

(703) 536-2310  
Fax (703) 536-3225

**Education TURNKEY Electronic Distribution, Inc.**  
256 North Washington Street  
Falls Church, Virginia 22046-4549

**M E M O R A N D U M**

**DATE:** May 1, 2007  
**TO:** TechMIS Subscribers  
**FROM:** Charles Blaschke  
**SUBJ:** USED Intervention Study Findings, calls for Increased NCLB Funding, Modified Assessment Regulations and Coalition Proposals for NCLB Reauthorization

During April, a flurry of activities occurred after Congress returned from the Easter recess. Several coalitions finally released their recommendations for changes to NCLB, either through technical amendments or reauthorization proposals. Associations with vested interests in middle school reform and increased Federal funding have bolstered the legislation submitted in April which, according to several experts, has “legs and traction” with a chance of amending NCLB. The most important groups recommending major “overhauls” are CCSSO, NCLB Commission, and NGA; NSBA recommends more than 40 changes to “fix” NCLB.

USED released some student achievement results associated with Reading First only hours prior to the first House hearing on Reading First conflicts of interest, leaving little time for Chairman Miller and his staff to review the findings and prepare questions for hearing witnesses. Senate hearings on Reading First ethics, conflicts of interest, and directly-related matters are expected shortly. The Congress increased the caps on discretionary spending such that the FY 2008 education budget could increase by \$4-6 billion. The long-awaited regulations on the “2% cap” for modified assessments have been released, which are raising as many questions as answers.

Included in this issue are the following Washington Update items:

- Based upon its most recent NCLB Annual Survey, the Center on Education Policy calls for a significant increase in Federal education funding if NCLB goals are even close to being met and provides strong justifications. Its findings also reinforce the targeting recommendations in the March 30 TechMIS Special Report in which we identified districts receiving increases in Title I funding,

many of which are in states which in the recent past have received Title I funding cuts;

- USED releases the first year results of the randomized experimental control study of technology-based interventions which shows no significant differences in students' academic performance; some of the findings were predictable because of the overall study design, lack of teacher buy-in regarding specific interventions, in adequate time for correct implementation, and the way the results were reported. The impact on USED policy and priorities and on funding approvals by Congress are unclear;
- The influential Education Trust recommends that NCLB's fundamental elements be protected in the reauthorization while at the same time proposing significant changes, including more funding and quality teacher resources for schools and districts that have the greatest need for improvement. It recommends the creation of a \$750 million curriculum development fund, increased high-quality professional development, and increased funding for a longitudinal data system that would allow states to tie a student's achievement to a specific teacher and his or her characteristics;
- The National Governor's Association Coalition, which includes CCSSO and NASBE, would preserve NCLB goals, provide states greater flexibility and reinforce the states' responsibility for education, while constraining Federal intrusion. NGA's high priority on high school reform would also be included as new amendments to NCLB;
- During its April Annual Legislative Conference, the Council of Chief State School Officers (CCSSO) was briefed on NCLB reauthorization proposals from the NCLB Commission, the National School Boards Association and USED officials to solidify support for agreed-upon changes. During sidebar discussions with the co-chairman of the NCLB Commission, former Governor Roy Barnes, and Deputy Secretary of Education Ray Simon, both felt changes would be made in USED policy which would allow more districts identified for improvement to continue providing SES or extended learning/after-school programs. According to some observers, CCSSO might support the NSBA proposal (HR 684) -- which is of a "fix it" nature -- as a set of temporary "technical amendments," if the NCLB reauthorization does not occur this year;
- USED finally releases final regulations on modified assessments for so-called "gap students" in special education (i.e., the 2% cap), which could create opportunities for firms with certain products and services -- including computer-based assessments and training of teachers and IEP team members in identifying students needing modified assessments and interventions -- which could increase reading and math scores of minority students inappropriately placed in special education under early-intervening services;

- The Tenth Annual Technology Counts Report by Education Week indicates that trends in the use of technology are showing some progress, but significant variations in certain areas exist among states. As in the past, we suggest that some of the data collected in the annual survey or otherwise used from other sources may be incomplete and misleading;
- The Council for Exceptional Children proposed reauthorization would make early-intervening services a general education -- not special education -- implementation responsibility, while at the same time creating a separate set-aside funding stream within Title I; if passed by Congress, this would not only provide additional funding, but also ensure greater coordination and collaboration between district-level Title I and special education offices;
- A coalition of associations with vested interests in middle schools recommends that Congress and the administration create a national middle school policy by redirecting its emphasis in the NCLB reauthorization; many of the coalition's recommendations, particularly the creation of Math Now, are being passed by Congress as separate legislation which could be amended to NCLB during final reauthorization.

The state profile updates address recent budget proposals or legislative action on K-12 funding for the next one or two years: (a) Increased graduation requirements, initiatives relating to physical education, mental health and student well-being that have been approved or will likely be approved along with increased state funding; and (b) increased attention to additional funding supporting education for gifted and talented students. In both of these areas, NCLB has drained resources away from these two areas in order to meet the narrow assessment mandates of NCLB.

Also included in this issue is an index of TechMIS Washington Updates and Special Reports submitted to our TechMIS subscriber contacts over the last 12 months. If for any reason, you have not received one of these issues, please let us know so that we can email it to you.

# *Washington Update*

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*Vol. 12, No. 5, May 1, 2007*

## **Center on Education Policy Delivers Message from States and Districts to Congress: Increase Funding if NCLB Goal is to be Met**

In mid-March, before the Senate Appropriations Subcommittee on Education, Labor, Health and Human Services, Jack Jennings, President of the Center on Education Policy, delivered the message that more funding is needed if states and districts are even to come close to meeting NCLB goals. Jennings cited numerous instances where many NCLB provisions are, in fact, unfunded mandates requiring state and local resources to make up differences. The justifications for increased funding are based upon survey data compiled by CEP from all states, a nationally representative sample of 300 school districts, and an in-depth analysis of Federal education appropriations and funding allocations to states and districts. The funding and legislative changes recommended by Jennings will be carefully considered by Congressional leadership and many ranking Republican members on both appropriations and committees responsible for NCLB reauthorization for several reasons, including:

- a) CEP's ongoing annual survey and reports on the implementation of NCLB are increasingly being cited as the leading authority on the subject, not only for CEP's objectivity, but also its predictions of the consequences of implementation

-- both intended and unintended -- which have been born out by empirical evidence; and

- b) For over three decades, Jennings served as the key Democratic staff person on the House Education Committee and was personally involved in all ESEA reauthorizations through the mid-1990s, over which time he developed a keen sense of the legislative change process.

Several highlights and justifications are noted below.

One recommendation which CEP predicted several years ago would be needed is an increase in funding for school improvement, because the number of schools in improvement and restructuring have increased dramatically, with SEAs having neither the capacity nor the funding to adequately support such schools. One source of school improvement funding which should be increased is Section 1003 (g) of Title I, which, with Republicans in the majority, had not been funded until this coming year when, under new Appropriations Chairman Dave Obey, \$125 million was injected into the FY 2007 continuing resolution (see February 2007 [Washington Update](#)). Another potential source of funding for state capacity-building, as well as directing resources directly to districts with schools in

restructuring or otherwise identified for improvement, is the so-called Title I four percent set-aside. As Jennings noted in his testimony, during 2006-07 slightly over \$500 million was supposed to be reserved for school improvement under this four percent set-aside. However, CEP's analysis estimated that only \$308 million was available among all states -- 40 percent less than the amount that would have been set aside. One reason was that Title I actually received a slight reduction nationwide this school year, with slightly over 60 percent of the districts receiving less funds than they did last year.

Under the current Title I formula, states cannot take funds from districts receiving increases until funds have been restored in those districts receiving a 10-15 percent or greater budget cut, which is usually taken from districts in the state receiving increases. Calling the first-time appropriation of \$125 million under Section 1003(g) (which does not fall under the district "hold harmless" provisions), "a good start," Jennings noted, "This does not solve the problem of the four percent set-aside, which is a matter for the authorizing committee, but it will help." One inference from his comment is that the reauthorization process should consider changes in the four percent set-aside (the Education Trust has recommended increasing the set-aside to 20 percent on a state matching basis, as noted in a related [Washington Update](#) item). Perhaps another change would be in the Title I formula regarding the "hold harmless" provisions.

Citing CEP study findings for 2004 and 2005 that, in 80 percent of districts, NCLB requirements resulted in unreimbursed costs because of a lack of Federal funding,

Jennings noted several reasons why the number of operational Title I programs has been reduced including:

- the set-asides for supplemental educational services, parent choice and professional development in most districts have reduced, by up to 30 percent, the total amount of Title I funds which could be used for operational programs;
- changes made in the Title I allocation formula several years ago have resulted in most increases going to a small number of districts with high concentrations of low-income students, including large urban districts; and
- the use of annual census updates on the number of low-income children in district attendance areas which has resulted in greater volatility causing significant shifts in year-to-year funding (see March 30, 2007 TechMIS Special Report).

Jennings also noted that, in addition to substantially increasing appropriations for ESEA, and especially for Title I programs, "The subcommittee may also want to work with authorizing committee to find a way to provide some increased funding for the large majority of school districts. All districts are affected by the demands of NCLB..." While a number of education associations have called for changes in the Title I formula and funds allocations process. To serve their vested interests, the CEP studies have compiled empirical evidence on the consequences of the formula and allocation process which have been disruptive to

program operations and, at the least, created uncertainties.

Arguing the case for increased funding for SEA capacity-building and technical assistance, CEP found that 23 states reported inadequate Federal funding affected their capacity to provide technical assistance to schools in various stages of improvement “to a great extent”; an additional 18 states indicated that the lack of funding posed a “moderate challenge.” Similar challenges occurred in the ability of states to monitor and evaluate supplemental educational services or the development of assessment instruments. Jennings also noted an “interesting paradox” -- while SEAs had limited capacity to carry out their responsibilities because of lack of funding, districts turned to SEAs more than to other agencies for assistance in implementing the Law. Three quarters of the districts reported that this assistance was helpful or very helpful. While many groups have called for additional funding for SEA capacity-building, ironically, in certain areas such as the development of longitudinal data systems, they are also recommending that another percentage set-aside of Title I funds be reserved for such purposes.

For a copy of Jack Jennings’s statement, go to:

[www.cep-dc.org](http://www.cep-dc.org)

## **First-Year Results of USED Randomized Experimental-Control Study of Technology-Based Interventions Finds No Significant Differences in Student Performance**

Over a year after its targeted reporting date to Congress, USED released the first-year results of its randomized, treatment-versus-control, experiment of the use of technology-based interventions in reading and math, and found no significant difference between treatment and control students. The findings were not a surprise to observers and experts who have been involved in evaluations of the effectiveness of computer-assisted instruction and who are familiar with the USED study design and how the findings were reported. Even a spokesman for the Department of Education stated in the *Washington Post*, “We are concerned that the technology we have today isn’t being utilized as effectively as it can be to raise student achievement.” A number of factors could have contributed to these first-year findings.

Perhaps the most significant reason was the lack of teacher buy-in. Initially, as we reported in the August 2003 *TechMIS Washington Update*, students would be randomly assigned to treatment and control classes which we argued would present problems in implementation. However, the study design was evidently changed to assign the specific interventions randomly to treatment teachers which, we have argued over the last two decades, does not foster teacher buy-in. Moreover, for a school to be considered, the only teachers who would participate in the control or treatment groups would be volunteers. However, because a large amount of hardware, instructional

software, and training was supposed to be provided by the firms whose interventions were used, the principals “volunteered” the teachers who had very little say as to whether they participated, according to some officials of participating firms.

Another problematic study design feature, which participating firms knew about from the outset, was that the results would be reported, not by the achievement of students receiving a specific technology intervention, but by grade-level span students in math or reading receiving instruction from the “family” of selected interventions. Without knowing the results of individual students or groups of students served by specific interventions, it could be that some of the positive results using certain interventions were negated because of lower student performance using another intervention within the grade span. In the second-year results, according to USED, the achievement levels of students participating in treatment classes using specific interventions would be reported separately.

Another important explanation could be that the schools and districts selected for participation did not already use instructional “approaches” supported by the three to four technology-based interventions tested for grade-level groupings. Given the short lead time for training, which the study found was inadequate once the teachers actually used the interventions, the first-year findings are not surprising and will probably not be as valid as results from the second-year cohort. Many of the control teachers also used some technology-based interventions and evidently had used them for at least one prior year.

Another important study feature which we

felt firms who decided to participate should address during contract negotiation was the fidelity of implementation -- specifically, ensuring that the districts and schools implementing their interventions did so in accordance with their very specific recommendations. Previous meta-analyses of technology-based solutions conducted by Dr. James Kulik over the last three and half decades have found that, even where the use of technology has resulted in significant “effect sizes” in terms of student performance, districts and schools only followed a third of the implementation variables recommended by the vendors.

Just as important as appropriate implementation is the amount of time-on-task using the intervention. Most of the interventions, according to the report, were used about ten minutes per day which appears to be very low. Moreover, one of the vendors whose intervention was used in three districts, indicated that in one of the districts, it was used about five hours initially and then not at all because of the lack of teacher buy-in. In two other sites, not only was the intervention implemented correctly, it has subsequently been expanded to other appropriate grade levels in those districts.

We advised TechMIS subscribers in August 2003 of the potential high risk in participating in this study because of certain design features and the short lead time. We also noted that the use of instructional technology was a low priority in this Administration and that firms may wish to consider other low-cost ways to gather evidence on the effectiveness of their interventions. On the other hand, the Administration early on supported the use of technology in assessment, analysis and

reporting and its use in supporting data-driven decision-making. On numerous occasions, former Deputy Secretary Eugene Hickok promoted online assessment and, during the EdNet 2001 Conference in response to a question, downplayed the use of online tutoring specifically. It wasn't until almost three years later that former Secretary Paige stated that online tutoring could be used to provide supplemental educational services in rural districts. With this background, it is not surprising that Secretary Spellings, as reported in the April 4, 2007 Education Week, stated that the public has not seen much of return on Federal investments in education technology and has scheduled a series of meetings across the country with technology firms which, for the most part, are not providers of instructional technology, but rather have a much larger vested interest in having a pool of technology-literate graduates from which to hire future employees.

A spokesperson for Secretary Spellings indicated that "the goal is, at this point, to inspire a conversation about integrating technology more efficiently into education and exploring how we can utilize the technology we have to raise student achievement." According to Education Week, Secretary Spellings was quoted as saying, "For the first time ever, teachers can measure student progress from year-to-year and note what strategies work best. We know where we're falling short, where student needs aren't being met, and where more rigor is needed. With the help of technology, we must now begin to answer these needs." It is encouraging that, beyond highlighting the role of technology in state assessment scoring and reporting, USED now appears to be emphasizing the role of technology in formative assessments.

One positive finding indicated that about 90 percent of the teachers using the interventions said they would continue using the intervention this year. A number of other firms indicated that the use of their intervention has been expanded in several of the districts.

### **Influential Education Trust Recommends that NCLB Reauthorization Protect the Foundational Elements of the Law, While Proposing Some Significant Changes Which Would Focus More Funding and Teacher Resources to Schools and Districts Which Have the Greatest Need for Improvement**

In the summary of the Education Trust's recommendations for NCLB reauthorization, its President, Katie Haycock, sets the tone, stating, "Some would say that the current law asks too much of schools. We think it asks too little...But we don't want states to just raise the bar; we want them to get students over it." While continuing to support the foundation and "brightlines" in the Law, the Education Trust would "augment the effectiveness of provisions that have not proved powerful enough;" and "address areas of need that were not attended to in the original law."

Noting that just 27 states have data systems that meet the minimum requirements for implementing a "growth model," upfront, the Trust calls for additional state grants of \$100 million to help them implement state-wide longitudinal data systems which meet, not only the ten data elements identified by the Data Quality Campaign (headed by the

CCSSO), but also additional “teacher elements,” which among other things, tie teachers and their expertise to an individual student’s performance. If, after four years, a state does not have a data system that includes all the required elements, all of the state’s Title I administrative set-aside “would be in jeopardy.”

Several recommended changes would have direct implications for many TechMIS subscribers. One would create a \$750 million Curriculum Development Fund to be used by states to:

- “Develop and/or procure high-quality curriculum materials aligned with state standards;
- Provide high quality professional development to teachers around new curriculum materials; and
- Create high quality interim/formative assessments based on new curriculum materials.”

As a major advocate for teacher quality, the Trust recommends several initiatives to improve the quality of teachers, but also to ensure districts assign highly qualified teachers to lowest-performing schools, including:

- Requiring districts to use all of their Title II funds to address inequities in teacher distribution.
- Earmarking 50% of Title II funds to provide principals in high-poverty schools with additional resources to improve teacher quality.

- After three years, Title II funds could be withheld in states which are not making significant progress toward equitable distribution of teachers.
- Increasing funding for the Teacher Incentive Fund to \$500 million the first year (currently funded at \$200 million), to \$1 million in the fifth year which would fund numerous activities related to evaluating and rewarding teacher performance based upon objective measures of student growth.

One justification for this recommendation, the Trust argues, is that the AFT has identified a “knowledge-rich, grade-by-grade core curriculum as essential for improving struggling schools and supporting struggling students.” The Trust would earmark 50 percent of the Curriculum Development Funds for the development, procurement, and distribution of high-quality materials for high schools. An additional \$400 million per year would be provided to states for improving assessments for English language learners and students with disabilities, and for the creation of formative assessments aligned with state standards to inform instruction in a timely manner.

A host of recommendations would ensure that more Federal and even state funding would be provided to schools and districts most in need of improvement, including:

- Amending Title I “comparability” provisions to ensure that sufficient local resources, including quality teachers, are provided to Title I

schools, particularly those identified for improvement.

- Changing the Title I formula so that state per-pupil expenditures reflect state efforts/capacity, as well as regional differences in the cost of education estimated by NCES (currently state per-pupil expenditures are only one of several elements under the Incentive Grant component of the Title I formula);
- Increasing the current four percent state set-aside for school improvement to 20 percent, if states match that amount and devote resources to support schools in need of improvement, including possibly entering into contracts with not-for-profit providers.
- Requiring each state to allocate 70 percent of its total school improvement funding to schools “In Need of Comprehensive Improvement.”

If 50 percent or more of the students in a school fail to meet AYP, a school is designated “In Need of Comprehensive Improvement,” in which case the school improvement process leading to restructuring occurs earlier. During Year Two, increased funding for professional development would be provided and, if the majority of the school’s parents approve, SES funds can be used for expanded instructional learning time, which would allow districts to operate their own extended learning/tutoring programs.

The Education Trust would also reform the

AYP process by allowing states to use a “growth model” which would still retain the requirement for 100 percent proficiency by 2014, or as a new option, “States could agree to boost their standards to ‘college- and career-ready levels’ and agree to get not less than 95 percent of all students and students in each group to the ‘new basic’ level within 12 years of enactment or 80 percent of all students and students in each group to the ‘new proficient’ within 12 years of enactment.” Among the conditions which must be met if the college and career-ready standards for determining AYP are to be used, would be involvement of business leaders in establishing the standards. The state would have to have an eleventh-grade assessment, and performance standards would have to be aligned with appropriate assessments for elementary and middle grade students. According to the Trust, the new “basic level” would indicate adequate preparation for active citizenship and service in the military, entrance to post-secondary education, and access to formal employment-related training/education opportunities.

Several of the Education Trust recommendations are similar to those proposed by the Administration, as well as by certain education advocacy groups and associations. For example, the Trust’s earmark of Title I funds for high schools and the expansion of the Teacher Incentive Fund -- which ties teacher pay to student performance -- support the Administration’s position. “Differentiated consequences,” depending upon the degree to which schools or districts need improvement, along with extended timelines for use of interventions, are similar to those recommended by the Council of the Great City Schools. Increased funding for longitudinal data

systems at the state level, along with expanded funding for more timely formative assessments, echo recommendations made by the NCLB Commission as well as other groups.

Several of the Trust's recommendations, however, are unique and could be controversial with implications for private publishers. The creation of the \$750 million Curriculum Development Fund would allow states to develop or purchase high-quality curriculum materials aligned with state standards, along with related aligned professional development. The new option for determining AYP using college- and career-ready standards would extend the new "basic level" achievement goal for up to 12 years after enactment. This Trust recommendation is certainly different from many other groups' proposals, but the National Governor's Association and sponsors of Congressional legislative proposals to increase "America's competitiveness" could support this option. Because of its reputation as being objective and reliant on empirical evidence, the Education Trust's recommendations will be considered seriously in many quarters.

For a copy of the recommendations, go to: [www2.edtrust.org/EdTrust/Press+Room/NC+LB+Recommendations.html](http://www2.edtrust.org/EdTrust/Press+Room/NC+LB+Recommendations.html)

## **Governor's Proposal for NCLB Reauthorization Would Preserve its Goals, Provide States Greater Flexibility, and Reinforce States' Responsibility for Education**

A joint statement by the National Governor's Association (NGA) and the Council of Chief State Officers, along with the National Association Boards of Education, finally announced their proposed changes for NCLB reauthorization. While preserving the NCLB goals, the proposals would make a number of changes and provide states greater flexibility while holding them accountable for "state-determined educationally meaningful accountability systems." Not surprisingly, the associations' reauthorization would include the use of growth models to measure individual student progress to complement the existing status measures and would support the use of multiple measures aligned to state standards.

The appropriate testing instruments selected to assess student performance would be determined by SEAs and districts and no additional Federal testing requirements, such as in high schools, would be mandated.

The NGA would require USED to provide dedicated, sustained resources to states to develop the capacity to assist schools and would allow SEAs and districts to differentiate consequences for schools which are marginally performing versus those seriously low-performing, while targeting interventions to student populations who do not meet AYP. The Council of the Great City Schools has recommended a similar provision to identify schools earlier for interventions to be used over a two-to-three

year period. NGA would also allow districts to offer SES prior to public school choice. And finally, SEAs would develop a bonus system for districts and schools that “raise student performance in a significant manner.”

To address the issues of dealing with special populations with separate AYP calculations, states would be allowed to use alternative or modified assessments for students with disabilities, following the students’ IEPs, to reflect student progress. A greater flexibility within AYP would be provided to ensure English language learners are given “adequate time to overcome language barriers” and that ELL student gains are measured through the use of multiple measures or alternative assessments.

In addition to supporting the President’s program -- the Teacher Incentive Fund which rewards teachers and principals based upon some measures of student achievement -- NGA calls for a commitment of increased funding to target students in schools most in need and to ensure long-term consistent funding is provided for state action and intervention in under-performing schools. Additional funding would also be provided to states to develop data systems in order to provide more meaningful technical assistance, research, and support services for students. Similar to the President’s proposed FY 2008 budget, states and districts would be provided greater flexibility to transfer Federal Title funding to achieve NCLB goals. Currently, up to 50 percent of most titles can be transferred into Title I, for example, whereas the President has proposed 100 percent transferability.

Given the NGA priority on high school reform over the last several years, the NGA

proposal would expand state dual enrollment in early college programs and expand funding for Advanced Placement and International Baccalaureate programs. As part of high school reform, it would also expand the use of technology, especially funding for e-learning, virtual high schools or E-Rate. As part of its education reform position statement, the NGA calls for expanded Federal support for distance learning programs and enhanced technical assistance to SEAs in the development, deployment and expansion of distance learning programs for academic subjects, Advanced Placement, and technical training. It calls for continuing Federal investment in specific programs “including, but not limited to, Title IV, Assistive Technology and E-Rate... that support teacher and student mastery of 21<sup>st</sup> century skills.”

For several other recommended changes in NCLB reauthorization, the implications are unclear or are dependent upon whether the “devil is in the details” including:

- States would be provided resources to conduct voluntary analyses of state standards and agree to ensure alignment to international assessments, such as the Trends in International Math and Science Study; other groups, such as the NCLB Commission, have recommended voluntary standards and assessments aligned with the NAEP.
- In calling for an improved Federal/State partnership, NGA recommends greater alignment between secondary and post-secondary education, referring to P-16+ and life-long learning, while

recommending increased funding to states to develop longitudinal data systems.

- NGA also calls for greater state involvement in selecting peers, for the peer review process and allowing states to receive “waivers” in certain situations.

Not unexpectedly, calling for a renewed state/Federal partnership, NGA recommends amendments be made to NCLB “to support, recognize and reinforce gubernatorial and state education agencies” authority over K-12 education.

For a copy of the joint statement, go to: [www.NGA.org](http://www.NGA.org)

### **Council of Chief State School Officers are Briefed on NCLB Reauthorization Proposals from the NCLB Commission, NSBA, and USED Officials to Solidify Support on Agreed-Upon Changes**

During its Annual Legislative Conference in April, the Council of Chief State School Officers was briefed by several groups on recommended changes for the NCLB reauthorization, in hopes of identifying commonly held proposed changes that would allow the associations to speak to Congress with a unified position. At a general level, USED officials, NCLB Commission co-chair Roy Barnes, and NSBA offered their support for certain changes proposed by the CCSSO; more than once, however, these officials indicated that the “devil will be in the details,” as specific

legislative language is generated.

CCSSO spokespersons characterized CCSSO’s proposed changes as fitting into three categories, including:

- “fixes,” in areas where most agree unintended consequences have occurred;
- paradigm shifts, such as creation of a Federal/state partnership, while reducing Federal prescriptions; and
- proposed changes for taking into account emerging issues such as high school reform (See related Washington Update item on NGA proposals).

In response, Deputy Secretary of Education Ray Simon (formerly State Superintendent in Arkansas) argued that USED’s proposed changes, presented in the “blueprint” for reauthorization (see February Washington Update), included many of the same changes proposed by CCSSO, including:

- the use of growth models, noting that five additional states will be allowed to use such models, along with the current status models for determining AYP;
- allowing the use of alternative tests for determining AYP for cognitively impaired students (the so-called 1% cap) and modified assessments for gap students (the 2% cap), as reflected in regulations published on April 4, which would be codified into law during the reauthorization. He also noted that a major technical

assistance effort, including grants totaling \$21 million, will be provided to “partnership projects” among the states to develop and share best practices and success stories at a summit to be conducted in late Spring;

- The creation of Limited English Proficient Partnerships, especially affecting recent immigrants, by providing a type of “safe harbor” in that states will eventually use an assessment for Title I purposes that can also be used for assessing English language development; and
- The use of “differentiated consequences” indicating that increased funding for school improvement would be used equally for both SEA capacity-building and local district school improvement activities; he also noted that the “other option” for schools in restructuring would no longer be permitted and that districts would have to use one of four options in schools in “restructuring” which require the more severe sanctions (removing all staff, closing the school, having the school converted to a charter school, state takeover, etc.).

Cognizant of the resistance from the NEA and AFT to having Federal policy overturn local bargaining agreements between teachers and districts, he indicated that only schools in “restructuring” would be allowed to do so.

Former Georgia Governor Roy Barnes, who co-chaired (with former Governor Tommy

Thompson), the NCLB Commission which recently submitted its recommendations (see March Washington Update item), provided the rationale for some of the major changes made by the Commission. Compared to a decade ago, he argued, Federal involvement in education is now a national priority because of economic needs for the U.S. to maintain its global competitiveness through creation of innovative new products and a knowledge-based workforce. Similar to the CCSSO recommendations, the Commission proposed options that would allow states to use growth models, as well as provide \$100 million a year initially for the development of longitudinal data systems, which, among other things, would report on student performance and allow a student’s performance to be tied to an individual teacher, which, in turn, would allow some degree of teacher pay based upon student performance. The Commission recommended that up to 50 percent of teacher salary be based upon test scores (not necessarily only one test) with the remainder based upon principal reviews, peer reviews and other measures. Based on public support, reflected in testimony before the Commission, he indicated that the NEA and AFT could not argue against the concept. Barnes also reiterated the Commission’s support for a move to volunteer national standards which states can develop or select assessment instruments that are aligned with state standards which, in turn, are aligned to the standards in the NAEP.

After the Barnes presentation, State Superintendent Horne, from Arizona, indicated that states should not be required to use Federal standards, that it is irrational to do so, and he noted that even associations

like NCTM can't arrive at a consensus and have changed their positions over time. Barnes reminded him that the option available to states would be "voluntary" and otherwise he disagreed with Superintendent Horne. In later sessions addressing national standards, officials from other states, including South Dakota and Nebraska, voiced their opposition to certain types of national standards. In what was a surprise to some state superintendents, including Roger Sampson of Alaska, one of the most detailed legislative proposals included in the handouts for the meeting was a proposal drafted by NSBA which was submitted by Congressman Don Young, the only Congressman from Alaska who, however, is not on the Education Committee. NSTSA Executive Director Ann Bryant stated strongly that some groups want NCLB "to implode, but we want to fix it." Indeed, as we reported when the proposal -- which is now HR 648 -- was submitted over a year ago, there are slightly over 40 proposed "fix it" type changes. Some of the most commonsensical changes noted by Bryant are:

- allowing a school to offer supplemental educational services prior to offering parent transfer choice;
- requiring that nonpublic schools receiving Title I benefits use the same assessment as public schools with appropriate accountability and test reporting requirements;
- revising criteria for SES and otherwise providing districts with more authority to select SES

providers and more closely administer SES; and

- allowing districts which have to set aside 20 percent for SES and public school choice to use a portion of such funds for professional development to ensure greater alignment between the district's curriculum and that used by service providers, which could include the district itself.

On several occasions, she invited the CCSSO to support HR 684 actively, perhaps as a starting point in drafting legislation. One possible reason that the CCSSO supports many aspects of this bill is that, if reauthorization is not possible this year, then many of the proposed "fix it" type changes could be offered as separate amendments which, if passed, would reduce some of the perceived unintended consequences.

In his presentation, Barnes noted that a large number of the Commission's recommendations focused on changing SES to provide, for example, extended learning time. In an offline discussion, I asked him why the Commission's recommendations did not address the USED policy (which is not in the Law) that does not allow an "identified" district (with the exception of those participating in the pilot program) to continue providing its own SES programs. He noted that there were just "so many recommendations we could make regarding SES in the report." During the recent Council of the Great City Schools Conference, I posed a similar question to Alex Nock who was the Director of the NCLB Commission which actually produced the report. Nock indicated that he

was certainly aware of the problem, indicating that perhaps there were other ways to change the current USED policy outside the NCLB reauthorization. And later, I asked the same question to Deputy Secretary Simon, again offline. He indicated that his office “heartily supports” districts providing their own SES wherever possible and referred to the apparent success of the districts in the pilot program that have increased student participation rates in SES significantly. He agreed that the current USED policy in this area is not based on Law, but “in the regs” and that, if there were a policy change, they would only have to “suspend” that portion of the regulations or nonregulatory guidance. During hearings held a week earlier on SES, the Director of Federal Programs in Boston Public Schools (one of the five districts which has been allowed to continue providing SES even though they had been identified for improvement), included in her written statement findings from the recent Council of the Great City Schools survey which found that, of the forty responding districts, the SES student participation rate was over 25 percent in those districts which were allowed to operate their own SES programs, compared with 11 percent in the districts which were required to use third-party service providers.

In a final question, I asked Secretary Simon whether districts which have been identified for having disproportionality could use a portion of the 15 percent set aside for early intervening services to provide interventions for minority students already placed in special education in order to remediate their reading problems and help them exit the program. In light of the April 4 regulations that allow special education students who have exited the program to

have their achievement scores included as part of the special education subgroup, some of the “disincentives” for districts to do so are reduced. He indicated that the proposition was interesting and he would have to think about it.

### **USED Finally Releases Regulations on Modified Assessments for So-Called “Gap Students” in Special Education (i.e., the 2% cap), Which Could Create Opportunities for Firms with Certain Products and Services**

USED finally released regulations, along with Non-Regulatory Guidance (NRG) to states for the development and use of modified assessments for “gap students” who would likely fall between cognitively impaired students who take alternative assessments (i.e., the one percent cap) and special education students who take regular state assessments with appropriate accommodations. Currently, only six states have developed some type of modified assessments which have been approved by USED, while 28 states have requested and been allowed the Federal flexibility “option” of adjusting special education student scores on regular assessments by using a proxy for the 2% cap. Within two years, these states will have had to develop modified assessments for these so-called “gap students.” As part of the new Special Education Partnership to help states implement these regulations, according to USED, slightly over \$21 million will be provided in competitive grants to states under the Title I Enhancement Assessment Grants Program and the IDEA General

Supervision Enhancement Grants Program. In addition, states may use funds from Title I, Title VI State Assessment Grants (which total slightly over \$400 million) and IDEA to develop these new assessments.

While the regulations and NRG are very detailed and complex, there appear to be some opportunities for firms with certain types of products and services, as noted below.

The guidance states that a modified academic achievement standard must be aligned to grade-level content standards, but may be less difficult than grade-level achievement standards which must include three levels of performance, cut scores that distinguish one level from another, and descriptions of content-based competencies associated with each level. States may modify an existing assessment or develop a new assessment. Examples of what states are allowed to do are cited in the guidance, including:

- Replacing the most difficult items on the general test with simpler items which are appropriate for grade level, but retain the same coverage;
- Modifying items that appear on the grade-level assessment by simplifying the language of the item; and
- Developing a unique assessment, based on grade-level content standards, that provides flexibility in the presentation of items (for example by using technology to allow students to access items via print, spoken and pictorial words).

Computer-based assessments which are flexible and adaptable would appear to be appropriate for use here.

One large issue over the last several years has been whether USED would allow out-of-level testing. The guidance states that out-of-level assessments are permitted only with alternative tests for the cognitively-impaired students and only if it is consistent with the regulations in that a documented and validated standard-setting process is employed. Out-of-level tests are not allowed under assessments based upon modified academic achievement standards or alternative assessments based upon grade-level academic achievement.

As the National Education Association, among others, have argued there will be a tremendous need to train teachers and IEP team members to identify which students should be administered the assessments based upon modified achievement standards. While SEAs and intermediate education units will likely provide some of the necessary training in this area, there may be also opportunities for third parties to work with intermediate education units to provide training and assistance.

The regulations clearly state that students who exit special education programs because their achievement levels have increased may have their scores counted with their special education subgroup for AYP reporting purposes for two years after exiting the special education program. This new provision, which has already begun to be implemented unofficially by many states could heighten the demand for certain types of interventions which can be used with these students (particularly minority students who are inappropriately placed in special

education programs) to remediate their reading or other learning problems to allow them to exit the program. Previously, there were few incentives for such interventions to be used with these students. (See related item on CCSSO meeting)

USED also stated, as reported in Education Daily (April 5<sup>th</sup>, 2007), that students who are administered modified assessments may retake portions of such assessments they've missed and use the best score for accountability purposes. Where this has occurred for exit exams, there's been a fairly large growth in the demand for online test prep and test retaking products and services.

For a copy of the NRG from USED, go to: [www.ed.gov/policy/speced/guid/nclb/twoopercent.doc](http://www.ed.gov/policy/speced/guid/nclb/twoopercent.doc)

## **Technology Counts 2007 Report Tracks US Trends Which Indicates Overall Progress, but Significant Variation in Certain Areas Among States**

Education Week's Technology Counts 2007 identifies areas where progress has been made in the use of technology, but also tracks emerging trends which vary significantly by states. Highlights are noted below.

Student access to Internet-connected computers has just about stabilized at 3.7 students per computer. Moreover, student access is the norm in schools regardless of student ethnicity or economic background. However, home access varies by student groups; 50 percentage points separate

students from lowest family incomes to the highest. This latter point has been cited by Congressional leaders such as Chairman Ted Kennedy in justifying a need for continued funding for programs such as E2T2 and Extended Learning/After-School programs. Student access to Internet-connected computers range from fewer than two students per computer in Maine and South Dakota to about five students who share each high-speed, Internet-connected computer in Utah, California and Mississippi. Regarding recent trends in technology use, digital white boards are used in 70 percent of schools in Missouri compared to just four percent of schools in the District of Columbia. Videostreaming is used in 80 percent of schools in Virginia compared to a low of 14 percent of schools in Hawaii.

Recognizing the increased policy interest in technology literacy, the report notes that 32 states have adopted technology standards (virtually all developed by ISTE), while 16 states integrate technology standards into other core subjects. However, only four states administer technology literacy-related assessments. The 2007 survey conducted by Education Week's EEP Research Center claims that only 14 states "offer" computerized statewide assessments and only nine states make at least one statewide assessment available on the computer to all students. As we have reported in the past, the Education Week survey does not include computer-based or online assessments which are "allowed," or perhaps more critically does not include online test preparation and test retaking, especially related to high-stakes graduation exams. The data which Education Week used to report online courses and instruction offered by school districts (which they argue represents about

20 percent of public schools) is 2005-06 data captured by MDR. Recent reports by groups such as the Sloan Foundation and NACOL indicate that significant growth has occurred since that time (see TechMIS April 2007 [Washington Update](#)).

One area in which [Education Week](#)'s current survey data does suggest significant growth in online delivery has been professional development, with at least 39 states in 2006-07 offering such services. In addition, 40 states facilitate access to online academic content and instructional software through group purchasing programs, subscription services, or online resources for various content areas housed on websites or portals operated by the state.

And finally, according to the [Education Week](#) survey, 17 of the 21 textbook adoption states allow digital resources, including instructional software and online academic content, to be purchased by state textbook funding. In several states, such as California, Texas, and Florida, state policies are rather volatile from year to year or whenever legislatures meet and address adoption issues. The survey did not include other non-textbook adoption areas in which many states have developed "adoption" or "recommendation" lists in such areas as use of Microsoft settlement funds (in 15 states), lists of products and services which can be purchased through the use of Reading First funds, state-mandated priority subject areas in which districts can use Title IID funds, and types of interventions which can be used in early intervening services funded under IDEA and/or supplemental educational services funded under Title I.

The [Technology Counts 2007](#) Report is available online at:

[www.edweek.org/ew/toc/2007/03/29/index.html](http://www.edweek.org/ew/toc/2007/03/29/index.html)

### **Council for Exceptional Children Proposal for the Reauthorization of ESEA Would Make Early Intervening Services a General Education, not Special Education, Implementation Responsibility While Creating a Separate Set- Aside Funding Stream within Title I**

The Council for Exceptional Children (CEC), a leading association representing special education teachers and administrators, has recommended that Congress, in its ESEA/NCLB reauthorization, make it clear that early intervening services is a general education responsibility and that a set-aside (similar to that currently in IDEA) be included as a separate funding stream under ESEA. For the most part, earmarked funds would be allocated to Title I school-wide programs, especially in districts where disproportionality or over-representation of minorities already exists in special education programs. District special education staff would share some responsibility with Title I district offices. CEC also "recommends that Congress support the inclusion of a process based upon a child's response to scientific, research-based intervention, known as Response to Intervention (RTI), in the reauthorization of ESEA." In its rationale, CEC argues that EIS and RTI can have a positive impact on the child and potentially reduce the number of referrals to special

education programs.

Not unexpectedly, CEC recommends that Congress increase authorized levels of ESEA funding to cover “a substantial percentage of the cost that states and districts will incur to carry out these recommendations and fully fund the law at those levels without reducing expenditures for other education programs.” The Council also recommends that funding set-asides for school choice or supplemental educational services should not be automatically used as a sanctions cascade upon a district or a school, but rather such funds should be used to invest in improving schools through the use of early intervening services. The Council statement also states “School choice hampers the ability of low-performance schools to improve, and SES has been shown to discriminate against children with disabilities because SES providers are reluctant to serve these children, many are not prepared to instruct children with disabilities, and results cannot be readily demonstrated for those children.”

One of the immediate policy implications of the CEC-recommended changes relating to EIS and RTI would be greater overlap between special education and Title I programs. Arguing that its recommendations would create positive school reform, the Council also recommends that Congress ensure improvement plans are allowed enough time to take hold before sanctions are applied and that sanctions which have been proven to be unsuccessful be replaced with interventions that have. As with many other associations, CEC recommends the use of a growth model, arguing that the lack of a growth model using multiple measures has reduced the level of services for gifted and talented

students who remain in advanced proficiency, but whose real scores on standardized achievement state assessments are unknown because these students often top out on state assessment instruments. The Council also calls for increased funding for the Javits Gifted and Talented Students Education Act of 2001 such that each state could participate and to strengthen the National Research Center on the Gifted and Talented.

While the CEC-recommended inclusion of EIS/RTI in ESEA, especially Title I, could be considered revolutionary, currently in those districts with disproportionality much of the 15 percent reallocation of IDEA funds is, in fact, ending up in district Title I programs. By creating a separate funding stream for EIS under ESEA, special education programs and Title I program offices are more likely to set up collaborative efforts. Over the last several years, some of the most effective early intervening services programs, such as one in Hillsborough County, Florida, have been jointly funded between the district Title I and Exceptional Children Services offices. In several other large districts, such as Long Beach, California, early intervening services have been funded solely out of Title I, with collaboration from the district special education office.

For a copy of the CEC ESEA reauthorization recommendations, go to: [www.cec.sped.org](http://www.cec.sped.org)

## **Coalition Recommends that Congress and the Administration Create a National Middle School Policy Through Redirecting Emphases in NCLB Reauthorization**

A coalition of associations with vested interests in middle schools has called for the Administration and Congress to create a policy for middle schools -- which are neglected in the current NCLB -- through changes in its reauthorization. The six groups that released "NCLB Reauthorization Recommendations to Improve Middle-Level Education" include The College Board, Alliance for Excellent Education, International Reading Association, National Association of Secondary School Principals, National Forum to Accelerate Middle-Grades Reform, and National Middle School Association, among others. They identified their groups' common goals and developed recommendations to strengthen NCLB reauthorization and create a national middle school level education policy, following a recent similar joint approach, undertaken by the National Governor's Association, CCSSO, and NASBE (see related [Washington Update](#) item), which focused primarily upon high school reform.

Arguing that Federal reading policy essentially "stops after the third grade," the Coalition cites state and district reading assessment data from NAEP that show no reading improvement has occurred in the last 30 years at the eighth and twelfth-grade levels. It calls for an amendment to authorize and expand the Striving Readers Program as part of NCLB, to be funded at \$200 million the first year and expanded to

\$1 billion over five years. Each state would receive a grant to improve reading and writing achievement across curricula in grades four through twelve. The Coalition recommends that the Senate version of Math Now -- America Competes Now (S 761) -- be included in the reauthorization which would strengthen teacher preparation and professional development in math at the upper elementary and middle school levels, citing the fact that 86 percent of math and science teachers in the schools with highest minority enrollments are currently teaching "out of field."

One of the areas which NCLB has neglected in middle schools is the lack of funding and state support for schools identified for improvement. Early on, the Center on Education Policy in its annual reports on the implementation of NCLB, found that the proportions of schools most likely to be identified for improvement are middle schools and that, in certain states, the vast majority of the middle schools identified for improvement were so identified because of low achievement in mathematics.

While the Coalition calls for a Federal policy of increased professional development for middle school teachers, it goes even farther by recommending that the professional development be "job-embedded" and "personalized" for both principals and teachers and that it encourage collaborative problem-solving and decision-making activities to increase student performance. High-priority professional development should cover math, science, literacy, formative and summative assessment practices, and teaching English language learners, all of which must be ongoing. In several areas, the Coalition points to the high priority which should be

placed on formative assessments including:

- Federal incentives to states to develop and implement data management systems which can be used “as a tool for improving instruction”;
- helping teachers differentiate and improve instruction; and
- using “growth models,” based upon individual assessments, to determine AYP.

And last, the coalition calls for expansion of “extended instructional time” during the regular school day or through an extended school day. While educational standards affecting youth have increased over the last 20 years, the Coalition argues “we have not provided students with the additional time or support they need to achieve these higher standards,” which, according to the Coalition, would be a particular benefit for low-income students who have little opportunity for learning outside of school.

In the cover letter (for the proposed recommendations) to Chairman Ted Kennedy of the Senate HELP Committee,

Coalition officials provided additional justifications for their recommendations, citing a study by Professor Balfance of Johns Hopkins University which found that sixth grade students who do not attend school regularly, exhibit poor behavior, fail math or English, are very likely to dropout before graduation from high school, with only one of ten graduating on time. Moreover, the letter stated that, while only 14 percent of all Title I schools are middle-level schools, they represent more than 37 percent of Title I schools identified for improvement, according to the 2005 Center on Education Policy Annual Report on NCLB implementation. Moreover, students in grades five through eight represent almost 60 percent of students taking annual tests required under NCLB. In the April 13 Education Week, Debbie Kasak, Executive Director of the National Forum, an umbrella organization of middle school advocacy groups, noted that more policy makers were expressing interest in middle school issues related to NCLB reauthorization and stated, “We thought that unless we did this together, the middle grade’s voice could likely be overlooked again.”

## Alabama Update - May 2007

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Designed to help high school dropouts get GED certificates, the Alabama National Guard Youth Challenge Academy has encountered enrollment difficulties of its own. As reported in Education Week, the Academy is a 22-week residential program with slots for 125 students each semester. Since the program began in January, nearly three-quarters of its participants have left the program -- voluntarily or involuntarily. Academy officials attribute the attrition to a hurried enrollment process through which a number of applicants who did not meet academic or behavioral requirements were admitted. They expect to be stricter in admissions for their second session that starts on July 15.

## Arizona Update - May 2007

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The Arizona Daily Star reports that Arizona received only a “C+” grade in Education Week’s Technology Counts 2007 report. The State has 4.7 computers per student compared with 3.8 nationally. And 39.5 percent of Arizona’s students have a computer in their classroom compared with 49.5 percent across the U.S. State Superintendent Tom Horne has asked the legislature for \$2.5 million to expand a two-year project that provided a laptop computer to every student in a Vail high school. The new initiative would provide laptops to every student in seven more high schools.

## Arkansas Update - May 2007

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As reported in Education Week, the Arkansas legislature finished its budget deliberations in early April. Among the K-12 education issues addressed were:

- An increase in per-pupil spending from \$5,620 in the current school year to \$5,719 next year and \$5,789 in 2008-09;
- A \$40 million increase for prekindergarten education;
- A \$456 allocation to repair school buildings;
- A \$1 million allocation, over two years, for the Traveling Teachers program, which allows teachers in high-need subjects to teach at multiple schools; and
- \$5 million over the next two years for an alternative-pay pilot project for teachers.

## California Update - May 2007

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The Los Angeles Times reports that, of the nearly 40,000 high school seniors who failed the required California High School Exit Exam (CAHSEG), about 4,800 passed on a retest and 18,000 have enrolled for a fifth year of high school or an adult education program. New data show that this year's seniors have a pass rate of 91.2 percent, more than two percentage points higher than the Class of 2006 had at the same stage last year. Governor Arnold Schwarzenegger's proposed budget for FY 2008 includes more than \$77 million for exam-related instruction and materials, including \$5 million set aside solely for students at risk of failing the CAHSEG.

Education Daily reports that California is awarding more than \$100 million in grants, through the High Priority Schools Grant Program, to help 408 low-performing schools develop improvement plans. Schools with plans approved by the State will receive \$400 per student each year for up to four years. Grantees must show improvement by at least ten points on the State's Academic Performance Index (API) during the next three years.

According to Education Week, a State Superior Court has ruled that local school districts are entitled to reimbursement from the State for the costs of operating State-mandated programs. Based upon a lawsuit filed by the California School Boards Association, two counties, and two school districts, the ruling could require the State to repay school districts as much as \$300 million in administrative costs for such activities as compiling annual accountability reports or overseeing charter school operations.

The Sacramento Bee reports that California has approved a new approach to assessment that calls for all students to meet the same standards. In the past, the State has set lower standards for economic and racial minorities.

California has allocated \$500 million to help schools improve their physical education and visual/performing arts programs. As reported in Education Daily, each school district and charter school will receive an entitlement of \$83.04 for each student in grades K-12. The grants

will support professional development, equipment, and supplies.

## Colorado Update - May 2007

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A recent analysis by the Rocky Mountain News indicates that about a quarter of Denver's school-age children do not attend the City's public schools, preferring to enroll in private or suburban schools perceived as safer or academically superior. Although the district has grown by 2,000 students since 2000 -- mainly because of increases in preschool, kindergarten, and charter school enrollment -- neighborhood school enrollment has dropped by nearly 5,000 students. Currently, the district fills only 68 percent of its 98,000 available seats. The growth of charter schools in the district means that the district must, by law, pass through to charters 95 percent of its State and local funding. District officials estimate that the outflow of students has cost Denver more than \$135 million per year in lost local and State funding.

## Connecticut Update - May 2007

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As reported in the Hartford Courant, new State superintendent Mark McQuillan has called for more accountability in the schools, including possibly tighter standards, high school exit exams, longer school days and years for struggling schools, and closer monitoring of local district performance. The superintendent's emphasis accompanies Governor Jodi Rell's proposal for a massive increase in State education spending.

According to The New York Times, Governor Rell has proposed to implement a longer school day at struggling K-12 schools as part of her plan to increase State education spending by \$1 billion.

## Delaware Update - May 2007

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Vision 2015 is a coalition of community leaders that has called for a larger State investment in early childhood education. The State's Early Childhood Assistance Program (ECAP) has, since its creation in 1994, expanded preschool access for low-income four-year-olds using a Head Start-like model. It is estimated that eight percent of Delaware four-year-olds are enrolled in State preschool programs at an average cost of \$3,482 per student. Vision 2015 recommends tuition subsidies for low-income three- and four-year-olds. It also wishes to expand participation in the Delaware Stars for Early Success Program, a pilot project to rate preschool programs.

## Florida Update - May 2007

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The Miami Herald reports that the Florida legislature is considering a significant change in the Florida Comprehensive Assessment Test (FCAT) over the next few years. One portion of the proposal would add a social studies (including history) component to the FCAT. The timing of the test would also be changed. Instead of being administered in February and March each year, the writing portion would be given in March, with the reading, math, science, and (eventually) social studies portions given in April.

The St. Petersburg Times reports that only a third of Florida's tenth-graders met the FCAT reading standards last year, compared with close to two-thirds of the State's seventh-graders. As a consequence, more than half of the State's elementary schools received a score of "A" on the State's accountability scale versus less than 20 percent of high schools. Florida's elementary schools received \$81 million in State reward money for high performance compared with only \$23 million for high schools. And yet, tenth-graders who barely met Florida standards ranked in the top 20 percent nationally. Florida officials are thinking about reevaluating the FCAT standards, possibly raising standards in lower grades and raising them in high school.

Education Week reports that Florida is considering a change in its definition of "giftedness" -- currently an IQ of two standard deviations above the mean (130). The State proposed to use the FCAT, given to students in grades three through eleven, as a principal means of giftedness. Some have argued that the change would result in fewer students from underidentified groups labeled as gifted.

Education Daily reports that there is an imposter website posing as the official FCAT Parent Network. The correct site ([www.fcatparentnetwork.com](http://www.fcatparentnetwork.com)) uses login and password information provided by their schools and enables parents to view their students' FCAT scores. The imposter website appears official, but contains primarily advertisements and paid links.

## Georgia Update - May 2007

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As reported in The Atlanta Journal-Constitution, the Atlanta school district has filed a lawsuit against five of its technology vendors, claiming the vendors failed to reimburse the district's E-rate program as much as \$3.5 million. The district's E-rate funding was cut off in 2004 after a report that the district had misspent or mismanaged most of the funds. The companies being sued are: Atlanta Datacom; Net Versant-Atlanta, Inc.; Acatel-Lucent Technologies, Inc.; Multimedia Communications Services Corporation, and Future Design Communications, Inc.

As reported in The Atlanta Journal-Constitution, the Atlanta school system has received a \$10.5 million grant from the Bill & Melinda Gates Foundation to transform the district's large, traditional high schools into smaller (about 400 students) schools each with its own management and academic theme. It has been estimated that the conversion, expected to take five years, could cost \$60 million.

Georgia currently has 60 charter schools, up from 35 two years ago. And in April, the State legislature passed the Charter System Act that will allow entire school districts to apply for charter status. According to The Atlanta Journal-Constitution, the new law also requires local school systems to pass on more local tax funds to charter schools to cover such costs as food service and transportation. Not passed by the legislature was a bill that would have funded more career academics that would let students enroll simultaneously in high school and a two-year technical college.

## Idaho Update - May 2007

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The Idaho legislature has approved a preK-12 budget for FY 2008 of \$1.37 billion, a 5.9 percent increase over the current year. Included in the new budget are:

- a three percent increase in teacher salaries;
- \$10 million for textbooks;
- \$5 million for classroom supplies; and
- \$5 million for remedial instruction to help students pass the State assessment.

## Indiana Update - May 2007

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The Indianapolis Star reports that, in 2006, 52 percent of Indiana's schools made adequate yearly progress (AYP) under the Federal No Child Left Behind Act, up from 49 percent the year before. State officials attribute much of the overall improvement to monthly diagnostic tests providing teachers with individual student scores and analyses. The special education subgroup is the biggest problem for schools in the State; of the 886 schools that failed to make AYP, 340 did not solely because of special education scores.

The Indiana legislature, according to Education Week, has passed a bill that would require school districts to provide educational services for students of "high ability," although it leaves the definition of "high ability" to the districts. The bill mandates that "multi-faceted assessments" are used to include groups of students -- poor, minority, English language learners - that are typically under-represented in gifted programs.

## Louisiana Update - May 2007

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According to Education Week, Governor Kathleen Blanco – who has announced she will not run for re-election – has proposed a \$600 million increase in education funding for the 2007-08 school year. Among the uses of the new money would be:

- \$158 million for a \$2,400 pay raise to all teachers;
- \$33 million for a \$750 pay raise to school support workers; and
- \$30 million for pay raises to college professors.

## Maryland Update - May 2007

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A recent study by the Maryland State Department of Education shows significant improvement in the number of Maryland kindergarten students who are adequately prepared to enter elementary school between 2001 and 2006. In 2001, 51 percent of kindergarteners were not prepared for school; by 2006, only 33 percent were unprepared. Despite the improvement, many entering students are still unprepared, particularly among students with disabilities and English language learners for whom the gaps grew even though the percentage of each group that was prepared increased.

## Massachusetts Update - May 2007

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The Boston Globe reports that Massachusetts has approved a plan that would give struggling schools more autonomy to adopt improvement strategies. Having had little success with remedial plans it has imposed on schools, the State will allow failing schools more latitude to set longer school days, reduce enrollment, reallocate their budgets, and select staff. The approach will begin with a pilot program in four schools: English High School in Boston, Academy Middle School in Fitchburg, Duggan Middle School, and Putnam Vocational Technical High School in Springfield.

The Boston Globe reports that 80 Massachusetts school districts -- nearly a quarter of all districts in the State -- do not meet the State's goal of one high-capacity computer for every five students. Tight budgets and voter resistance to tax increases have made it difficult for districts to upgrade their computers, install new infrastructure in schools, or hire specialists to train teachers to use the latest technology for instruction.

## Michigan - May 2007

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The Michigan Virtual University (MVU), in conjunction with Michigan State University, has initiated a program that, next year, will offer one free “seat” in an online Mandarin Chinese language and culture class to every high school in the State. The program is an expansion of MVU’s pilot program, begun last year, which taught Mandarin to 30 students in 2005-06, and 200 students in the current school year. A total of 750 free “seats” will be available; and high schools can enroll additional students at \$350 per semester. It has been estimated that, nationwide, as many as 50,000 students are studying Mandarin.

As reported in The Detroit News, the controversy continues over the Detroit school district’s plan to address its deficit by closing 34 schools next school year. Having lost 60,000 students in the last decade, the district could face a deficit of as much as \$118 million next year. The plan calls for another eight schools to be closed for the 2008-09 school year. Local activists have decried the closure plans, while district officials argue that the closures will save \$20 million annually as part of their deficit-reduction efforts.

## Mississippi Update - May 2007

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According to the Jackson Clarion Ledger, Mississippi has a new State Dropout Prevention Plan that requires school districts to reduce dropout and truancy rates. The State has a goal of cutting its 26.6 percent dropout rate in half by 2013. However, the State will provide no funds to support the Plan nor does it have any way to hold districts accountable for failing to meet the Plan's targets.

Also reported in the Jackson Clarion Ledger, there is a new law in Mississippi that stresses healthful choices for the State's K-12 students. Among the law's provisions are:

- public elementary and junior high schools must provide 45 minutes of health education and 150 minutes of exercise each week;
- by March 1, 2008, the State must adopt food preparation regulations that promote health and fitness; and
- by the 2008-09 school year, school districts must include tobacco and illegal drug abstinence education to student wellness plans.

It is unclear where the resources to implement the law will come from. The State has appropriated no new funds for the program, but will develop an approved list of physical education curricula for schools to use.

## Montana Update - May 2007

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Education Week reports that Governor Brian Schweitzer, in his State-of-the-State address, proposed more funding for full-day kindergartens -- \$30 million in FY 2008 and \$45 million in FY 2009. Currently, the State provides funding to districts for half-day kindergarten programs. Some districts use Federal Title I funds to pay for full-day programs that enroll about 2,500 five-year olds.

## **New Hampshire Update - May 2007**

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As reported in Education Week, the controversy over New Hampshire's school aid law continues. Currently, the State distributes \$473 million in non-property tax school aid each year. A controversial State law, which calls for school aid distributions of \$527 million per year only to poorer districts, was found unconstitutional by a State superior court. Governor John Lynch has proposed a budget for the 2008-09 biennium that would distribute \$497 million per year pending debate over the status of the law.

## New Mexico Update - May 2007

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As reported in Education Week, the New Mexico legislature has approved an FY 2008 budget for pre-K-12 education of \$2.5 billion, an eight percent increase over the previous year. Much of the increase will go toward teacher salary increases (\$98 million), an expansion of the State's Kindergarten Plus pilot program (\$7 million). The legislature also raised the legal dropout age from 17 to 18 and increased high school graduation requirements to four years of math (up from three years) and three years of lab science (up from one year).

Governor Bill Richardson has signed a bill extending New Mexico's extended-learning time pilot program for six more years to cover students in grades 1-3 with \$8 million in new funding. Begun in the 2003-04 school year, the program allows districts to implement different approaches to extended learning. Among the strategies employed are:

- adding 40 instructional days to the school year;
- implementing a half-day pre-kindergarten program; and
- adding instructional time at the beginning of first grade.

## New York Update - May 2007

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The New York Times reports that the battle over New York State's budget -- particularly State education funding -- is continuing with much political wrangling. Governor Eliot Spitzer's new 2007-08 budget includes \$1.76 billion in new education aid bringing to total to nearly \$20 billion -- nine percent increase over last year. The budget also doubles the number of charter schools allowed in the State from 100 to 200, including 50 new charters in New York City and adjusts the school aid formula to weight more heavily high-need districts. Besides New York City (which receives \$700 million of the increase), the biggest winners appear to be Long Island school districts which received \$70 million out of the \$100 million in aid to districts with high taxes and nearly half of the \$21 million in new special education funding. Among the provisions of the new budget is the requirement that failing districts which receive at least a ten percent state funding increase must sign a "contract for excellence" that assures the money will be on "approved educational strategies," including smaller class sizes, and will show improved student performance.

Education Week reports that Governor Eliot Spitzer plans to increase K-12 education funding by \$7 billion per year by 2010, focusing on the lowest-performing schools. The Governor's approach would require schools and school districts to use the money for "approved" options such as longer school days and would link the increased funding to improved student performance. Some New York City schools already provide students with 37 minutes of tutoring each day, four times a week.

The New York Times also reports that the reorganization of New York City's school system will require each of the district's 1,400 school principals to choose a "school support organization" from among three options: (1) empowerment networks in which principals see little outside oversight in exchange for agreeing to most high performance targets; (2) partner support organizations in which nine private non-profit groups can be hired to provide school support; and (3) learning support organizations, operated by former regional superintendents, each with a specific theme. To become effective in September when the City's ten existing regional offices are abolished, the new structure will call for principals to pay a fee ranging from

less than \$30,000 for the “empowerment network” to nearly \$150,000 for a “whole school reform” model from Success for All.

## North Carolina Update - May 2007

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The State Department of Public Instruction is establishing a pilot program for the 2007-08 school year by which 250 ninth-grade students will receive free mobile phones to help them improve their math skills. Called “Project K-Nect,” the program is funded by a \$1 million grant from QUALCOMM, Inc., a developer of wireless technologies. Students will use the phones to access supplemental math content aligned with their classes’ lesson plans and objectives and to talk with tutors.

## Oklahoma Update - May 2007

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Currently wending its way through the Oklahoma legislature is a bill that would adopt a goal of 90 percent of the State's high school students is enrolled in a college-preparatory or work-ready curriculum. Senate Bill 483 would allow parents and students to opt out of the more rigorous coursework if they provide a written reason and meet with a school official. The legislation is intended to ensure that students and parents are informed about the different curricula available to them.

## Oregon Update - May 2007

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Two Democratic members of the Oregon State legislature have proposed a plan by which there would be an 18 percent increase in per-pupil school funding over the next two years -- more than \$900 million in new money. As reported in The Oregonian, a projected nine percent increase in health costs and a 3.5 percent salary increase will consume more than half of the increase. Of the remaining \$450 million, the plan sponsors want to distribute \$260 million in the form of competitive grants under the condition that grant recipients demonstrate measurable performance results.

## Pennsylvania Update - May 2007

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As reported in the Pittsburgh Post-Gazette, Pennsylvania State education officials have made a number of recommendations for changes in the Federal No Child Left Behind Act.

Among the recommended changes are:

- an additional \$254 million in Federal funds for Pennsylvania to provide technical assistance to schools;
- adoption of national standards and assessments;
- more state flexibility, particularly in the testing of students with disabilities; and
- the flexibility to evaluate performance based on student growth.

## South Carolina Update - May 2007

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According to the Charleston Post and Courier, the South Carolina is considering a plan that would extend school choice by allowing students to attend schools across district lines. Beginning in the 2009-10 school year, any student -- up to a cap of 20,500 students Statewide -- could transfer to another school at no cost, subject to a maximum of three percent non-resident students per district. The open enrollment plan is expected to cost \$7.6 million in the first year, not including transportation costs. A pilot program could be established in the 2007-08 school year. The plan's critics argue that white students leaving low-performing schools could lead to more racial segregation in the schools.

In another effort to expand school choice, the South Carolina legislature is also considering a bill that combines vouchers and tax credits called the 2007 South Carolina Educational Opportunity Scholarship Act. As reported in School Reform News, the voucher component of the bill -- known as Educational Opportunity Scholarships -- would provide up to \$4,500 to low-income and special needs students who are zoned to attend a school rated as failing by the State. Educational Opportunity Tuition Tax Credits worth \$1,000 per student would be available to parents of private school students (\$500 tax credits would be available to families with home-schooled children).

The South Carolina legislature is considering a bill that would have the State recognize a new teacher credential from the American Board for Certification of Teacher Excellence (ABCTE). Under the bill, ABCTE-certified teachers would only work in grade levels and subjects in which there are the greatest teacher shortages and they would receive substantial oversight.

## Tennessee Update - May 2007

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According to Education Week, the Tennessee State Comptroller has issued a report which says the State does not spend enough money on urban school districts, does not provide sufficient support for new teachers, does not evaluate teachers often enough, and does not have a comprehensive dropout-prevention plan. The report focused on five Tennessee school districts: Memphis, Nashville, and Knox, Hamilton, and Fayette Counties. The study argues that the State's school funding formula does not adequately account for the high costs of teaching special education students and English language learners.

## Texas Update - May 2007

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Education Week reports that fifth-graders in Texas have shown the highest pass rate in history on the Texas Assessment of Knowledge and Skills (TAKS) math exam. A total of 300,000 students took the math test in English this year and 85 percent passed, compared with 81 percent last year and 79 percent in 2005. In addition, nearly 6,000 students took the TAKS math exam in Spanish with 50 percent passing, up from 47 percent last year and 44 percent the year before.

According to The Dallas Morning News, Texas is planning to raise the minimum percentage of students who must pass each section of the TAKS in order for their school to receive “B” and “C” ratings on the Texas accountability system. To be rated “recognized” (the equivalent of a “B”), a school must have a passing rate of 75 percent in reading, writing, math, science, and social studies (up from 70 percent). And to be rated “academically acceptable” (a “C”), schools must have passing rates of 65 percent in reading, writing, and social studies, 45 percent in math, and 40 percent in science -- all up five percent from last year.

The Houston Chronicle reports that an analysis of Statewide discipline referrals shows nearly two-thirds of referrals to alternative schools were for non-violent offenses and are based on administrators’ discretion. Conducted by Texas Appleseed, a public interest law center, the review suggests a lack of guidelines concerning student referrals to Disciplinary Alternative Education Programs (DACPs) and challenges the effectiveness of the State’s zero-tolerance policies. Critics of the program argue that many of the DACPs are merely “holding pens” for difficult students and have dropout rates five times higher than typical schools.

Also reported in The Dallas Morning News, the Texas legislature has defeated a Republican-backed teacher merit pay plan. Instead, the legislators voted to give teachers, librarians, and nurses an across-the-board raise of about \$800 per year. The raise still must be approved by the full legislature.

## Utah Update - May 2007

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Utah has approved the nation's first universal voucher program -- State-funded scholarships that allow all students to attend the public or private school of their choice. Known as the Parent Choice in Education Act, the program provides vouchers with between \$500 and \$3,000 per student (depending on family income) each year. The application process is expected to be in place by May with voucher distribution slated to begin by August 15. The Salt Lake Tribune reports that the voucher system will operate on an honor system with parents applying for the vouchers based on household size and income. Parents will have to submit signed and notarized statements and will be required to maintain all voucher documents subject to random and targeted State audits. The State's voucher system has allocated \$9.3 million for vouchers during the 2007-08 school year and \$12.4 million for 2008-09.

The Desert Morning News reports the Utah legislature has requested an audit of the State's class-size reduction program. In recent years, the legislature has allocated more than \$600 million for class-size reduction -- \$82 million this year -- but has no accurate measure of how the money has been spent. Some evidence suggests that, even after school districts received class-size reduction funds, class sizes increased.

Utah is considering an expansion of the State's virtual high school offerings to include K-8 classes. Currently, Utah's online high school provides one or more courses to 22,000 students. The curriculum for the K-8 school would be provided by an outside content provider, based on the State's academic requirements, and would require heavier involvement of parents. Also proposed in Utah is an online charter school.

## Virginia Update - May 2007

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The Washington Times reports that the U.S. Department of Education (USED) has pressed Virginia districts about their compliance with the No Child Left Behind Act provision that requires English language learners to take the same reading test as native-speakers. Several districts had threatened to disobey the provision by using an alternative test, not approved by USED, for their English language learners. USED has said they would withhold some or all of the Title I funds of districts that did not comply. Fairfax County, the State's largest district, could have lost as much as \$17 million. In mid-April, the districts agreed to abide by USED requirements.

## West Virginia Update - May 2007

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As reported in Education Week, the West Virginia legislature has approved a K-12 public education budget of \$1.79 billion, up from \$1.71 billion last year. The new budget includes:

- a 3.5 percent salary increase for teachers;
- \$384 million to cover unfounded liabilities in the teachers' retirement system;
- \$2.4 million to hire more school nurses; and
- \$200,000 for a pilot program – the Partnership for 21<sup>st</sup> Century Skills – designed to identify the skills students will need for future success.

According to the Charleston Gazette, West Virginia is planning to implement a pilot program in the Fall intended to increase the participation of low-income students in Advanced Placement programs. Teaming with the Federal TRIO programs, the State will provide fee waivers for the cost of AP exams to students who are eligible for free or reduced price meals. The West Virginia Center for Professional Development will coordinate the program.

## Wisconsin Update - May 2007

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The Wisconsin Department of Public Instruction has identified 25 school districts as having disproportionate enrollment of minority students in special education. Many areas of such over-representation include African-American students labeled with cognitive disabilities or emotional/behavioral problems. In Northern districts, Native Americans are also often labeled with cognitive or behavioral disabilities. The districts identified for disproportionality include:

- Appleton
- Bayfield
- Crandon
- Elmbrook
- Fon du Lee
- Green Bay
- Hayward
- Jamesville
- Kanosha
- Lee au Flambeau
- La Crosse
- Madison
- Menorinar Indian
- Monona Grove
- Osh Kosh
- Pulaski
- Racine
- Seymour
- Sun Prairie
- Superior
- Verona
- Wabeno

- Waukasha
- West Allis
- West De Pere

Under Federal law, districts identified for disproportionality are required to allocate 15 percent of their Federal IDEA special education funding to early intervening services as a means of reducing the over-representation of minorities.

According to Education Week, Wisconsin is proposing to modify its procedures for identifying gifted students by the end of this calendar year. The State is considering adoption of the “exemplary” identification practices advocated by the national Association of Gifted Children. Under the NAGC approach, teachers would gather a portfolio of information for each student rather than relying on any single measure.

The Milwaukee Journal Sentinel reports that Governor Michael Doyle has included, in his next State budget, \$15 million targeted specifically at mathematics instruction in Milwaukee. The money would pay for “teacher-leaders” who would both teach classes and help other teachers. The program would emphasize the ninth-grade level because Statewide testing shows that, in the Fall of 2005, only 29 percent of Milwaukee’s tenth-graders were “proficient” in math, compared with 70 percent for the State as a whole. The Governor’s budget also includes more funding for the State’s class size reduction program (called SAGE).