labs in ten schools across the State and another \$2 million for the Mathematics Improvement Program, professional development for math teachers.

The Oklahoma Commission for Teacher Preparation has asked the State legislature for an additional \$14.6 million for FY 2007 for teacher training. The request includes: (a) \$5 million (up from the current \$500,000) for training K-8 teachers in the latest mathematics instruction; (b) \$4.8 million (up from \$300,000) to train mentors for new teachers; (c) \$4.3 million for literacy projects; and (d) \$500,000 to train principals. The Commission expects to receive considerable resistance from some lawmakers.

Oregon Update – October 2005

Oregon is planning to revise the State's high school graduation requirements by adding more required courses and implementing a graduation exam. The State requires four years of English and three years of math beginning with next year's freshman class. Among the proposals under consideration are two years of Algebra, three years of science (rather than the two years currently required), and two years of foreign language. The plans for a graduation test could include use of current exams in reading, writing, math, and science or a national exam like the ACT. The first draft of the new requirements will be submitted by March 2006.

As reported in [eSchool News](#), Oregon test scores increased significantly during the 2004-05 school year. Administered to third-, fifth-, eighth-, and tenth-graders, the State tests yielded an overall improvement of 3.1 percent in reading scores from 2004 to 2005, a 4.1 percent improvement in math, and a 4.3 percent improvement in science. Three-quarters of the exams are now given through the State's online testing service known as Technology Enhanced Student Assessment (TESA). The State believes that TESA, because of its immediate feedback, makes teachers more effective and is estimated to cost \$1.30 less per student exam than pencil-and-paper tests.

The Council of the Great City Schools reports that the Portland school district has implemented more rigorous graduation requirements, beginning with the Class of 2009, including additional courses in mathematics and science.

Pennsylvania Update – October 2005

As reported in School Reform News, Pennsylvania's budget for the 2005-06 school year includes a ten percent increase in funding for the State's Educational Improvement Tax Credit (EITC) which provides scholarships so students can attend schools of their choice. The new budget permits total tax credits to rise from \$40 million to \$44 million; of the total, \$29.3 million will go to scholarships and \$14.7 million will be devoted to innovative programs in public schools. Under EITC, businesses can donate funds to qualified local scholarship and educational improvement organizations and get a tax credit of up to 90 percent.

According to Education Daily, 77 percent of Pennsylvania's schools made adequate yearly progress (AYP) in the 2004-05 school year -- down from 81 percent the year before. The decline may be attributed to higher standards: from 45 percent to 54 percent in reading and from 35 percent to 45 percent in math. Moreover, a total of 281 schools -- compared to 86 the previous year -- failed to make AYP for the first year and were placed on the State's academic "warning" list.

According to the Council of the Great City Schools, the Philadelphia school district has created 55 High Achievement Academics, housed in elementary schools. The academies will offer more rigorous academic courses to prepare students better for high-level courses in high school.

The Philadelphia school district, in response to the school improvement requirements of the Federal No Child Left Behind Act, has stiffened its grade promotion policies. Among the new requirements are:

- (a) students scoring below the 26th percentile on the TerraNova given this Fall will be required to participate in 120 additional hours of instruction beginning in January; students who do not complete the extra work will not be promoted;

- (b) students scoring between the 26th and 50th percentile will be encouraged to participate in the 120 hours of extra instruction;

(c) all students who attend summer school will be required to pass a special new test in order to be promoted.

It is estimated that 30,000 students will be required to take the extra instruction and another 30,000 students will be encouraged to do so. The estimated cost of the new policy is approximately \$16 million.

Rhode Island Update – October 2005

Education Week reports that State aid to school districts in Rhode Island will increase from \$764 million last year to \$798 million in FY 2006, a 4.4 percent hike. Most of the new funding goes to the State's student equity fund which allocates money to districts largely based on their number of poverty students. The fund receives a 16 percent increase in its allocation to \$73.8 million. Direct aid to charter schools increased from \$17 million to more than \$21 million and State support for local professional development rises from \$3.3 million to \$5.8 million.

Tennessee Update – October 2005

Education Week reports that Tennessee's State-funded pre-kindergarten program has added 300 new classrooms in 100 school districts this Fall. Paid for by \$25 million in State lottery money, the program limits each class to 20 students from low-income families and requires that the classes be taught by certified teachers and teaching assistants who have special child-development training.

The Nashville Metro school district may have to close some of its smaller schools next year in order to balance its 2006-07 budget. A proposed sales tax increase, expected to generate \$45 million annually, was rejected by the voters in September. The district faces a potential \$20 million shortfall for next year, as well as the need to put \$11 million into its underfunded "rainy day" fund. As many as 400 positions (out of the district total of 8,300) could be cut.

Texas Update – October 2005

In the wake of Hurricane Katrina, several hundred thousand evacuees have landed in Texas. The Texas Education Agency has issued guidance inviting districts to enroll school-age children in public schools in closest proximity. Dated September 5, the guidance states that these students should be considered “homeless children and youth” under the McKinney-Vento Amendments and are eligible for free-lunch programs. Those students enrolled in Title I schools are to be treated as any Title I student. However, students enrolled in non-Title I schools are to receive services under the district’s Title I homeless student reservation fund. Title I funds can be used for supplies and materials, eyeglasses, clothing, and immunizations. Most district officials responsible for Federal programs believe that any Title I increases for 2005-06 will be reallocated to the homeless reservation fund in order to provide services in non-Title I schools to newly enrolled homeless students. One possible solution would be online tutoring services made available by districts to non-Title I schools enrolling homeless students. As the TEA guidance states, “At this time, we are not aware of additional funds that will be provided either by the state or federal government.” The FEMA list of allowable expenses for emergency relief funds includes portable classroom buildings, but does not include teacher salaries or textbook purchases.

The Texas legislature has appropriated \$36.8 billion for K-12 education in the 2006-07 biennium -- a 6.2 percent increase over the previous two-year period. Governor Rick Perry has used his executive authority to require that districts spend 65 percent of their funding on classroom expenses.

Utah Update – October 2005

The Salt Lake Tribune reports that, last school year, 13 percent (118) of Utah's schools failed to make adequate yearly progress (AYP) under the No Child Left Behind Act (NCLB). Of the 805 schools that made AYP, nearly two-thirds (527) were granted AYP status through the "safe harbor" rule that allows the State to consider factors other than standardized test scores.

The Deseret Morning News reports that Utah's program to provide vouchers to send students with disabilities to private schools is not being used fully by parents. The legislature allocated \$2.6 million for this year's scholarships (vouchers) and \$1.4 million in retroactive scholarships from the State's general (not education) funds. Only \$640,000 of the \$2.6 million of the current year scholarships and only \$305,000 of the \$1.4 million in retroactive scholarships is expected to be used, leaving close to \$3 million unspent and reverted to the State Treasury.

Virginia Update – October 2005

A study mandated by the Virginia legislature has found that state and local district spending to implement provisions of NCLB exceed the Federal funds provided to the state by more than \$60 million, or about 23 percent. This equates, according to the study, to about \$207 per student more with districts having to pick up about \$52 of the shortfall. As reported by the Washington Post, USED officials have argued that the study methodology was flawed and that the amount of the shortfall at the district level was over-stated. Virginia has a long tradition of turning down Federal funds on constitutional grounds that education is a state's right and not a Federal responsibility. During the early Clinton Administration, then Governor George Allen turned down, for two years, Federal Goals 2000 funding.

The new Virginia Alternative Assessment Program (VAAP) was field tested this summer with students in summer school programs and is scheduled for implementation this Fall. Training is currently being conducted by the Virginia Department of Education with district staff. As noted in the minutes of the State Special Education Advisory Committee approved July 21, "The new VAAP will include a shift away from linkages from IEP goals to SOL to one that focuses on instruction and SOL content that has been modified in complexity. Staff is currently exploring how to integrate communication skills into the assessment. The new VAAP will utilize an online format that will provide instant test results. A curriculum framework is currently being designed as well as instruction support materials."

The approved meeting minutes noted that draft material on the content of an IEP form was also distributed for comment and feedback prior to finalizing the IEP materials which will be made available at VDOE website. Districts in Virginia have been providing response to intervention/early intervening services to borderline students over the last several years, primarily through support services provided by teams of teachers. New guidance provided to districts on early intervening services reiterates the new IDEA provisions that, "...a school district identified as significantly disproportionate must reserve the maximum amount of funds under Section 1413(f), that is, the 15 percent amount, on early intervening services, particularly the group over-identified." It also states that such interventions can be used with students in K-

12 “with a particular emphasis on students in K-3 who have not been identified as needing special education or related services, but who need additional academic and behavioral support to succeed in the general curriculum.” The guidance emphasizes that interventions may include “professional development, which may be provided by entities other than the LEAs, for teachers and other staff. Such professional development activities can enable such personnel to deliver scientifically based literacy instruction and where appropriate, instruction on the use of adaptive and instructional software.” It also emphasizes that a student is not eligible for special education services “if it is found that the determinant factor in learning problems is the lack of appropriate instruction in reading including essential components of instruction...’Essential components of reading instruction is not defined in IDEA 2004, but is referenced in NCLB as including: phonemic awareness; phonics; vocabulary development; reading fluency; including oral reading skills; and reading comprehension strategies.”

Department officials have emphasized that logic would suggest that the interventions designed/selected for a particular student focus on the greatest needs, not on the areas in which the student is deemed to be proficient. Moreover, the Department has been providing professional development directly or indirectly through seven regional teacher training centers which have several training courses addressing some of the elements of early intervening services. While the State has been identifying districts, since 2002, that have significant disproportionality, they have yet to complete the analysis, as mandated under the new IDEA, that disproportionality must be tied directly to inappropriate identification which is a challenging task. The general procedures for determining disproportionality is outlined in Superintendent’s Memo Number 166, dated December 6, 2002, on the VDOE website (www.doe.virginia.gov/VDOE/suptsmemos/2002/inf166.html).

Washington Update – October 2005

As reported in the Seattle Times, scores on last school year's Washington Assessment of Student Learning (WASL) showed gains in nearly every subject and grade level. For example, reading scores for seventh-graders rose from 61 percent in 2003-04 to 69 percent last year. Seventh grade math scores went from 46 percent to 51 percent. Only in eighth grade science and tenth grade writing did scores go down. On the other hand, only about half of the students in grades 7-10 passed math and only 42 percent of tenth-graders passed all three (reading, writing, mathematics) of the WASL sections. Starting with the Class of 2008, students will be required to pass all three of these exam sections in order to graduate.

The Seattle Times reports that, last school year, 120 schools in Washington State were required to offer transfers to their students and an additional 21 schools had to provide tutoring for their low-income students. Still another 15 schools, most in Eastern Washington, have missed Federal targets for four consecutive years and are facing "corrective action."

West Virginia Update – October 2005

As reported in Education Daily, West Virginia schools have made remarkable progress in adequate yearly progress (AYP) measures under the Federal No Child Left Behind Act (NCLB). Last school year (2004-05), 83 percent of the State's schools made AYP compared with only 71 percent the year before. State data also show that 40 percent of schools that must report on the special education subgroup made AYP in 2004-05 (vs. 11 percent in 2003-04). The low-income student subgroup improved in math (66 percent from 59 percent) as did Black student subgroups (62 percent from 51 percent).

Wisconsin Update – October 2005

The Milwaukee Journal Sentinel estimates that Milwaukee Public Schools spent \$3.2 million last year on tutoring to comply with the supplemental educational services (SES) requirement of the Federal No Child Left Behind Act (NCLB). The district has set aside \$10 million for tutoring in the new school year. Of about 15,000 students who were eligible for tutoring last year, only about 3,800 actually received it. Providers of tutoring can receive as much as \$2,000 per students each year for students who attend the tutoring regularly.

Wyoming Update – October 2005

As reported in Education Week, Jim McBride, formerly Wyoming's distance learning branch leader, was appointed as the State's interim superintendent, succeeding Trent Blankenship who resigned in August.

As reported in eSchool News, Wyoming is in the process of becoming the first state with Statewide implementation of an information technology system that is fully compliant with the Schools Interoperability Framework (SIF). Wyoming's system will allow sharing of student information across districts, as well as from districts to the State, facilitating required reporting. The State is expecting to spend \$4 million to bring the SIF technology to its 48 school districts, but believes it will save many times that amount by eliminating staff devoted to multiple data entries.