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M E M O R A N D U M

DATE: May 1, 2006
TO: TechMIS Subscribers
FROM: Charles Blaschke
SUBJ: State Revenue Increases, NCLB Implementation Trends, Early Intervening Services, and State Profile Updates

The Washington Update includes a wide range of items including an in-depth analysis of emerging trends from two studies on the implementation of NCLB, particularly related to supplemental educational services, as well as an update on issues relating to the two Reading First investigations and generally good news on increased state revenues and funding for K-12 education:

- Studies conducted by the Center on Education Policy and for the Institute of Education Sciences identify state and district school improvement strategies and interventions which are felt to be successful in turning around schools identified for improvement; currently, the majority of districts feel SES and parent choice options contribute little to student improvement although states believe practices and instruments used in Reading First do;
- New USED Non-Regulatory Guidance on designing schoolwide programs clearly envisions schoolwides as the top-priority reform strategy and vehicle for increasing student achievement for all students mandated under NCLB; prescribed activities if followed by district Title I officials, suggest what types of questions vendors will be asked during the sales or selection process;
- The most recent National Conference of State Legislature report finds FY 2006 revenues are above those expected in 44 states with overall fiscal conditions improving;
- A U.S. Census Bureau report provides useful national and state expenditure data for certain types of programs, including compensatory and special education;
- Recent USED policy letters to chief state school officers will allow about 20 more states to adopt the “same subject, all grade levels” option for determining whether a district is identified for improvement, which could increase the number

of districts which are allowed to provide their own supplemental educational services;

- Findings from two new studies provide evidence supporting arguments made by *Success For All* and *Reading Recovery* in their legal complaints about USED implementation of Reading First; in their current investigations both the USED Office of Inspector General and the Government Accountability Office will likely take into account findings from these third-party independent studies which found very strong evidence supporting the effectiveness of both instructional programs;
- More than 70 national education groups have agreed upon numerous recommended changes in NCLB to be proposed during the reauthorization process; however, the priorities, interpretations, and intentions of some of the most influential education groups vary, in some cases significantly, which raises questions about the degree to which educators will speak with “one voice” during the NCLB reauthorization;
- New USED supported “Research to Practice Database” identifies academic and behavioral interventions that work with students with certain disabilities; findings from several meta-analyses studies included in the Database provide hints as to what final regulations might say regarding Early Intervening Services and Response to Intervention provisions in new IDEA;
- The newly created Academic Competitiveness Council has begun reviewing more than 200 math and science education programs in 13 agencies costing \$2.8 billion outside USED with the stated intention to improve the alignment with NCLB provisions; some are concerned that the intent may be to eliminate some of these programs freeing up Federal funds to support the President’s proposed Math NOW and science initiatives;
- New USED guidance on Academic Competitiveness incentive grants for minority students who enroll in postsecondary math and science courses and recent awards of State Scholars grants to eight new states could further the momentum among districts to adopt more “rigorous” high school course of studies; new guidance will likely allow districts that adopt the State Scholars Core Course of Study to be identified as having a “rigorous course of study” which allows their graduates to apply for new incentive grants.

Also included in this mailing are State Profile Updates which address high school reform initiatives, political battles and lawsuits over exit exams, state funding, and K-12 initiatives.

As always, call me directly if you have any questions.

*Washington Update*⁸

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Two New Studies Report Findings on State and District School Improvement Strategies and Interventions Which Are Felt to be “Very” or “Moderately” Successful in Schools Identified for Improvement

Two new reports identify school improvement strategies and interventions which state and district officials feel are “moderately” or “very” successful in improving student performance in schools that have been identified for improvement. The Center on Education Policy’s Fourth annual report on the impact of NCLB found that the most frequently used state strategies, which were reportedly “moderately” or “very” successful, were “special grants to districts to support school improvement efforts” (45 states) and “aligning curriculum and instruction with standards and assessments” (44 states). According to CEP, 36 states also reported that making Federally-funded grants to assist schools in improvement was a moderately or very successful strategy and 37 states reported that aligning curriculum and instruction was moderately or very successful.

At the district level, the most “popular” strategies to improve student achievement in schools identified for improvement were “using research to inform decisions about improvement strategies” (used by 96 percent of districts), “aligning curriculum and instruction with standards and assessments” (96 percent), and “increasing the use of

student achievement data to inform instruction and other decisions” (95 percent). The “National Assessment of Title I: Interim Report,” submitted by the Institute of Education Sciences within USED in February to Congress, reported “Almost all states had implemented a statewide system of support for identified schools by fall of 2004, and these often involved school support teams and specialized individuals. Twenty-one states noted that an important objective of their statewide system of support was to build district capacity to provide support to identified schools.” The IES report, which is based upon data collected in several USED longitudinal studies, also indicated that 42 states reported that, in 2003-04, providing assistance to all schools identified for improvement was a “moderate or serious challenge.”

The IES report also identified reasons why schools failed to meet AYP. Rather surprisingly, the report notes, “Based on data from 33 states, among schools that missed AYP in 2003-04, 33 percent did not meet achievement targets for the ‘all students’ group in reading or mathematics....Only 23 percent missed AYP solely due to the achievement of a single subgroup.” Almost 30 percent of schools missed AYP due in part, to insufficient test participation rates, but only six percent missed AYP due only to test participation rates. Both the IES and CEP studies reported that schools with more subgroups were less likely to make AYP. CEP’s report notes this is why the

percentage of schools identified for improvement are significantly higher in larger urban districts than in smaller rural districts. The IES report concluded the number of identified schools would increase substantially in 2005-06 as the number of schools failing to make AYP for the first time the previous year is almost twice the size as those identified for improvement. The CEP study confirms that, within districts required to provide supplemental educational services for schools failing to make AYP for three consecutive years, the percentage of schools required to offer SES within these districts has grown from 27 percent in 2002-03 to 65 percent in 2005-06.

Both studies reported that more time is provided for instruction in math and reading in schools identified for improvement. IES found that, in identified elementary schools, 30 percent increased daily reading time by more than 30 minutes while 17 percent had a similar increase in math instruction. CEP reported that “More districts appear to be cutting time for other subjects to make extra time for reading and math. According to our survey, 71% of districts reported they had reduced time in at least one subject in elementary schools to expand time for math and reading in 2005-06.” This was particularly true in high-poverty districts’ identified schools.

Both reports address district initiatives in a small number of schools in “corrective action” or “restructuring.” The IES report said 90 percent of Title I schools in corrective action “were required to implement new research-based curricula or instructional programs and 58 percent had an outside expert appointed to advise the school.” CEP reported trends in district use of various strategies to improve identified

schools over the last three years, which included a limited number in corrective action or restructuring. In addition to those widely-used strategies noted above (e.g., using research to inform decisions and aligning curriculum and instruction with standards and/or assessments), CEP reported that 51 percent of districts used “Selecting and/or implementing a new curriculum or instructional program” to somewhat/great extent in 2003-04. However, a year later the percentage was up to 67 percent.

The CEP report addressed the parent choice and supplemental educational services issues in much more depth than IES whose major conclusion was, “The timing of parental notification was often too late to enable parents to choose a new school before the start of the 2004-05 school year.” Both studies found that only about one percent of students eligible for the parent choice transfer option did, so while six times that number actually participated in supplemental educational services in 2003-04 (233,000 compared to 38,000 for parent choice). According to IES, private firms accounted for 76 percent of approved SES providers in May 2005, serving 59 percent of participating students in the 2003-04 school year. On the other hand, school districts and public schools accounted for 17 percent of providers that served approximately 40 percent of participants. CEP reported that during the 2005-06 school year, 11 percent of districts were approved by the SEA to provide SES, a percentage which hasn’t changed over the previous two years. On the other hand, between 2003 and 2005 the percentage of urban districts approved as SES providers dropped from 43 percent to 13 percent. The percentage of suburban districts decreased from 25 percent to one percent. One possible reason for the

drop is that 36 percent of urban districts and 16 percent of suburban districts have been identified for improvement, which under USED Non-Regulatory Guidance does not allow them to continue operating their own SES programs. On the other hand, CEP notes, there hasn't been a significant increase in the percentage of these districts identified for improvement over the last two years.

Based largely on the case studies included in the CEP study, two interesting findings emerge. First, while districts identified for improvement can no longer use Title I SES funds (in many cases) to continue their afterschool programs, they are using funds from other sources. This had occurred during the 2004-05 school year in several large districts such as Chicago, Los Angeles, and other large districts. Second, CEP reported that 42 percent of districts reported that none of their third-party providers could or would serve students with disabilities and 51 percent reported they could or would not serve English language learners. To fill the gap, CEP notes, "Districts sometimes step in to serve these students." CEP also found that this occurs more often in suburban and medium-sized districts than in urban or very large districts, as there appears to be a larger number of SES providers. Even if a district is identified for improvement, it still has the responsibility for providing SES to eligible special education and limited-English-proficient students.

Two other somewhat surprising findings could be gleaned from the CEP report. About three-fourths of districts rated district policies as being "important" or "very important" in increasing student performance much more so than were Federal policies. On the other hand, the

supplemental educational services provision was rated as "not important" or "somewhat important" to raising student achievement by 90 percent of the districts. Similar responses were reported from states. Second, while its relative importance in increasing student achievement differed between states and district respondents, the Reading First program is having an impact beyond Reading First grantees. For example, 19 of 35 states consider the Reading First instructional program to be "important" or "very important" in increasing student achievement; 17 of these states felt the Reading First assessment system was "important." Moreover, 42 states reported offering professional development through the Reading First program and providing curriculum and assessment materials through Reading First as a strategy to improve student achievement. On the other hand, only about 25 percent of the districts reported that Reading First assessment systems or Reading First instructional programs were "important" or "very important" factors causing increased student achievement. CEP cautions, however, that only 12 percent of the districts in the survey had Reading First grants which could explain some part of the relatively low rating. Another explanation could be that, under Reading First, SEAs receive a 20 percent set-aside for state-level professional development, technical assistance, and administration compared to only one percent of the state Title I allocation being set aside for SEA administration.

For a copy of the IES report go to www.ed.gov/rschstat/eval/disadv/title1interimreport/index.html and for a copy of "From the Capital to the Classroom Year 4 of

NCLB” go to
<http://www.ctredpol.org/nclb/Year4/CEP-NCLB-Report-4.pdf>.

New USED Non-Regulatory Guidance Envisions Schoolwide Programs as the Top Priority Reform Strategy and Vehicle for Increasing Student Achievement for All Students Mandated Under NCLB

The culmination of a number of recent policy shifts, the new USED Non-Regulatory Guidance on Schoolwide Programs reflects an increased USED priority on the use of schoolwide programs, not only as a reform strategy, but also “as a means of realizing the high standards for student achievement envisioned by the NCLB.” As the NRG, entitled *Designing Schoolwide Programs*, states, “The emphasis in schoolwide program schools is on serving all students, improving all structures that support student learning, and combining all resources, as allowed, to achieve a common goal. Schoolwide programs maximize the impact of Title I.” Another guidance document which is expected shortly will advise schoolwide programs how to consolidate funds from different Federal and state sources (e.g., commingling) in order to serve all students in a comprehensive, efficient manner. Three years ago, the Government Accountability Office recommended that the Title I “supplement not supplant” provisions should not apply to schoolwide programs because such schools do not have to report how money from different sources was spent, which precludes opportunities for audits.

Two other policy shifts strongly suggest that schoolwide programs will become the “fulcrum” for leveraging reform and meeting NCLB student achievement targets. In response to the Administration’s request over the last two years, Congress approved a budget reduction for Comprehensive School Reform Demonstration Programs (CSRDP) from slightly over \$200 million to less than \$10 million for this year with no funding expected next year. Many of the CSRDP model programs, such as *Success For All*, will likely resurface in many schoolwide programs. Over the last decade, the number of schools designated as schoolwide programs has more than doubled as the minimum percent of students from low-income families was reduced over time to 40 percent. During recent years, when state and local budgets grew tighter and tighter, schoolwide programs offered districts opportunities to use Title I funding to make up for state and local shortfalls, partly because schoolwide programs were not required to report how such Federal funds were used. According to USED, in 2002-03, 85 percent of Title I student participants were in schoolwide programs. Only 15 percent were in Targeted Assistance Schools in which Title I services were provided only to eligible Title I students from low-income families. If USED, and to a lesser extent SEAs, take to heart this new guidance and actually enforce existing regulations and “encourage” districts to use strategies prescribed in the guidance, opportunities could once again increase significantly for firms with appropriate products and services, some examples of which are noted below.

When a school is designated as a schoolwide program, during the first year, the

schoolwide planning team must develop a comprehensive plan which, in the case of those schools also identified for improvement, must be aligned with the development of a school improvement plan. The USED Guidance identified a number of questions which should be addressed in assessing the school's current status, including:

- “What intervention process is in place to ensure that students’ educational needs are met in a timely manner?”
- What instructional materials are used in the school? Are they up-to-date, and do they reflect the State’s academic content standards?
- Is there scientifically-based research that supports the curriculum and the instructional program being used in the school?
- What assessment instruments, including diagnostic assessments, are routinely used to measure student achievement?
- Is instructional technology available to all students? Do teachers integrate technology into teaching?
- Does the school evaluate curriculum and instruction to determine whether they address the needs of all students?”

Later the Guidance suggests how planning teams should organize these assessment findings/identified problems and proposed solutions. For example, in the area of

curriculum and instruction, where low reading achievement in grades 1-5 has been identified as a problem, if there is a persistent achievement gap between the academic performance of minority and non-minority students in reading, possible actions will include:

- “Examine instructional materials to determine if they are appropriate for the lowest-performing students.
- Establish a performance plan that specifies skill mastery and timelines for completion.”

As another example, if the reading curriculum is outdated, one possible action would be:

- “Review the content of textbooks and other instructional materials to ensure that they appropriately reflect the core curriculum as aligned to the State standards.”

The document also provides advice to districts and schools which are looking “outside the school” for products and services, such as model developers and research organizations. Schoolwide planners should “scrutinize the proposals of these providers to ensure that all recommended activities are aligned with the State’s academic content and achievement standards, and have been implemented successfully in similar school settings. In addition, schools considering outside services should --

- Closely examine what the program offers to determine how well it fits with identified needs;

- Insist on seeing solid, research-based evidence of a program’s success; and
- Ask for references and contact schools where the program has been implemented.”

Throughout the Guidance a number of district strategies are strongly encouraged, including:

- Measures to include teachers in decisions regarding the use of academic assessments and providing teachers with the necessary professional development in the appropriate use of multiple assessment measures and how to use assessment results to improve instruction;
- Specific assistance targeted to preschool students in transition from early childhood programs to local elementary schoolwide programs, with specific mention of components such as early Reading First;
- Providing timely added assistance to students experiencing difficulty in meeting proficiency targets and tailoring such assistance to meet their individual needs;
- Ensuring greater uniformity at all grade levels in the areas of curriculum, instructional interventions, and professional development;
- The formal creation of a schoolwide planning committee with the delegated authority to develop a comprehensive plan based upon a

needs assessment and to implement the plan as intended.

Similar to early guidance relating to the Reading First program, the new guidance on designing schoolwide programs includes a degree of “prescriptive flexibility.” While there will likely be more flexibility in the use of commingled Federal funds with significant reductions in accounting and reporting, at a level above specific products, there will be more prescribed or encouraged activities which should create a demand for certain products and services. For example, in addition to model CSRD programs which have in-depth evidence about their effectiveness, one might anticipate increased use of “integrated learning system type products” across various grade levels in schoolwide programs or, at the least, instructional management system components which are used for diagnosis and prescription. We are already seeing a growth in the demand for instructional programs, as well as assessments, which are adaptable to the different entry level learning points of students. More than half of all students with disabilities and two-thirds of all English language learners are enrolled in schoolwide programs. Not only should professional development grow in the area of specific instructional approaches and interventions, but also in how to use assessment data from multiple instruments to diagnose and prescribe instruction. Application tools which can assist in conducting needs assessments, planning, and analyzing needs assessment data to develop strategies, along with tools that can be used to increase alignment between instructional programs, state content, and state assessment domains, should also grow. The growth and demand for these and other types of products are based upon the

assumption that USED will enforce provisions noted earlier, but also that sufficient funds for school improvement are provided through Title I funding.

For a copy of the Guidance entitled *Designing Schoolwide Programs* go to www.ed.gov/policy/elsec/guid/designingswpguid.doc.

NCSL Reports Solid State Fiscal Conditions

The *State Budget Update: March 2006*, from the National Conference of State Legislatures, reports stable or good fiscal conditions among nearly all states for the current fiscal year. Most states expect to end their fiscal years with revenues above budgeted amounts. Most states plan to use these unallocated balances for specific program expenditures, tax relief, or deposits to “rainy day” funds.

Among NCSL’s findings are:

- FY 2006 revenues (through the first eight months for most states) are above the original targets in 44 states. In six states -- Alaska, Arizona, New Mexico, North Dakota, Texas, and Wyoming -- revenues were more than ten percent above estimates, most because of energy taxes. Alaska’s revenues were 50 percent above estimates for this reason.
- Only one state -- Rhode Island -- reported collections below projections.

- Of the 41 states that revised their revenue forecasts since the beginning of their fiscal years, about half reported being on target with revised estimates and half reported collections exceeding new expectations. Only South Dakota reported revenues below the revised level, primarily because of weak performance of the banking and insurance industries.
- A total of 42 states expect to end FY 2006 with unobligated balances, ranging from one percent or less of general fund budgets in five states to ten percent or more in nine states.
- Nationally, state revenues are exceeding budget obligations by nearly \$29 million -- about five percent of total general fund budgets. Much of this amount will be used for supplemental appropriations during the remainder of FY 2006.
- Some states plan to allocate some of their extra revenues to K-12 education; these include Alaska, California, Colorado, Hawaii, Montana, New Mexico, New York, and North Dakota.
- Three states report that education expenditures are over budget, Arizona and Hawaii in K-12 education and Ohio in higher education.

For a copy of the report (it is not available online), contact NCSL at (303) 364-7700.

Report from U.S. Census Bureau Provides Much Useful Information on the Finances of Education

The U.S. Census Bureau has produced an extensive report on education finance by state. Entitled "Public Education Finances 2004," the report contains a great deal of information that could be useful to TechMIS subscribers. Specifically, it presents total education revenues for the 2003-04 school year by: (a) source (Federal, state, local); (b) type (current, capital outlay, other); and (c) function (instruction, support services, other). Below we highlight some of the report's more interesting findings.

According to the report, total revenues for elementary and secondary education are about \$463 billion of which \$203 billion (44 percent) comes from local sources, \$218 billion (47 percent) from state sources, and \$41 billion (9 percent) from Federal sources. Revenues from these sources are detailed below.

FEDERAL (State-distributed)	
Compensatory (Title I)	\$10.2 billion
Special Education (IDEA)	\$ 7.9 billion
Child Nutrition	\$ 7.9 billion
Vocational	\$.6 billion
Other	\$10.9 billion
FEDERAL (Direct)	\$ 3.7 billion
STATE	
Formula Assistance	\$148.3 billion
Compensatory	\$ 4.8 billion
Special Education	\$ 14.3 billion
Vocational	\$.8 billion
Transportation	\$ 3.8 billion
Other	\$ 46.4 billion

LOCAL	
Property Taxes	\$132.8 billion
Other Taxes	\$ 5.3 billion
Parent Government	
Contribution	\$ 35.1 billion
Non-school Government	\$ 4.6 billion
School Lunch	\$ 6.3 billion
Tuition/Transportation	\$ 1.0 billion
Other	\$ 17.1 billion

In terms of current per-pupil expenditures, the national average is \$8,287 per student, ranging from a high of \$12,981 in New Jersey to a low of \$5,008 in Utah. Other high-spending states -- all in the Northeast -- are New York (\$12,930), Vermont (\$11,128), Connecticut (\$10,788), and Massachusetts (\$10,693). Other low-spending states (although not nearly as low as Utah) are Idaho (\$6,028), Arizona (\$6,037), Oklahoma (\$6,176), and Mississippi (\$6,237).

The breakdown of current expenditures shows where education dollars are going. Out of the \$8,287 total per-pupil expenditure, \$5,056 (61 percent) goes to instruction (mostly teacher salaries and benefits); the remainder goes to Pupil Support (\$434/5 percent), Staff Support (\$396/5 percent), general administration (\$166/2 percent), school administration (\$467/6 percent), and other (\$1,429/17 percent). The Staff Support component -- which includes professional development, as well as library, media, and technology services and curriculum development and supervision -- varies considerably from state to state. Nationally, schools spend an average of \$396 per student for Staff Support, ranging from \$701 in Massachusetts and \$581 in Maryland to \$165 in Arizona and \$132 in Delaware.

Perhaps the most useful portion of the Census Bureau report is the breakdown of current expenditures for all of the country's large school districts (those with enrollments of 10,000 or more). In particular, expenditures for the Staff Support function shows wide variation -- from \$40 in Compton, California to \$1,733 in Boston, Massachusetts. Only eight school districts nationwide spent more than \$1,000 on Staff Support -- Boston (MA), Lawrence (MA), New Bedford (MA), Waterbury (CT), Arlington Heights (IL), Newark (NJ), Columbus (OH), and Arlington (VA).

As indicated in the report, in 2003-04, 60.5 percent of elementary/secondary spending was devoted to instruction. The national movement toward requiring that 65 percent of a district's total expenditures be spent in the classroom is going to face tough sledding because squeezing another 4.5 percent from other categories is going to be extremely difficult, especially in light of continually rising fuel costs which will inevitably raise transportation and school operations costs. Districts whose states seek to make the "65 percent rule" mandatory are likely to deal with the requirement, in large part, by redefining some expenses that have traditionally been considered "support" services as instruction. Functions such as speech therapy, which according to the Census Bureau is a pupil support service, could be labeled as part of instruction. Similarly, computer labs and media centers, as well as curriculum development and teacher training, might be considered instructional expenditures under some definitions.

The full report can be viewed at: <http://ftp2.census.gov/govs/school/04f33pub.pdf>

USED Policy Letter to Chief State School Officers Allows More States to Adopt "Same Subject, All Grade Levels" Option for Identifying Districts in Improvement Which Could Increase The Number of Districts Providing Their Own Supplemental Educational Services

On March 7, a policy letter from Assistant Secretary Henry Johnson to Chief State School Officers provided states the option of using a "same subject, all grade spans" approach for determining whether a district is identified for improvement; current USED policy precludes "identified" districts from providing their own supplemental educational services (SES). According to a recent report from the Civil Rights Project, Harvard University (see March TechMIS), 33 states had proposed and negotiated approvals by USED to use this approach for determining which districts would be identified for improvement. Under the "same subject, all grade spans" approach, an LEA is identified for improvement only when it misses AYP targets in the same subject and in all grade spans for two consecutive years. The example given in the new guidance is a district that missed AYP in mathematics across all grade spans, i.e., elementary, middle, and high school during Year 1. However, in Year 2 if the district missed AYP in reading at the elementary and high school level but only missed AYP in math at the middle school level, the district would not be identified for improvement even though it would still be reported as missing AYP. Many of the 33 states which USED had allowed to use this approach also used so-called "confidence intervals" in calculating AYP as well as

“safe harbor.” During the 2004-05 school year, according to Title I Report, 13 percent fewer districts were identified for improvement than the previous year. One can speculate that states that have not received approval by November 2005 are likely to have submitted amendments to their accountability plans by April 1 to use the “same subject, all grade spans” approach for determining which districts are identified for improvement based upon 2005-06 state assessment results. The Harvard Civil Rights Project identified the following states as likely to request approval for using the “same subject, all grades” approach: Colorado, Florida, Hawaii, Idaho, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Montana, North Dakota, Rhode Island, Texas, Utah, Vermont, and Washington.

The March 7 policy letter providing flexibility in identifying districts for improvement is one of several policy shifts based on the assumption that the current participation rate of eligible students in SES (estimates of which range from 12 percent by USED to 18 percent by CEP) will not increase significantly unless more districts are allowed to provide their own SES. Last year, Chicago, New York City, and Boston public schools were allowed to continue their Title I-funded SES programs even though they had been identified for improvement and four Virginia districts were allowed to provide SES before the required parent choice transportation option. Newport News student participation rate in SES this year is almost 70 percent which suggests that many more districts across the country will be allowed by USED to provide SES earlier. Numerous media groups such as Eduventures and Simba have reported that several leading SES providers,

including veteran private tutoring companies such as Sylvan and Kaplan, are retreating from the SES market. Other SES providers, however, are becoming even more aggressive. For example, the Education Industries Association, through the Coalition for Quality Tutoring, has been instrumental in having legislation introduced in Florida which would require a district with unspent SES/transportation funds to document that 95 percent of parents of students eligible for SES did not want their student to participate before the district can reallocate the unused portion of the 20 percent earmarked funds for other purposes (see Florida update). According to the recent Center on Education Policy Fourth Annual Survey of the impact of NCLB, even without the increased USED flexibility, states are apparently allowing many districts -- including those identified for improvement -- to provide their own SES programs in situations where third-party SES providers will not or cannot serve certain groups of students, such as students with disabilities and English language learners.

Findings From Two New Studies Support Some Arguments Made By *Success For All* and *Reading Recovery* in Their Legal Complaints About USED Implementation of Reading First, Filed with the Office of Inspector General at USED Which is Currently Investigating the Allegations

Both the *Success For All* Foundation and *Reading Recovery* have argued that USED officials and consultants involved in the initial implementation of the Reading First program have refused to accept evidence submitted by both groups that they argue demonstrated the effectiveness of their programs. Among other allegations were claims that inside groups of consultants provided interpretations which influenced state “adoption lists,” violated “conflict of interest canons,” and reduced significantly potential sales of the two groups’ products.

According to one study of three years of implementation of *Success For All* in 35 randomly-selected low-income schools in Chicago, Greensboro (North Carolina) and Indianapolis, “The evidence suggests that *Success For All* schools are capable of producing broad effects across literacy domains for both children who are exposed to the model over each of the first few years of their academic careers and for all children enrolled in the schools regardless of the number of years of exposure to the reform.” This independent study, conducted by Professor Jeffrey Borman of the University of Wisconsin, was funded by USED’s Institute for Education Sciences, which according to Education Week “Won praise from researchers and officials for its

rigorous research design” and also reflected “real world circumstances” rather than previous studies “shepherded over by program developers.” Students in the *Success For All* program exhibited a half year gain over the control group in reading. The Education Week article (April 12) quotes Dr. Robert Slavin, the developer of *Success For All*, as stating, “It’s one more piece of evidence and a particularly important one in the current context in which the Federal officials are encouraging more randomized studies. This is about the 51st experimental/control comparison and the biggest to say that SFA schools improved reading achievement more than similar comparison schools.” The official complaint filed by *Success For All* accuses USED of not taking into account evidence based on scientifically-based research, but rather only those recommended on its “unofficial list” of programs which were found to have all five “essential elements” used in the Reading First program.

The other study, conducted by the New Zealand Council for Educational Research (NZCER), found that *Reading Recovery*, which was originally developed in New Zealand, “can work well for all schools that elect to offer it and for students of all backgrounds,” according to the December 8, 2005, press release by the New Zealand Ministry of Education. In addition, it states, “The results are that reading, writing and oral language of the majority of the lowest performing students improve to the extent that students eventually no longer need to be on the programme.” The Ministry noted that some native groups, including Maori and Pasifika, students were over-represented in the group of over-achieving students. The *Reading Recovery* complaint, entitled, “Evidence Ignored, Learning Denied: The

Attack on *Reading Recovery*,” charged that USED had “misapplied the Reading First statute during the approval process, undermining the legislative goal of providing scientifically-based reading instruction; ...attacked one-to-one instruction, contradicting USED’s well-publicized finding that ‘gold standard’ empirical research establishes the effectiveness of one-to-one intensive early interventions like *Reading Recovery*.”

The complaint also noted, USED “is poised to implement the same kind of curriculum control for the new IDEA reauthorization. The president has also proposed repeating the strategies used in Reading First for science and math curricula. There is a very real threat that the Reading First model will be replicated in other programs, schools, and curricula across the nation. Before USED broadly applies the mistakes of Reading First to other funding streams, evidence must be reviewed and corrections made.”

The Center on Education Policy, in its third annual report on the implementation of NCLB, as well as in a special report entitled, “Ensuring Academic Rigor or Inducing Rigor Mortis? Issues to Watch in Reading First,” also identified Reading First as having an impact on individual state Title I programs. A *Reading Recovery* official could not point to any examples where Reading First state-approved products were being required for use in, for example, the Early Intervening Services provisions of the new IDEA. As far as she was aware, the Reading Recovery program wasn’t being used in any specific district Early Intervening Services program.

According to Education Daily, the USED Office of Inspector General is likely to

release its report on the Reading First investigation this summer. Because one arm of USED, the Institute of Education Sciences, sponsored the randomized trial studies of *Success For All*, it would appear that the OIG will take into account the evidence presented in the University of Wisconsin report. Most of the reporters and individuals following not only the OIG investigation but also the one which began last year by the Government Accountability Office have acknowledged that each of the respective complainants have provided adequate evidence and justification for their allegations. The question becomes what remedies will be recommended and then what action will be taken by USED or Congress.

Seventy-Two National Education Groups Agree Upon Recommended Changes in NCLB While Several Very Influential Groups Reveal Different Priorities and Intentions

During the annual Council of Chief State School Officers Legislative Conference in Washington, D.C., April 23-27, a Joint Organizational Statement on the No Child Left Behind Act, which identified mutually recommended changes in NCLB, was released with a list of 72 supportive associations as of April 24, 2006. Some of the major changes that were agreed upon by the signatories have significant implications for many TechMIS subscribers. During a panel discussion of high-level officials from AASA, AFT, NGA, and the NEA, different priorities and intended effects of several changes were revealed which suggest there will be difficulties holding the coalition signers together during the forthcoming

reauthorization process, especially if Congress doesn't provide enough money to cover most, if not all, of the so-called unfunded mandates. One purpose of having the briefing made before the Chiefs and/or Deputies attending the CCSSO Conference was to allow associations who are heading this coalition an opportunity to present and hopefully generate support among the states. The CCSSO has not yet been listed as one of the 72 signatories.

Some of the "progress measurement" changes include:

- replacing the arbitrary NCLB proficiency targets with ambitious achievement targets which are based upon rates of success actually achieved by the most effective public schools;
- allowing states to measure progress through the use of growth models and moving from an overwhelming reliance on standardized tests to multiple indicators of student achievement;
- including multiple measures that assess high-order thinking skills and understanding and use of instruments to diagnose student needs to improve learning; and
- decreasing testing burdens by allowing states to assess students annually in selected grades.

In the area of "sanctions," the two recommended changes were:

- "ensure that improvement plans would allow sufficient time to take hold before applying sanctions; sanctions should not be applied if they undermine existing effective reform efforts;
- replace sanctions that do not have a consistent record of success with interventions that enable schools to make changes that result in improved student achievement."

On the issue of funding, the coalition agreed on raising NCLB's authorized funding enough to cover a "substantial percentage of the costs" that districts and states will incur to carry out these recommendations, and fully funding the law at those levels without reducing expenditures in other education programs. While the coalition agreed on an increase in Title I funding to ensure 100 percent of eligible children would be served, they did not recommend full funding for IDEA, which would require the Federal portion cover 40 percent of the costs of special education (the Federal portion has actually declined over the last year to 17 percent). The overarching goal, as stated in the Joint Organizational Statement, is, "Overall, the law's emphasis needs to shift from applying sanctions for failing to raise test scores to holding states and localities accountable for making the systemic changes that improve student achievement."

During the panel discussion, however, officials that represent the four national education groups differed in their respective priorities, interpretations, and intentions. Reginald Weaver, Executive Director of the NEA, whose chief lobbyist Joel Packer is playing a lead role in drafting proposed changes in the Joint Organizational

Statement, noted that more than 200 Congresspersons and 30 Senators are in agreement that significant changes are needed in NCLB during the reauthorization. A lesser number have already submitted proposed legislative amendments which would amend the Law or authorize USED to change policies to bring them in line with many of the changes agreed to by the coalition. He noted that, while the initial NEA lawsuit was defeated in a court case, the NEA has appealed that decision and has been joined in the appeal by seven states including one governor. Countering allegations from certain quarters, Weaver said that the NEA does not want to do away with NCLB but rather to “fix” it. The disaggregation of assessment data by subgroups of students is one provision that protects minority children, he argued. However, NCLB does not go far enough to ensure the funding and resources are available to allow schools and districts to implement interventions to be used based upon the assessment results. Rather than sanctions, the NEA is more interested in an accountability system that rewards schools and student performance.

Toni Cortese, Vice President of the AFT, noted that, while she shared many of the recommendations of the NEA, the AFT’s initial support for NCLB legislation was based on a position paper approved by the organization in 1998 which placed highest priority on redesigning low-performing schools with active union participation and not just reliance on sanctions. In addition to targeting funds on school improvement and customizing/selecting research-based interventions to serve students who have not achieved proficiency targets, she questioned the “research basis” for the use of supplemental educational services and

parent choice transportation options included in NCLB. Because there is no evidence, thus far, indicating that either provision has resulted in increased student performance, both of these provisions should be dropped and replaced by the use of research-based interventions, which should be given a period of time -- for example, three years -- to determine whether or not they are effective in turning around low-performing schools. After such time schools which continue to fail should be reconstituted. Over a year ago, another AFT official, before the Education Industries Association did not say that the AFT wanted to drop SES and the choice option, but was ambivalent about using SES or school-administered interventions only with students who are not proficient. In response to a question from the audience, Cortese argued student progress individually or by subgroups should be measured in the context of a “school climate index” that takes into account factors such as student mobility, adequacy of facilities, general safety and security within schools, and other considerations. Cortese mentioned the need to use research-based interventions throughout her presentation, noting the proven effectiveness of early childhood interventions generally and those interventions used in afterschool programs.

Ray Scheppack, Executive Director, National Governors Association, which has been very active in promoting high school reform among state governors, suggested that the CCSSO and other national education groups take into account the “making U.S. competitive in the global economy” initiatives already underway in many states which have been considering NCLB-recommended changes. Not only do districts have responsibility for ensuring that

students graduate with 21st century skills, but they should also ensure that a culture of “innovation” is constantly stimulated within the industrial sector. Not unexpectedly, he argued the need in the reauthorization for a greater role on the part of governors, during the implementation process. In response to a question from the audience about whether there is a need for a “national definition” of “student proficiency,” applicable to all states, he adamantly argued that such a definition would not be acceptable to any governor as a Federal intrusion on states’ rights. NGA supports disaggregation of student data because, over time, states would be better able to identify what types of interventions or practices work best with groups of students. NGA also supports two significant changes: (a) allowing supplemental educational services to be offered prior to the parent choice option; and (b) changing the definition of a highly qualified teacher which one could infer he thought this was clearly a state responsibility. Similar to the Joint Organizational Statement, he agreed with changes that encourage better alignment of curriculum standards and assessments and that the use of growth models would be much better in measuring individual student progress than the current procedures used under NCLB. However, as of April 24, NGA had not signed on to the Joint Organizational Statement.

While AASA had signed on to the Joint Organizational Statement, Bruce Hunter, Deputy Executive Director, argued that there is perhaps a greater need to develop consensus on major philosophical “themes” before getting down to the details of making specific changes. Even though several of the state chiefs clearly indicated that, while they could agree with some of the

underlying principles of NCLB, the “devil in the details” during implementation are creating the most problems. While appearing not to disagree, Hunter outlined the four themes already identified by AASA. In an attempt to set aside the ongoing debate about unfunded mandates, Hunter emphasized the need to develop clear contractual relations between the Feds, states, and districts whereby districts are compensated for the cost of implementing Federally-mandated activities. A second theme would be “fairness and accuracy” in identifying schools and districts for improvement or otherwise “grading” the performance of schools. He noted that all of the growth of the students, or lack thereof, is a direct function of what happens to the student in a school and what happens elsewhere. Hence, he argued the need for a “value added” system that is applied to the schools contribution to student academic performance, which should be the basis of determining what “grade” a specific school or district gets. The third theme is that NCLB should focus services on low-income, low-performing students. And last, he argued that the policy process between Federal, state, and local districts should be more “transparent” in areas ranging from the approval of accountability and assessment plans through granting waivers or special negotiated conditions for determining whether districts and schools are identified for improvement. As reflected in recent reports such as the Harvard University Civil Rights Project and the fourth annual NCLB implementation report by the Center on Education Policy, among others, the need for greater transparency has been called for from many quarters. However, it has not been identified as a recommended change by the Joint Organizational Statement.

New USED Supported “Research-to-Practice Database” Identifies Academic and Behavioral Interventions That Work With Students With Certain Disabilities

The National Dissemination Center for Children with Disabilities (NICHCY) is now making its Research-to-Practice Database, developed for USED, available to schools and parties interested in identifying behavioral or academic interventions which have proven to be effective for students with different disabilities. The database is designed to answer the question, “What classroom strategies, behavioral support, and educational interventions have strong foundations in scientific research to inform and guide practice?” The foundation of the database is built upon findings from meta-analytical studies conducted in special education over the past 20 years. The subjects addressed (along with the current number of studies which are summarized) include Attention Deficit (2), Behavior (9), Instructional Approaches (17), Learning Disabilities (17), Mathematics (3), Problem Solving (2), Reading (12), Self-Concept (1), Self-Determination (1), and Writing (2). Similar information for each of the meta-analyses includes background, research design, information about research subjects, description of the types of intervention studied, duration, research findings, conclusions and implications for practice, plus additional resources and examples of effective practices.

As an example, the database includes a report by Swanson and Hoskyn (1998), who conducted meta-analyses of experimental interventions addressed in 180 studies. One finding indicated that combining direct

instruction and strategy instruction models was the most effective procedure for addressing the effects of learning disabilities. Another finding showed that the greatest levels of change were in the areas of reading comprehension, vocabulary, and creativity. Another meta-analysis conducted by Swanson a year later found direct instruction alone was most effective for teaching word recognition. The important elements in improving student word recognition through direct instruction were sequencing, segmentation, and advanced organizers.

Another study conducted by S. Vaughn, et al, published in 2000, focused on the effectiveness of one-to-one tutoring programs in reading for elementary students at risk of reading failure. It also compared one-on-one tutoring by well-trained paraprofessionals and adult volunteers to one-on-one reading programs led by certified teacher or specialist, such as *Reading Recovery*, and concluded, “Well-trained paraprofessionals and adult volunteers in small-group settings can serve an important function in helping struggling learners to read, and can do so in a way that is more cost effective than expensive one-on-one reading programs that require the instruction to be led by a certified teacher or specialist.” It also found, “Students taught in small groups of 2-6 students were able to make the same gains in reading performance as students taught in one-on-one and small group sessions, including Reading Recovery.”

On several occasions different USED officials have talked about the effectiveness of “individualized” interventions developed for students with specific reading problems, under the new Early Intervening Services

provision of IDEA being implemented in some states. At other times, officials have talked about small group, “standardized” types of interventions being more appropriate.

The draft IDEA regulations discussed research on Response to Intervention (RTI) conducted by some of the individuals whose reports are included in the NICHCY database. Many states have not implemented their interpretation of what constitutes appropriate Early Intervening Services for borderline students who have not been placed in special education but are having problems with reading or math. One reason is that USED officials have warned districts that the final regulations in the area of Early Intervening Services, may not be similar to that proposed in the draft regulations (see June 2005 Special Report). Some of the studies already included in the database may provide some hints of what may be included or how prescriptive USED guidance will be. This free resource is available at <http://research.nichcy.org>.

New Academic Competitiveness Council Initiates Review of More Than 200 Math and Science Education Programs Among Thirteen Other Federal Agencies With the Intent to Improve Their Alignment with NCLB, or to Identify Effective Practices or to Eliminate Some???

The Academic Competitiveness Council, created under the Deficit Reduction Act of 2005, has begun its review of more than 200 programs related to math and science

education, administered by thirteen separate Federal agencies outside of USED, with the intent of streamlining and reducing duplicative efforts. The creation of the Council was advocated by then Chairman of the House Education and Workforce Committee John Boehner, whose key staffer reported in Education Week (April 12), “With the renewed focus on science and math programs at the Federal level, he (Boehner) felt it was productive to get a handle on the programs already on the books before we keep adding more on top of them.” In October 2005, the Government Accountability Office estimated that, in FY 2004, \$2.8 billion was allocated for math and science education programs among 207 programs in numerous Federal agencies. Shortly after the Deficit Reduction Act of 2005 was signed, the President proposed his \$380 million math and science initiative as part of the FY 2007 proposed budget.

As reported in Education Week (April 12), the Council held its first closed door meeting at the White House on March 6 with several cabinet Secretaries and high-level officials from the National Science Foundation and the National Aeronautics and Space Administration, among others. President Bush reportedly “dropped by the meeting.” In a subsequent April hearing, Secretary Spellings indicated that the Council was charged with inventorying such programs, consider the mission of each, the types of students/teachers targeted, and the degree to which such programs are aligned with state math/science education standards. Assistant Secretary Tom Luce noted in an interview around the same time that the Council would also be attempting to identify pilot programs that are effective and could be implemented on a national scale.

Reportedly, Mr. Luce said, “We’re not going to undertake to change the goal or priority of a program, but where there is flexibility we certainly will be urging that some of the principles of NCLB will be applied to the programs.”

In numerous quarters, the policymakers are concerned that the Council is undertaking a “witch hunt” to find existing Federal funding in the areas of math and science in other agencies, and to have those funds reallocated to implement some of the President’s proposed science and math initiatives, such as the \$300 million Math NOW proposal for elementary and middle school students having difficulty in the area of math. The GAO report found that slightly over 70 percent of the \$2.8 billion was in the budgets of the National Science Foundation and the National Institutes for Health. During hearings at the end of March, House Science Committee Chairman Vernon Ehlers (R-MI) and a well-known physics science teacher indicated particular “concern” that education-oriented math and science programs within the NSF have been reduced while the overall NSF budget has been increasing. Over the last two years, the Administration has proposed taking in funds from NSF under the Math/Science Partnership to fund USED-operated programs to provide interventions and tutoring for struggling middle school math students. Another large NSF program, funded at about \$60 million, is the Teacher Professional Continuum which has been heralded as an “effective” professional development program by numerous groups, including the Office of Management and Budget using its PART program assessment system. One of the largest non-USED programs identified by GAO was the \$547 million annual initiative to train bio-medical,

clinical, and behavioral researchers by the National Institutes of Health .

One of the areas that should be of concern to some publishers is whether certain NSF programs that fund the development, demonstration and evaluation of new curriculum and supplemental materials in the area of science and math instruction would be effected. Over the last decade, several large publishers have indeed “taken to market” some of these math and science products, some of which are now widely used in the K-12 environment. One Federal agency which has supported, over the last half century, the development of education technology, the Department of Defense, will apparently not be part of this review. Since the late 1960s under Secretary Robert McNamara, an initiative began which culminated in the early 1990s in the actual “spinoff” of DOD-developed education technologies for use in civilian education. Many of these technologies were originally pilot tested and refined to improve math and reading skills of enlistees with low-level entry skills. Groups which have benefited from such DOD-supported activities include PLATO Learning (and its forerunner, Control Data Corporation) Carnegie Learning, Intelligent Automation Inc. (whose Gradations ILS-type program is currently being used and evaluated by the Office of Naval Research), Apangea Learning, and Tutor Tech, among others.

To the extent the Council does identify programs and funding which could be better aligned with NCLB principles, it is not altogether clear that attempts will be made to integrate them into USED. For example, the major pressure and support for science, technology education and mathematics (STEM) proposals in both the House and the

Senate have come from industry, primarily through the Business Roundtable (see March TechMIS report on SIIA Fly-In). Some of the programs which are designed, for example, to develop technology literacy skills could conceivably be allocated to the Secretary of Commerce whose special assistant is John Bailey, who was the first director of the Office of Education Technology in USED when the Bush Administration came to power.

For a copy of the GAO report go to: www.gao.gov/new.items/d06114.pdf.

New USED Guidance on Academic Competitiveness Grants and Recent Award of State Scholars Grants to Eight New States Could Increase the Momentum for Districts Adopting More “Rigorous High School Course of Studies”

On April 5, the USED released policy guidance in the form of a Dear Colleague letter on the Academic Competitiveness Grant program which was created by the recently signed Higher Education Reconciliation Act of 2005 (HERA). The letter focuses on student eligibility for the \$750 additional incentive Pell Grant which includes a condition that students must have completed a “rigorous secondary school program of study.” About two weeks after release of the guidance, USED announced that eight new states had been chosen for the State Scholars Initiative which will provide \$300,000 over two years to each of eight states who implement the program in at least four school districts. The Core Course of Study must include four years of English,

three years of math, three years of science, three and a half years of social studies, and two years of a language other than English. Many observers feel that these two initiatives are directly related to each other, as described below (see [Washington Update March 2006](#)). The net result could be an increased rate of adoption among districts of “rigorous courses of study,” not only in the new eight state grants but also in the 14 other states that had earlier been awarded State Scholar Grants.

In the HERA, Congress provided funding for grants for this program for the 2006-07 award year. Hence, students from low-income families can apply for these loans for the first time if they have been enrolled in a high school with a rigorous course of study. The Act also includes a provision which allows the Secretary of Education to decide what is a rigorous course of study; this provision has already generated a letter from former Chairman John Boehner and Senator Mike Enzi to Secretary Spellings noting other provisions in NCLB which prohibit the Secretary of Education from prescribing curricula. During the Annual CCSSO conference a state official from Utah indicated that the State’s Republican Representative, Rob Bishop, submitted an amendment, passed by the House, which would delegate that authority to a “designated state official.” Also during the conference, a consultant to CCSSO emphasized his strong feeling that the Secretary does not want to be confronted with making such a decision. The Dear Colleague guidance states that the Department will notify applicants of their potential eligibility and direct them to a website that will “help the applicant determine whether he or she has completed ‘a qualifying rigorous secondary school

program of study identified by a State or local educational agency and recognized by the Secretary.’ ” The Department expects the website to be functional by July 1, 2006. Many observers believe that, because of inadequate time to go through the lengthy rule-making process, the State Scholars Course of Study has been “recognized by the Secretary” and has been “identified” by state or local agencies as the result of grants awarded to the 22 states. The State Scholars Course of Study will likely be adopted certainly as a stop gap measure and perhaps indefinitely. In many districts, pressures should be mounting from various quarters to ensure that their high school courses of study meet the “rigorous” criteria, thus allowing minority students to be eligible for the \$750 for entering freshman and \$1,300 incentive grants for college sophomores to take advantage of the new added Pell grant.

As reported in Education Daily (April 26), during the CCSSO conference, Deputy Secretary of Education Ray Simon, stated that the following types of high school programs will “automatically” meet the “rigorous course of study” requirement under HERA:

- advanced placement or honors programs;
- state scholars diplomas; and
- course requirements similar to the state scholars diploma.

States would also be allowed to propose variations on these three options which could be approved. An off-line discussion with Assistant Secretary Henry Johnson during the CCSO conference confirmed that

policy letters would be sent to states shortly outlining the specifics.

The eight new states, identified in the April 21 USED Press Release, are Colorado, Louisiana, Massachusetts, Nebraska, North Carolina, Utah, Virginia, and West Virginia. The 14 states previously chosen are Arizona, Arkansas, Connecticut, Indiana, Kentucky, Maryland, Michigan, Mississippi, New Jersey, New Mexico, Oklahoma, Rhode Island, Tennessee, and Washington. For more information on the State Scholars program go to www.wiche.edu/statescholars.

Alaska Update - May 2006

As reported by Stateline.org, the Alaska legislature is considering a bill that would provide bonuses of between \$1,000 and \$5,500 to principals, teachers, and support staff in schools that improve their students' academic performance of the State's standardized tests.

As reported in Education Technology News, the Alaska education network has agreed to partner with Abilene, the high-speed Internet 2 network to provide the State's K-12 students with access to the Abilene network which is usually restricted to colleges and universities. The K-12 network program is sponsored by the University of Alaska - Fairbanks. For more information, contact Carla Browning at Carla.browning@uaf.edu.

Arizona Update - May 2006

Arizona's new corporate scholarship tax credit became law at the end of March without the signature of Governor Janet Napolitano. Under the plan, business can get tax credits for donating to a private school scholarship that will be capped at \$5 million per year for the next five years. Students from low-income families will be eligible to receive scholarships of at least \$1,000 to attend private schools.

The Arizona Daily Star reports that questions have arisen, nationwide, about the rigor of state assessments. In Arizona, for example, 68 percent of students pass the State reading test (AIMS) while only 24 percent passed the national NAEP test. Similarly in math, 74 percent passed the exam but only 28 percent passed the NAEP test. The Arizona Daily Star also reports that only about 100 of the 6,000 high school seniors in the Tucson metropolitan area are in danger of not graduating because of the AIMS.

Arkansas Update - May 2006

As reported by the Arkansas News Bureau, in the special legislative session on Education ended in early April, the State legislature increased State aid to public schools by \$200 million for the next two school years. Under the new funding package, per-student State aid will increase from \$5,400 to \$5,486 for the current school year and to \$5,620 for 2006-07. The legislature also increased, by \$50 million, the \$120 million approved last year for school facilities improvement for the two school years.

California Update - May 2006

The Sacramento Bee reports that, as of the end of 2005, nearly 48,000 high school seniors (11 percent) had not yet passed the California High School Exit Exam and are at risk of not graduating in June. This total does not include the more than 20,000 students with disabilities who have been exempted from the exam requirement this year. The pass rates are significantly different for the various population subgroups: White students -- 96 percent; Asian students -- 94 percent; Hispanic students -- 82 percent; African-American -- 80 percent; and poor students -- 82 percent.

Education Daily reports that California is implementing Connect Ed: California Center for College and Career intended to develop rigorous technical and career education curricula for public high school. Funded by \$6 million from the James Irvine Foundation, Connect Ed will work with state and local agencies to establish model curricula for major industries, including engineering, health/biotechnology, business/finance, and communications. When implemented, the models will allow students to earn college credits and professional certifications in their chosen fields. Components of the program are already operating in model schools in Elk Grove, Lancaster, Palmdale, Sacramento, and West Covina.

According to the Los Angeles Times, Governor Arnold Schwarzenegger has said he will not endorse Proposition 82, a universal preschool initiative led by Hollywood filmmaker Rob Reiner, because it would require an increase in taxes. Under Proposition 82, which goes before the voters on June 6, all California children would be eligible for free half-day prekindergarten classes taught by credentialed teachers. The \$2.4 billion program would be funded by higher taxes on high-income taxpayers.

According to the Los Angeles Times, California has adopted new guidelines for English/language arts textbooks for the middle and high school grades. To be used as guidance for textbook publishers, the new curriculum will specify criteria for oral and written vocabulary development, writing and reading comprehension. Although the guidelines are intended to address the needs of English language learners by incorporating afterschool work, critics argue

that the curriculum should include an option for extra instruction for English learners during the regular school day. California textbook selection is a complex process requiring many committees and reviews. The State spends an estimated \$500 million on textbooks every six years.

Stanford University, under the leadership of Dr. Patrick Suppes, is planning to establish the nation's first online high school for gifted students. Covering grades 10-12, the virtual high school will offer a full standard curriculum as well as many additional courses already available through the University's Education Program for Gifted Youth. According to the Mercury News, the virtual school, funded by a \$3.3 million grant from the Malone Family Foundation, will allow students to take their entire high school curriculum through the school or enroll in specific courses not available in their regular high schools. Officials expect the school to enroll 100 new students each year with an annual tuition of \$12,000 (financial aid will be available for disadvantaged students).

In March, the Los Angeles school board approved the 100th charter school in the district, according to the Los Angeles Times. Currently, 86 charter schools are operating in the district and 14 are preparing to open. Another 15 are likely to be operating by the start of school next Fall. Although the charter school trend has been celebrated by many in the district, it has been the cause of concern for many others. There have been recommendations that a one-year moratorium be placed on new charter schools and the district's charter school department be expanded to increase the district's oversight of existing charter schools.

The Sacramento Bee reports that the Elk Grove school district has agreed to allow high school seniors who have not passed the California High School Exit Exam (CHSEE), but who have met all other graduation requirements, to participate in graduation ceremonies and receive certificates of completion. To participate in the ceremony, these seniors must agree to attend summer school and retake the CHSEE. Of the total of 644 Elk Grove seniors who have yet to pass the exit exam (229 of which are special education students and are exempted from the CHSEE requirement), 285 -- seven percent of the Class of 2006 -- are eligible to attend the graduation ceremony.

Colorado Update - May 2006

As reported in the Denver Post, the Colorado legislature is close to approving a bill that would require students to remain in school through age 18. The bill contains exemptions for students who graduate before 18, military enlistees who are 17 years old, and home-schooled students. Local administrators would have some authority to grant additional exemptions. The bill is a response to a study last year by the Annie E. Casey Foundation that decried the State's high dropout rate.

At least one member of the Colorado State Board of Education has argued that more of the State's pre-kindergarten program should be operated by the private sector. As reported in the Rocky Mountain News, Colorado has funded 10,860 preschool slots this school year -- up from 8,050 last year -- and legislative proposals are likely to add 2,000-4,000 more slots next year. Students are eligible for the State-funded preschool slots based primarily on poverty data. Another 6,400 Colorado children attend preschool funded by the Federal Individuals with Disabilities Education Act (IDEA).

Connecticut Update - May 2006

The Hartford Courant reports that the State has awarded competitive grants totaling \$814,000 to support seven summer institutes to enhance the teaching skills of Connecticut teachers, particularly in mathematics and science. The seven seminars will train a total of 214 teachers on conforming with State standards and research-based teaching methods. Funded by Title II (Teacher Quality) of the Federal No Child Left Behind Act, the institute will, in addition to the summer seminars, allow college faculty to help participants incorporate new techniques into their classroom instruction.

Delaware Update - May 2006

According to The Wilmington News Journal, Delaware plans to revise its test scoring methods for special needs students who are assessed in compliance with the Federal No Child Left Behind Act (NCLB). The changes will allow districts to assign scores of students attending a special education school either to the special education school or the student's assigned neighborhood school. For NCLB accountability purposes, districts will be permitted to use the better of two test scores for students who do poorly the first time, attend summer school, and retake the test. Currently, only the first score counts.

The News Journal also reports that the Delaware State Senate has approved a bill that would establish full-day kindergarten programs in all 19 of the State's school districts within two years. Still to be approved by the House, the bill would require districts to offer half-day kindergarten for parents who prefer. Because some districts will not have enough classroom space by 2008, districts would be able to apply for a one-year waiver from the requirement. State estimates indicate that the cost of implementing the program would be about \$25 million for instruction costs (of which the State will pay 70 percent) and the State would contribute \$30 million toward construction costs.

In reaction to complaints that the Delaware State Testing Program -- designed to assess student knowledge and rate schools with respect to Federal accountability requirements -- does little to help teachers improve student instruction, a State task force has recommended a number of changes. These include:

- testing three times a year;
- moving the Spring test from March to the end of the school year;
- switching to tests that more accurately measure student strengths and weaknesses; and
- requiring end-of-course exams for high school students.

Five Delaware school districts have already begun using the Measures of Academic Progress (from the Northwest Evaluation Association), a multiple-choice test that costs less for Federal reporting, tests student learning, and provides more specific information to teachers about

student skills.

Florida Update - May 2006

In his State-of-the-State address, Governor Jeb bush proposed a series of reforms that would give Florida a more rigorous high school curriculum. Responding to recommendations from the State's High School Reform Task Force, the Governor's proposal would require middle school students to earn 12 credits in language arts, math, science, and social studies before being promoted to high school and would provide intensive reading help and summer academies to help struggling students. At the high school level, students would have to spend 15 of the 24 credits required for graduation on "rigorous core subjects." The Governor acknowledged that the State has a "long way to go" to get Florida's students to grade level in reading. Only 53 percent of the State's third-through tenth-graders are able to read at grade level (although this is up from 46 percent in 2001).

Florida education officials and legislators are considering a package of high school reforms intended to make school more challenging and interesting to students. As reported in the Orlando Sentinel, a similar middle-school reform package failed in the legislature last year. Supported by Governor Jeb Bush and his High School Reform Task Force, the series of reforms is expected to include:

- smaller learning communities;
- requiring high school students to select majors and minors;
- providing more advanced classes and remedial help in middle and high schools;
- offering more career planning;
- requiring high school students to take four years of math; and
- requiring middle school students to pass all core courses before moving to the ninth grade.

Also according to the Orlando Sentinel, results from the writing component of the 2006 Florida Comprehensive Assessment Test (FCAT) show that at least 76 percent of the fourth, eighth, and tenth grade students tested scored at or above "acceptable" levels, a great improvement over scores in 1999 when only about 34 percent scored as "acceptable." Writing has been part of the State assessment since 1992. This year is the first in which students took a multiple-choice

writing exam in addition to the essay test; the multiple choice exam will become part of the State's graduation requirements beginning with the Class of 2008.

Hawaii Update - May 2006

According to the Honolulu Advertiser, last year, Hawaii had the Nation's second lowest percentage of schools making "adequate yearly progress" (AYP). Only 34 percent of the State's schools made AYP as compared with a national average of 73 percent. Only Florida (28 percent) was lower. State officials argue that the data is misleading because Hawaii's State assessment is considered to be one of the most rigorous in the country. The proportion of schools making AYP actually dropped from 53 percent in 2004 because of rising standards.

Illinois Update - May 2006

According to Education Week, the non-partisan Civic Federation has recommended that the State “meet existing obligations before undertaking expensive new programs.” The organization calls on Governor Rod Blagojevich to abandon his \$45 million program to provide preschool for all three- and four-year-olds in the State and to offer health coverage for all uninsured children. The Federation’s report -- “State of Illinois FY 2007 Recommended Operating Budget: Analysis and Recommendations” -- is available at www.civicfed.org.

The Chicago Sun-Times reports that the Gates Foundation has given a \$21 million grant to the Chicago school district to overhaul the City’s high school curriculum and provide training for its teachers. It is anticipated that the new more rigorous and more interesting curricula in English, math, and science will be implemented in 14 high schools next Fall and expanded to more than 50 high schools over the next three years. The grant is an outgrowth of a \$2.3 million Gates-funded study last Fall that recommended the overhaul of the City’s high schools. The grant includes “instructional support packages” to improve subject matter instruction, curricula aligned with State standards, and intensive teacher training.

During the CCSSO conference, a discussion with the State Superintendent and his assistant confirmed the ten districts which, along with Chicago, requested a waiver to be allowed to provide their own SES programs have been able to provide to some extent their own SES services even though Chicago is the only district which is formally approved by USED. These districts are allowed to use other funding sources to continue providing SES or, in several instances, a high-performing school is allowed to provide services to eligible students in schools identified for improvement.

Kansas Update - May 2006

Like its larger counterpart in Missouri, the Kansas City (Kansas) school district has had difficulty providing supplemental educational services (tutoring) as required under the Federal No Child Left Behind Act (NCLB). According to The Kansas City Star, the district contracted with a local social services agency, School Linked Services, Inc. after having no student participate in NCLB tutoring last year. Using local teachers, the agency has set up a program that has enrolled nearly 600 out of the 1,180 students eligible for tutoring.

Louisiana Update - May 2006

According to Education Daily, Cisco Systems will provide \$20 million to help Louisiana schools damaged by Hurricane Katrina. Part of Cisco's 21st Century Schools program, the award will include cash, equipment, and expertise for eight schools in Jefferson Parish. The expertise will come in the form of ten Cisco employees who will provide training in education governance, curriculum development, teacher training, and use of technology. The program will be similar to the grants to 33 schools in Mississippi last Fall. For more information on the Cisco program, go to: http://newsroom.cisco.com/dlls/2006/corp_031506.html.

Maryland Update - May 2006

The political battle over Baltimore City's failing schools has heated up. As reported in The New York Times, on March 29, the State school board voted to take over four chronically low-achieving Baltimore high schools and to remove the City from direct operation of seven failing middle schools. Within two days, the Democratic-controlled Maryland legislature passed a bill blocking the State actions until June 2007. The political infighting -- Baltimore Mayor Democrat Martin O'Malley is expected to challenge Republican Governor Robert Ehrlich in the next gubernatorial election -- got even more heated as the State Senate has overridden Governor Ehrlich's veto of a bill that would stop the State from taking over eleven failing schools in Baltimore City. The new bill would place a one-year moratorium on the State's efforts to assume control of the schools and the U.S. Department of Education has threatened the State's \$171 million in Title I funding if the State legislature blocks restructuring in the City. The district's new plan to fix the 11 failing schools has a number of facets, including:

- individual plans for all students at risk of failing State tests;
- adoption of a new curriculum like one used in a successful neighboring county -- Howard or Anne Arundel;
- work with the State to develop leadership training for principals;
- requiring school staff to reapply for their jobs.

Massachusetts Update - May 2006

As reported in The Boston Globe, the Boston school district has begun recruiting charter schools to join the City school system in an effort to retrieve funding it loses when students shift to charter schools, which are under State jurisdiction. Joined in the effort by the Boston Teachers Union, the district is asking the City's 14 charter schools (and their 500 teachers) to become "pilot schools" which are autonomous but which fall under the Boston school district. Created in 1995, pilot schools have more autonomy than traditional schools but less than charter schools. Many charter school officials were skeptical of the idea that the district would permit the schools to retain the freedoms of charter schools.

Michigan Update - May 2006

Michigan has approved more rigorous high school curriculum requirements to go into effect for the Class of 2011, according to the Detroit News. Under the State mandates, in order to graduate, high school students must pass four credits each of English and mathematics, three credits each of science and social studies; two credits of a foreign language, and one credit each of physical education and art. The new legislation allows districts who cannot find enough teachers for the higher-level courses to apply for a delay in the implementation of the requirements.

In addition to approved the legislation raising Michigan's academic standards, the State legislature agreed on a bill that would require every student to participate in some form of online instruction as a graduation requirement.

The Detroit Free Press reports that, under the auspices of the U.S. Department of Defense national security education program, Michigan is conducting to fund K-12 and college classes in Arabic. The State will be receiving a grant of \$700,000 a year, for up to 16 years, to pay teacher salaries and other costs of the Arabic instruction. The experiment is part of the National Strategic Language Initiative for which the President has requested \$114 million for the 2007 fiscal year. Planning for Michigan's Arabic language program will begin this summer at Michigan State University's Center for Language, Education and Research.

The Detroit News reports that the Detroit school system has seen an enrollment decrease of nearly 12,000 students over the last two years. The drop in students is expected to cost the district \$64 million in State aid which is based on the number of full-time equivalent students. It represents the largest enrollment decline in more than twenty years and some school officials believe it has been caused, at least in part, by the closing of 29 schools this year. Another ten schools may be closed this summer.

Governor Jennifer Granholm has approved a three-bill education package to help school districts develop and implement Early Intervention Programs for students in grades K-3. The Early

Intervention Programs will monitor student performance, identify individual challenges, and provide additional support including reading, writing, math, visual memory, motor skill development and behavior or language development. Districts will be allowed to use funds from a variety of State sources to implement the programs. The Governor has also proposed \$36 million in additional funding for the Great Start preschool program and \$15 million for a new afterschool program to help middle school students with math, science, and computer technology.

Minnesota Update - May 2006

Education Daily reports that Governor Tim Pawlenty has proposed a \$10 million education package aimed at improving the State's early childhood programs and preparing young children better for kindergarten. Funded by Federal TANF (Temporary Assistance for Needy Families) dollars, the initiative would re-establish a screening system to identify children not ready for kindergarten.

In his State-of-the-State address, Governor Pawlenty proposed more rigorous required middle and high school curricula, including Algebra I by eighth grade and Algebra II and Chemistry before high school graduation (currently Algebra II and Chemistry are not mandatory for graduation). The Governor also proposed to establish as many as five "pioneering high schools" that would reorganize to focus on college preparedness or technical education. He also called for \$7 million in incentives for at least ten "pioneering districts" to create Advanced Placement or International Baccalaureate programs across all grades.

As reported in Education Technology News, Governor Pawlenty has also proposed a Statewide science initiative intended to improve science, technology, math, and engineering education. The initiative is expected to offer higher-level science and math courses in high school to prepare students better for college work and technical courses.

Nevada Update - May 2006

During the CCSSO annual conference in Washington, Nevada officials confirmed that the largest SES provider in Clark County (Las Vegas) is the Clark County NEA affiliate, now serving over 3,000 students. Clark County has been identified for improvement and, thus far, has not been allowed to provide its own SES. Also during the conference, officials from the National Education Association confirmed that Clark County will be heralded as the NEA “flagship” district where the NEA affiliate has taken a lead role in providing SES. The NEA will most likely also be lobbying in the Florida State legislature to allow Florida NEA affiliates to provide SES. A State ruling last September stated that, since the Pinellas County local teacher’s group was a “related entity” to the Pinellas County Public Schools; as such it could not provide services.

Discussions during the CCSSO conference with State officials confirmed that the new Institute for educating gifted and talented students operated by Jan and Bob Davidson (who founded the successful Davidson Associates software publishing firm during the 1980s), has almost 30 students from around the world enrolled in the program. The Davidsons have been successful in obtaining several million dollars of State funds to supplement their own contributions to this new, unique, institute.

According to the Associated Press, Nevada Democratic legislators have proposed an education package that includes merit pay for teachers (usually pushed by Republicans), full-day kindergarten, and a State lottery to pay for classroom supplies. Under the proposal, \$138 million over two years will be allocated to \$2,000 increases in annual salaries for all teachers and another \$40 million to reward teachers whose students improve one grade level each year.

New Jersey Update - May 2006

As reported in Education Week, Governor Jon Corzine has proposed a FY 2007 State budget of \$30.9 billion that, in an attempt to manage a \$4.8 billion shortfall, level-funds direct formula aid to school districts. The total budget for K-12 education actually increases by 10.6 percent -- from \$9.4 billion to \$10.4 billion -- but almost all of the increase is earmarked for construction and teacher pension funds.

Education Daily reports that, in April elections, almost half of the local school budgets were rejected by New Jersey voters. Combined with the State's \$4 billion budget shortfall and the Governor's determination to hold costs down, the rejection of the school budgets could result in cuts in many programs and staff cutbacks. Although the typical New Jersey school gets 40 percent of its funding from State aid, poor districts are almost totally dependent on State funding of various kinds.

The New York Times reports that, in early April, Governor Corzine asked the State Supreme Court to freeze about \$160 million in planned funding for the State's poorest school districts (Abbott districts) because of budgetary shortfalls. Under the Abbott ruling, the State is required to ensure that the 31 poorest districts receive enough financial aid to match the wealthiest districts. The State's financial constraints has essentially frozen State aid for all districts except the Abbott districts. The Governor's popularity has dropped drastically as he takes steps to improve the State's finances including a sales tax increase, a new tax on hospital beds, and \$2 billion in spending cuts.

Also in Education Week, a panel appointed by the Governor has recommended replacing the controversy-riddled Schools construction Corporation (SCC) with a new group to oversee building construction and renovation. Currently, the SCC manages \$3 billion in school construction projects but has been accused of mismanaging funds and will be unable to complete all the projects planned.

New York Update - May 2006

The New York Times reports that, as part of a proposed broad-based tax-cut package, the State would issue \$2.6 billion in bonds for school construction. Of the total, \$1.8 billion would go to New York City this year, allowing for the construction of 21 new schools. Over the next two years, if approved by the Governor, the package would return \$4.1 billion to the State's taxpayers and provide child tax credits worth \$330 for each child aged 4 to 17. It would also increase operating aid to schools by \$1.1 billion, \$400 million of which would go to New York City schools. This is far short of the \$4.7 billion-\$5.6 billion the courts have ordered to be spent by the State over the next four years for City schools.

Also reported in The New York Times, the New York City school district is planning to give a grade -- from A to F -- to each of the City's 1,400 schools every year. Principals whose schools consistently fail could be subject to replacement, although their union says this would require a negotiated change in their contracts. The most critical factor in the schools' grades will be the improvement of students' scores on standardized tests; with particular emphasis on the schools' lowest-performing students. Schools will be compared against district-wide averages as well as peer groups of schools with similar proportions of poor, minority, special education, and non-English-speaking students. It is estimated that the program will cost about \$25 million to design and implement.

North Carolina Update - May 2006

The Raleigh News & Observer reports that, within two years, parents of students in North Carolina schools will be able to get their students' report cards online as well as in hard copy. About a third of the State's schools already enter classroom data into a State-operated, Internet-based data network. Because nearly every classroom in the State has Internet access, many teachers prefer to communicate with parents (including sending progress reports) via the Internet. North Raleigh Christian Academy, for example, has set up its grade reporting through Apple Computer's PowerSchool program.

Also according to The Raleigh News & Observer, Governor Mike Easley has included in his budget plan for next year literacy coaches to help middle school teachers teach reading and writing skills. Under the Governor's plan, about a third (approximately 100) of North Carolina's middle schools will get the coaches as part of a trial effort at a cost of about \$5 million. The State had already requested \$4.1 million to hire reading coaches next year in low-performing middle and high schools.

Oregon Update - May 2006

As reported in Education Week, the State of Oregon has been sued by six school districts and three families who claim that the State has failed to provide adequate funding for K-12 education. Citing Measure 1, a State amendment requiring enough money to meet the goals of the State-approved Quality Education Model, the plaintiffs argue that it would cost \$7.1 billion in the 2006-07 biennial budget to meet the Model's goals, far more than the \$5.3 billion proposed by the Governor. The additional funds, according to the Model, would reduce class sizes, provide more professional development for teachers, and implement other school improvement initiatives.

According to The Oregonian, more than three-quarters of Oregon's rural school districts are losing students and many will have to close schools forcing students to be transported great distances to other schools. Of the State's 87 small, rural districts, 67 have lost students in the last decade, many by as much as 20 percent. Rural districts are lobbying the State legislature for stopgap funding as well as a shift in the State's per-pupil funding formula to give more funding to rural districts.

The Associated Press reports that Governor Ted Kulongoski is planning to propose a \$6 billion State budget for education in the 2007-09 biennium -- a 15 percent increase over the \$5.25 billion earmarked for schools in the current budget cycle. Currently, public school funding consumes about 50 percent of the State's budget. Under the Governor's proposal, 61 percent of the State's general fund would be devoted to prekindergarten through university programs, decreasing class sizes and restoring programs that had been cut in recent years.

Pennsylvania Update - May 2006

Governor Ed Rendell has proposed an increase in preK-12 education budget for 2006-07 of \$517 million, or 6.4 percent. The Governor's \$200 million Classrooms for the Future initiative is now being considered by the State legislature. Classrooms for the Future would provide every high school classroom in core subjects -- English, math, science, and social studies -- with laptop computers and other multimedia technology. The Governor's proposed 2006-07 budget includes \$20 million to equip 100 high schools in the program's first year.

Pennsylvania, like Arizona and six other states, uses the Stanford English Language Proficiency Test as a measure of whether a student is ready to leave the English-learner program. Unlike Arizona, Pennsylvania includes a number of other factors such as student grades and scores on other Statewide tests. School officials decide when a student is ready for the regular classroom. The State has seen little change since 2002-03 (when the Stanford test was first used) in the number of English language learners.

Education Technology News reports that 19 Pennsylvania school districts will each receive \$50,000 grants under the State's Getting to One program designed to improve teachers' use of technology in the classroom. The Getting to One grants are part of the State's overall technology initiative that includes: (1) a \$60 million grant program to provide broadband access in schools across the State; and (2) the \$200 million Classrooms for the Future initiative to provide laptops for students and train teachers to use technology to improve student achievement.

A bill pending in the Pennsylvania legislature would have the State -- rather than districts -- pay students' tuition at online charter schools and cap the annual payment at \$5,000 per student (or less depending on the cyber school's enrollment). As reported in the Pittsburgh Tribune-Review, special education students at cyberschools would be funded at actual cost. Pennsylvania has 12 cyber charter schools enrolling more than 13,000 students in the current school year, up from 10,000 the previous year.

South Carolina Update - May 2006

In an effort to improve the State's high school graduation rate, the South Carolina High School Redesign Commission has established 55 strategies. These include:

- establishing a preK-16 council to foster coordination between public schools and colleges;
- replacing the 120 hour high school requirement by a proficiency-based completion system;
- creating alternative pathways to high school graduation (e.g., extended days, extended years); and
- fully funding the State's Education and Economic Development Act.

South Dakota Update - May 2006

Education Technology News reports that Governor Mike Rounds has proposed the 2010 Education Initiative which includes “Finishing Strong,” a program that provides incentive funds for districts to start one-to-one high school laptop programs.

Also according to Education Technology News, in March, Governor Mike Rounds signed a bill establishing a Statewide virtual high school, as well as the South Dakota Virtual High School Advisory Council to oversee the school’s operation and recommend distance learning options for the school.

The Sioux Falls Argus Leader reports that South Dakota has initiated a \$3 million program to improving the teaching skills of mathematics teachers and raising the math scores of students. Both nationwide and in South Dakota math scores have lagged behind reading scores. In 2005, 82 percent of South Dakota’s students were proficient or advanced in reading compared with only 74 percent in math. The State program will provide specialized math training for South Dakota’s K-5 teachers.

Texas Update - May 2006

The Texas Education Agency has formally approved ten reading publishers' and eight math publishers' products for use in the Intensive Reading Initiative and the Intensive Math Initiative, to which \$15 is to be allocated for reading and \$5 million for math, over two school years. Funds will be allocated to eligible districts who can apply for funds by May 1, 2006 for the first cycle and a start date of September 1, 2006. The publishers with products which have been approved include Compass Learning, Harcourt, Pearson Digital, PLATO Learning, Regional Education Service Center IV, Riverdeep, Scholastic, Scientific Learning, and Voyager Expanded Learning. Although TEA officials will not confirm, several Texas district officials responsible for Federal programs suggested that initial funding for these initiatives, which was significantly higher, came from the Title I four percent set-aside for school improvement. If a portion of the TEA four percent set-aside is once again being used for this purpose, there exists some question as to whether or not, after the TEA makes all adjustments for hold harmless for districts receiving Title I cuts this coming year of ten percent or more, there will be any funds available for the four percent state set-aside.

The Houston Chronicle reports that the State has given a pass to schools and school districts affected last Fall by Hurricane Rita. Districts located in counties designated as disaster areas, as well as any that lost at least ten days of instruction, because of the hurricane will be listed as "not rated" on State-mandated assessments if their ratings drop from last year. Also the scores of students displaced from their home districts by Hurricane Katrina will not be included in the accountability data. Because of higher standards on the Texas Assessment of Knowledge and Skills (TAKS), school ratings were down Statewide last year. This year, for a school to receive an "academically acceptable" rating, 60 percent of all students (up from 50 percent last year), as well as 60 percent of all student subgroups (White, Black, Hispanic, economically disadvantaged), must pass the reading, writing, and social studies components of the TAKS. Also, 40 percent will be required to pass mathematics and 35 percent must pass science. The school ratings will be announced in August.

As reported in The Dallas Morning News, in order to comply with the State's new rule that 65

percent of every school districts' budget must be spent on instruction, Texas districts will have to shift an estimated \$979 million to instruction from non-instructional accounts within the three-year phase-in period. A recent ruling by the State will allow the salaries of school librarians to be counted as instructional expenses. The average Texas school district currently spends 62 percent for instruction. Dallas and Fort Worth, for example, now spend 60 percent and 58 percent, respectively, for instruction and will, therefore, be required to shift \$59 million and \$39 million, respectively, into instruction.

Utah Update - May 2006

According to The Salt Lake Tribune, education advocates in Utah claim the State legislature has done little to close the achievement gap in the State between White and minority students. In the last legislative session, two of seven bills aimed at reducing the gap passed. One of these would provide \$500,000 in grants to reimburse teachers to become “highly qualified” as required by the Federal No Child Left Behind Act. The second would test incoming pre-kindergarten students. Other bills -- including those that would fund all-day kindergarten, reduce class size, and earmark funds for English language learners -- failed to pass.

The Salt Lake Tribune also reports that nearly 3,300 Utah high school seniors have failed to pass all sections of the Utah Basic Skills Competency Test (UBSCT), the State’s high school exit exam. Students who have met all other graduation requirements and who have taken the UBSCT at least three times without passing will receive diplomas and transcripts that note the UBSCT shortcomings. Students who have met all other graduation requirements but who have taken the UBSCT fewer than three times without passing will receive a certificate of completion instead of a diploma.

According to the Deseret News, the U.S. Department of Education (USED) has turned down Utah’s plan to create its own metrics for compliance with the Federal No Child Left Behind Act (NCLB). State officials have argued that NCLB timelines are unrealistic and proposed using a student growth model to measure academic progress. But USED rejected the plan because, among other issues, it did not hold schools accountable for the performance of student subgroups on State tests.

Virginia Update - May 2006

As reported in Education Daily, between 80 and 90 percent of Virginia's public schools are not reporting numbers of special education students to the U.S. Department of Education for purposes of calculating schools' adequate yearly progress (AYP). Because the State has established 50 students as the minimum subgroup size (N size) for NCLB reporting, most schools omit special education students from Federal AYP reports, although they are counted on state reports. Virginia reports special education achievement in four categories; out of a total of 1,862 public schools in the State, only 239 have enough special education students to report scores in English participation, 197 report scores for English performance, 342 for math participation, and 299 for math performance.

Washington Update - May 2006

At the National Governors Association meeting in February, Governor Christine Gregoire said that the State is establishing a public-private partnership to ensure young children - ages 0 to 5 - receive the highest quality education. The Governor says that the private sector and non-profit organizations are investing more than \$100 million in the State for this purpose.

Governor Gregoire has signed into law a new cabinet-level Department of Early Learning according to the Seattle Post-Intelligencer. The new department, bringing together more than 12 State agencies that address early childhood development, will work with business and nonprofit groups to improve the quality of the State's preschool and day care programs. The new program has received support from a number of foundations including up to \$90 million over the next ten years from the Bill and Melinda Gates Foundation.

The Seattle Post-Intelligencer also reports that a Statewide initiative to require school districts to spend 65 percent of their budgets in the classroom has died for lack of support. The initiative was opposed by the State's Superintendent and the State teachers union.

Governor Gregoire has also signed into law a waiver provision for the requirement that, to graduate from high school, students must pass the Washington Assessment of Student Learning (WASL) starting with the Class of 2008. Students who fail the WASL may still graduate if they get grades at least equal to those of students who passed the WASL or if they meet other specified requirements.

West Virginia Update - May 2006

According to the Afterschool Alliance, West Virginia received a total FY 2005 appropriation of about \$7 million from the Federal 21st Century Community Learning Centers program -- a six percent cut from the previous year. Most of the money was used to fund existing projects, but the State did fund one new project. The State's 21st CCLC programs served about 7,200 children and youth Statewide.

In December, the West Virginia State Board of Education adopted the 21st Century Learners Strategic Work Plan, a 17-step program to support 21st century learning. According to eSchool News, under the Plan, the State is updating its professional development goals, redefining its assessment program, and revising its content standards to be more rigorous. The State has also joined the Partnership for 21st Century Skills -- which includes such private firms as Cisco, Microsoft, Dell, Apple, and Adobe) -- to ensure classroom instruction appropriately educates future workers. The State is participating in a nine-state Federally-funded online professional development program and the State's Office of Professional Development is planning to establish an online orientation for teachers.

A partnership has been created between the State education agency and West Virginia Public Broadcasting to develop an online professional development program for the State's teachers. As reported in Education Technology News, West Virginia e-Learning for Educators, funded by a \$4.6 million Federal grant, will produce online courses that will focus on improving teacher content knowledge and instructional practices.

West Virginia is one of only five states that have laws requiring universal or widespread prekindergarten programs; the others are Florida, Georgia, New York, and Oklahoma. As reported in the Charleston Daily Mail, West Virginia State law requires that, by 2012, all school districts (which in West Virginia coincide with counties) must have established universal preschool programs for four-year-olds. Five of the State's 55 school districts have universal -- or widespread -- preschool and ten districts expect to have it within two years. State officials say that preschool enrollment will have increased by more than 2,000 students between 2002-03 and

2006-07 and that State formula aid has increased by \$12.9 million.

Wisconsin Update - May 2006

The Associated Press reports that Wisconsin has joined a lawsuit against the U.S. Department of Education (USED) challenging the legality of the No Child Left Behind Act (NCLB). The Federal court action, filed by the National Education Association, argues that NCLB imposes unfunded mandates on states and local school districts. Wisconsin joins Connecticut, Delaware, Illinois, Maine, and Oklahoma in filing briefs in support of the suit. The State's Democratic Attorney General, Peg Lautenschlager, has issued a legal opinion saying USED cannot force states to comply with NCLB. Her Republican opponents accuse her of creating an issue for her re-election bid later this year.

The Associated Press reports that, in March, Governor Jim Doyle signed into law an expansion of the Milwaukee voucher program, the country's largest. Begun in 1990, the Milwaukee program allows low-income parents to send their children to private schools with State paying up to \$6,351 per student. The cost of the program this year will be about \$94 million. The new law raises the cap on voucher participants from 15,000 to 22,500 students next school year. The Milwaukee school board opposed the program expansion but acknowledged that the voucher program has helped the public schools raise graduation rates, improve test performance, and become more accountable for tax dollars.

During the CCSSO conference, Wisconsin State officials indicated that the implementation of Early Intervening Services under IDEA provisions is limited to only a small number of districts which have been identified as having an over-representation of minority students placed in special education. The State has not prescribed any specific interventions such as those approved for Reading First.

Wyoming Update - May 2006

The Associated Press reports that, starting next school year, the State will pay for all Wyoming high school juniors to take the ACT college entrance exam. Costing \$603,000, the program is intended to increase the number of Wyoming students taking the test -- currently only about two-thirds do so. Students may opt to take ACT's WorkKeys test which measures job skills. The cost to take the ACT is \$29; WorkKeys costs \$4. The State's new Hathaway Scholarship Program will provide scholarship funds to high school graduates wishing to attend the University of Wyoming (ACT) or a community college (WorkKeys).

Education Daily reports that Wyoming has developed a student assessment system -- as a replacement for the State's previous Wyoming Comprehensive Assessment System -- that satisfies the requirements of the Federal No Child Left Behind Act. Developed by the State in conjunction with Harcourt Assessment, the Proficiency Assessment of Wyoming Students (PAWS) currently focuses on individual student performance and growth in reading, writing, and mathematics. Science will be added next year. Beginning in April, PAWS will test students in third through eighth grades and eleventh grade. The previous assessment tested only in fourth, eighth and eleventh grades.