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MEMORANDUM

DATE: March 3, 2008
TO: TechMIS Subscribers
FROM: Charles Blaschke and Blair Curry
SUBJ: Early Intervening Services/RTI Update, High School Reform State Initiatives, NCLB Fix-It Amendments, Scientifically-Based Research (SBR), E-Rate Update, and State Profile Updates

In February, we sent out three timely reports; if you do not have them available, please email us so we can forward copies to you. On February 7th, you received a special report on the President's proposed FY 2009 education budget which reflects the Administration's priorities and several changes it will attempt to make through the regulatory process. On February 19th, we sent two special reports. One addressed published Non-Regulatory Guidance which will impact Title I set-asides and end-of-year funding, and perhaps more critically the use of funds in schoolwide programs. The second report identified preliminary state Title I funding allocations for 2008-09.

This TechMIS issue includes several Washington Updates and state profile updates including:

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An update on recent guidance on early intervening services and response-to-intervention which could explain why some states have been slow to implement these provisions in IDEA and explains while the vast majority of states have "permissive" state guidance on EIS and RTI; however, in most states, districts are taking a more proactive role in implementing these provisions than SEAs and even USED.
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With little Federal funding and few NCLB requirements, states are instituting high school reforms which should reduce fragmentation of market opportunities across states as joint collaborations grow. Under the leadership of Achieve, Inc., the number of states developing a common core of knowledge and skills aligned to college- and career-ready expectations and aligned state assessments is growing, which could also reduce developmental costs.

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Key Congressman calls for “fix it” changes to NCLB now because of the fleeting hope of NCLB reauthorization this year. Senior Republican Thomas Petri calls for: (a) greater use of growth models which track individual student improvement through “robust computer systems;” (b) differentiated interventions for schools in improvement where majority of students are failing to meet proficiency; and (c) use of computer-adaptive testing to help teachers use individual student data to inform instruction and personalize learning.
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Highlights of a forum which addressed the Federal role in education as an “innovator” or “regulator” in the use of evidence for change. The Knowledge Alliance, SIIA, and AAP convened the forum. USED officials cling to the gold bar of scientifically-based research (SBR) and randomized trial experiments, while at the same time arguing NCLB left ample room for “innovation” among SES providers. On the other hand, senior committee staff who are drafting related components for the reauthorization called for the use of “different standards of evidence” in the context of what evidence exists and the practices are used; improving the “bridge” from research identifying evidence best practices to actual practice; and ensuring Federal policy is not a hindrance to innovation, but rather actively promotes innovation and innovative activity, which will be included in the NCLB reauthorization.
- **Page 10**
E-Rate update on districts with “potential” E-Rate refunds for purchasing non-eligible products and services.

Also included are profile updates for a large number of states and in some states address: (a) tightening state funding for K-12 education; (b) state and district initiatives for intervening and schools entering constructive action and restructuring; (c) proposed changes in state assessments; and (d) state-of-the-state addresses.

Washington Update

Vol. 13, No. 3, March 3, 2008

Early Intervening Services (EIS) and Response-to-Intervention (RTI): An Update on Recent Guidance and Developments

Since the National Response to Intervention (RTI) Summit, convened by USED for several hundred SEA officials in early December, some new guidance and other developments which could have implications for TechMIS subscribers that target these growth areas have occurred.

The new National Center on Response to Intervention posted, on its newly-created website, guidance developed earlier last year by USED which could partially explain the “bumpy road” states and districts are having in implementing the early intervening services (EIS) provisions under the new IDEA. Guidance is provided in the form of Questions and Answers and, as the USED document states, “The responses presented in this document generally are informal guidance representing the interpretation of the Department of the applicable statutory or regulatory requirements in the context of specific facts presented and are not legally binding.” However, as we have reported over the last six years, this Administration has relied heavily on “Non-Regulatory Guidance” (NRG) in Title I, Reading First and other Federal programs and will likely place a high monitoring and enforcement priority on its guidance provisions.

One issue which created confusion among SEA officials last February in their state Annual Performance Reports, was whether

districts identified for disproportionality had to reallocate 15 percent of IDEA funds for early intervening services only if those districts used “inappropriate procedures” for placing students in special education, but not when the disproportionality could be attributed to other factors. In response to a question as to whether EIS funds must be “reserved” only if significant disproportionality is the result of “inappropriate identification,” the response is very clear, “No. The reservation of funds must occur whether or not the significant disproportionality was the result of inappropriate identification. In addition to identification, funds also would have to be reserved if significant disproportionality was found with respect to discipline or placement in particular educational settings.” In reviewing last year’s state reports, USED found only one state which had districts with disproportionality attributed solely to “inappropriate identification” and placement procedures. The general implication is that states will be identifying many more districts as having disproportionality attributable to factors other than inappropriate identification procedures, which should increase significantly the amount of district funds set aside in a reserve for EIS.

The guidance also addresses another issue which could explain why districts with disproportionality were hesitant to allocate the entire 15 percent for EIS -- namely, the inner-connectivity between EIS reserves and districts’ “maintenance of effort” requirements. What this means is that

districts that reallocate part of the IDEA funds to EIS for non-special education students have to replace the reallocated IDEA funds with local or state funds in order to maintain effort for the special education program on a school-by-school basis. The guidance cites Part B regulations as having examples of how maintenance of effort and EIS funds affect one another by pointing out the inner-connectivity between the two; it is quite likely that maintenance of effort provisions will be the focus of future USED monitoring and auditing activities.

Reflecting the USED priority supporting the use of RTI rather than the “severe discrepancy model” (e.g., IQ tests) in determining whether a student has a specific learning disability, the guidance verifies that state criteria for identification of specific learning disabilities must permit “the use of a process based on the child’s response to scientific, research-based intervention;” and may permit “the use of other alternative research-based procedures for determining whether a child has a specific learning disability...Thus, the State’s criteria must permit the use of RTI and may require its use, in addition to other assessment tools and strategies, for determining whether the child has a specific learning disability.” As noted below, a survey conducted last Fall found that four states have proposed or finalized state regulations which prohibit the use of the “severe discrepancy model.”

The new guidance also clarifies an issue that could affect the degree to which states and districts “require” the use of RTI. The question here is whether an “incremental” process can be used to train individual schools so that, over time, the entire LEA is implementing the RTI model or does the

requirement to use RTI have to wait until all schools are trained to implement it. USED’s response is, “If the State or LEA requires the use of a process based on a child’s response to scientific, research-based intervention, in identifying children with SLD, then all children suspected of having a SLD, in all schools in the LEA, would be required to be involved in the process.” Moreover, it notes that USED recognizes that incremental systematic implementation is supported by research and “would be reasonable,” saying, “The LEA could not use RTI for purposes of identifying children with SLD until RTI was fully implemented in the LEA.” However, if a state or district has a “permissive policy” rather than a “required” policy, of using RTI, then RTI implementation can proceed on an incremental basis, but cannot be the sole basis for identifying children with special learning disabilities. This could explain why, according to the survey noted below, three-quarters of states have permissive RTI policies.

The new guidance goes beyond the final regulations in providing states and districts greater discretion in selecting what activities can be supported using EIS funds and the types of interventions that can be used. For example, the document emphasizes that, “State and local officials are in the best position to make decisions regarding the provision of early intervening services, including the specific personnel to provide services and the instructional materials and approaches to be used.” It also distinguishes the use of EIS funds for identifying students with learning disabilities from funds used for early intervening services and response-to-intervention, referring to these activities as “three interacting identification/instructional dynamics that need to be considered.” Moreover, it states,

“While the Department does not subscribe to a particular RTI model, the core characteristics that underpin all RTI models are: (1) students receive high quality research-based instruction in their general education setting; (2) continuous monitoring of student performance; (3) all students are screened for academic and behavioral problems; and (4) multiple levels (tiers) of instruction that are progressively more intense based upon student’s response to instruction.”

The guidance also clarifies that EIS funds cannot be used for Tier I (Primary Intervention), but can be used only to implement Tier 2 and Tier 3 interventions for students who have not been placed in special education programs.

In the most recent EIS guidance, USED addresses the question, “Should services supported with EIS funds be scientifically based?” The response: “The No Child Left Behind Act and IDEA call on educational practitioners to use scientifically based research to guide their decisions about which interventions to implement.” This is certainly less prescriptive than the early, stricter interpretations of IDEA provisions.

As an indication of the key role that SEAs will play in implementing EIS provisions, the new guidance is explicit in stating that an SEA does not have to report to USED “early intervening services data” in its State Performance Plan or Annual Performance Report, as it did in the past. However, LEAs must report EIS data to their SEAs (i.e., on the number of students receiving EIS, the individual progress being made two years after exiting the program, and how EIS funds were used), which remains an issue which the newest Non-Regulatory Guidance

(included in our February 19th TechMIS Special Report) does not address. Some have raised the question as to whether implementation of EIS/RTI by states would be slowed down by not requiring SEAs to report EIS data to USED. The answer is probably “no” for several reasons:

- Districts, particularly those with successful Reading First programs, are ahead of both the SEA and USED in terms of implementing their concept of EIS/RTI;
- Increased funding for Title I can be used to purchase proven interventions and training which can be provided by SEA and LEA Reading First staff assigned to Title I and other intervention offices;
- USED has taken a lead role in developing state collaboration and support as evidenced by the recent National RTI Summit, noted below.

According to a January 23rd Education Week article, George Batsche (University of South Florida), a presenter at the RTI Summit, said that he could not remember an experience similar to the RTI Summit where Federal education officials asked teams from all the states and territories to get together to discuss an education issue. And, “The message was straightforward: We’re going to be doing this. That’s a very simple message, but very powerful.”

The same Education Week article, entitled “Response to Intervention Sparks Interest, Questions,” cited a number of critics who felt the wholesale adoption of RTI approaches was premature and difficult to implement because of the complexities of issues. While many of the critics are university based, the same article quotes Dr.

Judy Elliot, former Assistant Superintendent for Special Education in Long Beach, California who reflected on RTI, saying, “It’s got connotations of special education now. Everyone wants to know about RTI and [learning disability] identification, but it’s not been my focus. RTI, to me, means integrated service delivery...When you work in the trenches and see that this really works, you know it’s not a fly-by-night thing.”

The survey referred to above, conducted last Fall by Perry Zirkel, professor at Lehigh University, and graduate student Nico Krohn, was reported in the CEC publication Teaching Exceptional Children (January/February 2008). Zirkel, a leading authority in special education law, asked state special education directors in an email survey whether their state law was at the “proposed” stage (defined broadly to include official drafts) or “finalized” and which of the three options under IDEA regulations were being allowed as a state establishes its specific learning disability eligibility criteria:

- Severe discrepancy -- may prohibit or permit
- RTI -- must permit
- Other alternative research-based procedures -- may permit

This survey found that, at that time, two states had proposed to prohibit the severe discrepancy model while two states had finalized their prohibition decision. On the other hand, 36 of the 47 responding states permitted RTI and severe discrepancy, as well as a third alternative. The article rightfully includes several disclaimers. Almost half the states leave open “the foreseeable possibility of revision prior to

finalization.” Perhaps more critically, the survey focused only on proposed or final written regulations; many states are actively encouraging experimentation with RTI “even if not formally requiring it.”

The National Center on Response to Intervention, funded at about \$14 million over five years, is now operational and is likely to be considered a major source of information on studies and other developments related to EIS/RTI. Their newly created website can be accessed at: <http://www.rti4success.org/>

With Little Federal Funding and Few NCLB Requirements, Through Collaboration States are Instituting High School Reforms With Similar Standards and Assessments Aligned With the Demands of College and Workplace Careers, Which Should Reduce Publishers’ Development Costs and Fragmentation of Market Opportunities

Created by the nation’s governors and high-level business officials, Achieve Inc. -- through its technical support -- has created a collaborative environment among groups of states which have been making significant progress in implementing high school reforms in several areas:

- aligning standards with real-world expectations;
- aligning high school graduation requirements with college and career/workplace expectations;
- developing PreK-20 longitudinal data systems; and

- developing accountability and reporting systems which promote college and career readiness.

Groups of states, whose numbers are growing under Achieve Inc.'s aegis, are for creating de facto national standards, assessments, and even accountability systems which have resulted in very similar standards and approaches. This uniformity will lessen the fragmentation of the education market among the states and could provide opportunities for firms with appropriate products and services.

Its third annual report includes findings from Achieve's survey of all 50 states which gathered information about the current status of state efforts to align high school standards, graduation requirements, assessments, and accountability systems with the demands of college and careers. Significant progress has been made in certain areas in closing what Achieve calls "the expectations gap." As the report notes, "During the past three years, the majority of states have made closing the expectations gap a priority, although some have moved more aggressively than others. States have made the most progress aligning academic standards and graduation requirements with college- and career-ready expectations. They have made less progress on assessments, data and accountability systems." For example, 32 states have standards aligned with graduation requirements, either in place, or anticipated to be in place, by 2009. Since 2004, Achieve has worked with 23 states to align high school academic standards. A large number of the states have participated in Achieve's Alignment Institutes. As a result, Achieve found that "there is a common core of knowledge and skills that is well aligned

to college- and career-ready expectations and consistent across states, particularly states that participated in the alignment institutes." Thus far, 32 states have joined with Achieve to form the American Diploma Project (ADP) network.

Within the ADP network, Achieve reported that 18 states and the District of Columbia require a college- and career-ready diploma or a similar course of study, up from only two states three years ago. The course of study requires four years of challenging math, through Algebra II or its equivalent, and four years of rigorous English, both of which are aligned with college and career-ready standards.

The survey also found nine states that already have college and career-ready state assessments which students must take, while 23 states are developing or planning college- or career-ready tests. Eight states will begin administering their assessment in 2008, while five plan to administer assessments in 2009 or 2010. Because of Achieve's high priority on the inclusion of Algebra II in the course of study, in 2005, nine of the ADP network states (Arkansas, Indiana, Kentucky, Maryland, Massachusetts, New Jersey, Ohio, Pennsylvania, and Rhode Island) formed the Algebra II Consortium to develop specifications for common end-of-course Algebra II exams. Since then, Arizona, Hawaii, Minnesota, North Carolina, and Washington have joined the Consortium. The over-arching goals of the consortium are to improve Algebra II curricula and instruction, to serve as an indicator of readiness for the first year of college credit courses, and to provide a common and consistent measure of student performance across states over time. Field tested in October 2007, the first live

administration of the tests will occur in spring 2008.

For more information go to:

www.achieve.org/files/50-state-2008-prepub.pdf

Key Congressman Calls for Fix It Changes Now With Little Hope of NCLB Reauthorization This Year

In a web-only commentary in Education Week (February 4th), Thomas Petri, Senior Republican on the Education and Labor Committee, has called for legislative and regulatory changes in NCLB with specific “fixes” in areas on which there is general agreement. As he writes, “Amid the acrimony surrounding the law’s reauthorization, we’ve lost sight of the fact there are many changes we can agree on.” In calling for passage of a “set of pragmatic changes this year,” he argues that the volatile debates on merit pay, professional development, and supplemental educational services have diverted attention from the direct effects of the Law “on the child.”

One of the changes which Congress has agreed to -- and in fact allowed the Secretary of Education to implement through the administrative process in pilot studies -- is the movement toward greater use of growth models which track individual student improvement. As Congressman Petri notes, “The Education Department has learned, and Congress has quietly concurred, that growth models using robust computer systems that track student progress from year to year are far better mechanisms for gauging individual student growth and ensuring accountability for improvement.”

Another area which has general Congressional support, and is being seriously considered by Secretary Spellings, he notes, is providing more resources for interventions in schools in which large numbers and groups of students failed to achieve proficiency, which has been referred to as differentiated sanctions and interventions.

One of the most common and valid “complaints under the existing version of NCLB,” he argues, “is that the kinds of state tests mandated under the law are largely worthless from the perspective of students, teachers, and parents. Those tests measure the schools, but are far too long in processing and far too limited in scope to tell much about how individual students are performing.” The “simple change” which he has proposed in a bill already introduced in the House would allow states to use computer-adaptive testing, “rather than an archaic paper test,” for their statewide assessments under NCLB. Congressman Petri argues that use of computer-based adaptive testing would result in a highly personalized assessment which “can provide an accurate measure of a child’s skills and abilities, while also measuring grade-level performance.” It would provide student growth data which teachers can use to help students learn and would keep parents and teachers better informed to help each child meet grade-level expectations through a “realistic academic plan.”

Two years ago, with “assistance” from the National School Boards Association, Congressman Don Young, who at that time was Chairman of the House Transportation Committee, proposed over 40 “fix-it” type changes which, he argued at that time, would receive general support. The

Young/NSBA Bill would have allowed supplemental educational services to be provided, along with parent choice, during the first year a school had been identified for improvement, rather than waiting until the second year of being so identified. It would also have allowed “out-of-level” testing, especially with certain groups of special education students, rather than require the use of alternative tests. Computer-adaptive testing and out-of-level assessment systems have very similar elements and purposes. Interestingly, the first state assessment which was fully approved by USED is the one currently used in South Carolina; however, the vast majority of districts in the state have also purchased -- using local funds -- the MAP from the Northwest Evaluation Association as their benchmark assessment system to inform instruction.

Legislation proposed by Senators Clinton and Kennedy, among others, attempted to improve SES, such as allowing districts to use up to five percent of their SES set-aside for outreach and administration and allowing expansion (as the Government Accountability Office recommended) of the national pilot study which would allow more districts in improvement to continue providing some SES for students and extending the length of the school day. Several Congressional leaders have also proposed to allow increase in payment fees for SES participants who are special education, limited English proficient, and eligible students in rural districts, which several administration officials have also supported informally.

While the proposed changes called for by Congressman Petri would be directed at improving individual student’s achievement, a bill introduced last November (see

December Washington Update) by Senator Lamar Alexander, would make significant changes in the NCLB accountability system. It would allow up to 12 states to enter into performance contracts with USED, with subsequent state allocations based on schools in the state meeting specific performance contract criteria. At the same time, participating states would have greater flexibility for determining the nature of interventions to be used with low-performing schools and the amount of funding allocated to them. Secretary Spellings has noted in several speeches that she could support the principles and provisions in the Alexander proposal.

While key committee staff members involved in conducting negotiations and developing drafts of NCLB proposed changes have been very careful in referring to a “plan B alternative” to full NCLB reauthorization, it would appear that the time has come, and a consensus exists, that certain practical programmatic changes need to be made now. Moreover, in his commentary, Congressman Petri, referring to his proposed changes, stated, “Setting aside the other ‘hotly contested issues,’ there are a myriad of technical and consensus provisions Congress could pass this year that President Bush should be comfortable in signing into law.”

Highlights of a Forum Sponsored by The Knowledge Alliance Which Addressed the Federal Role in Education as an “Innovator” or “Regulator” in the Use of Evidence for Change

On February 20, the Knowledge Alliance, along with the Software Information

Industry Association (SIIA) and the Association of American Publishers (AAP), conducted a policy forum entitled, "Using Evidence for a Change, the Federal role in Education: Innovator or Regulator." Below are some impressions gleaned from statements made, off-line discussions with key policy makers, and "reading between the lines" as far as changes that will likely be made in the NCLB reauthorization. Panelists included: USED's recently appointed Assistant Secretary for Planning, Evaluation and Policy Development; former USED Assistant Deputy Secretary for Innovation and Improvement who was responsible for implementing supplemental educational services and related choice provisions; Vice President for Product Marketing at Plato Learning; the Director of Research Accountability and Assessment in a large Maryland district; and several research and evaluation specialists. The panelists and reacting policy-makers addressed whether Federal policy stifles or stimulates the use of innovative practices and products and to what degree evidence should be translated into regulations of local practices and interventions.

Based upon his analysis of the issues discussed by panelists, Roberto Rodriguez, Senior Education Advisor to Senate HELP Committee Chairman Ted Kennedy, noted that the mention of "scientifically-based research" (SBR) more than 100 times in numerous provisions of NCLB certainly heightened recognition of the perceived need for more rigorous research and evidence-based decision making, yet attempts to address SBR were made in the 1994 reauthorization of ESEA in relations to the "standards movement." He felt the SBR debate should move to a higher level which addresses, among other issues, the

"capacity" of consumers to use such research and evidence. He felt there were at least three challenges which would be addressed in the NCLB reauthorization, which would include a strong statement about the priority given to these changes.

One of the challenges is to build or improve the bridge from research identifying evidence-based practices about effectiveness to actual practice. Here, Rodriguez felt that the Federal policy role should provide guidance to SEAs, LEAs, and schools in selecting and implementing such practices. He emphasized that school officials need to understand the research foundation of these practices which will require extensive professional development.

The second challenge is to develop "standards of evidence" (building on a comment made by Glenn Kleiman, former Director of Education Development Corporation, who said education should develop a new "rule of evidence" as has been developed in the legal profession). Rodriguez indicated that, once standards of evidence are developed, procedures on how the standards are to be used and for what purposes need to be addressed. He argued that different standards, beyond Randomized Trial Control and quasi-experimental designs, are needed, a principle which was reflected in a draft NCLB reauthorization component on scientifically-based research released late last year (see [Washington Update](#), November 20, 2007). He explicitly stated that the "gold standard," randomized treatment control designs, cannot be the "be-all and end-all" for determining what products or practices are selected and used in Federal education programs. He also noted that, in certain areas such as teacher induction programs or the use of alternative

assessments for certain special education students, the evidence of what works best is meager or non-existent. Different standards of evidence must therefore be placed in the context of what evidence exists and how practices are used.

The third challenge is not only to make sure Federal policy is not a hindrance to innovation, but to ensure policy actively promotes innovation and innovative activity, a principle which will be included in the new NCLB. Innovative approaches are sorely needed in the more than 9,000 schools identified for improvement, especially middle and high schools. Bill Evers, the new Assistant Secretary for Program Evaluation, along with Brad Thomas, Key staff member for House Chairman McKeon, emphasized that education has experienced no productivity increases in recent time, and instead of relying on anecdotal data and “word of mouth” about effective practices, USED will continue to support the most “rigorous scientific approaches” in identifying practices that work. This is close to the “gold standard” of SBR called for by Russ Whitehurst when the What Works Clearinghouse was being created. After arguing that scientifically based research must be well planned and thought out, Evers noted that the Department’s report on the large experiment with software interventions found no positive results. While this was true for the first year’s results, the results of the second year of implementation are three years late in being released to the public. Many technology advocates feel the experiment was poorly designed from the beginning, did not engender teacher “buy-in,” and was fraught through and through with implementation problems. In fact, when asked by the moderator, Todd

Brekhus, Vice President of Marketing for Plato Learning, noted that one of the factors he takes into account in developing education products is the implementation capacity of teachers and other users. As we reported in a recent Washington Update June 20, 2007, when asked, the Principal Investigator of the study confirmed that data were collected on the “fidelity of implementation” in accordance with publisher’s recommendations for each of the interventions. However, such data were not included in the analysis of the first year results, but would be taken into account in the analysis and report on the second year results. One knowledgeable observer confirmed that USED has yet to provide Year 2 results and that drafts have not even been sent to peer reviewers.

Former Deputy Assistant Secretary responsible for implementation of supplemental educational service provisions, Nina Rees, who is now Vice President for Knowledge Universe, one of the largest SES providers, argued that NCLB was designed to increase the use of innovative approaches, especially in the provision of SES by third-party providers because the approaches used did not have to meet rigorous scientifically-based criteria and third-party providers did not have to use “highly qualified” teachers. Because third-party providers receive their fees based on seat time and attendance in tutoring sessions rather than on individual student progress, it is not surprising that the level of innovation has been much less than envisioned, as confirmed by reports by USED and the Center on Education Policy.

Several panelists discussed the disconnect between NCLB high stakes testing/sanctions and the low propensity of districts to use innovative, but risky, approaches to help

students achieve AYP. One disconnect was not addressed by the panel in public: while Federal funding to identify practices and approaches for struggling students in struggling schools has increased, Federal funds, in many cases, cannot be used by schools in corrective action or restructuring to purchase such approaches (e.g., replacing the entire curriculum). This conflict was discussed with Rodriguez offline. The two examples shared with Rodriguez were:

- a) New USED guidance which prohibits use of Title I funds to purchase “core instructional programs,” but allows purchase of supplemental materials which “strengthen the core program”; this appears to be a conflict with one of the five options that schools in “corrective action”/restructuring have, namely replacing the entire curriculum. Studies by the Government Accountability Office and the Center on Education Policy have found that almost half of such schools replace all or portions of their curriculum; and
- b) The dysfunctional provision in NCLB which does not allow districts to allocate funds from other titles to schools in “restructuring” under the “50 percent transferability provision.”

Rodriguez expressed surprise at the former, but indicated the latter “was being taken care of.”

E-Rate Update on Districts With “Potential” E-Rate Refunds for Purchasing Non-eligible Products and Services

As we attempt to do every quarter, we have included a list of districts which recently received funding commitments from the SLD for applications submitted over a year ago. We suspect that most of the funding commitment letters from 2005 and earlier represent appeals that were filed by districts when they were notified that certain requests in their applications were denied. In many cases, these districts went ahead and purchased the product in question, paying the whole pre-discount price. Because the SLD eventually found many of these appeals to be meritorious, these districts can request a check instead of a credit through the so-called BEAR process. Those districts doing so can use the discount refund to purchase non-eligible E-Rate products and services such as instructional software and professional development. If a district staff person is interested in purchasing a non-E-Rate eligible product or service, then he or she should contact the district E-Rate office to determine whether a check was requested for the refund amount through the BEAR process and, if so, whether some of that money can be used to purchase the desired product or service.

The accompanying chart shows the funding commitments greater than \$50,000.

E-Rate

Funding Year 2007, Quarter 4 (Oct-Dec) Commitments

(greater than \$50,000)

Applicant	City	State	Amount Committed
2006 Commitments			
TEACH WISCONSIN	MADISON	WI	\$6,533,960
GUAM PUBLIC SCHOOL SYSTEM	HAGATNA	GU	\$590,580
RIO GRANDE CITY SCHOOL DIST	RIO GRANDE CTY	TX	\$565,066
BREVARD COUNTY SCHOOL DISTRICT	VIERA	FL	\$507,996
TAOS MUNICIPAL SCHOOL DISTRICT	TAOS	NM	\$302,587
ISLETA ELEMENTARY SCHOOL	ISLETA	NM	\$184,733
LOVING MUNICIPAL SCHOOL DIST	LOVING	NM	\$74,612
TAOS DAY SCHOOL	TAOS	NM	\$64,447
SKY CITY COMMUNITY SCHOOL	PUEBLO OF ACOM	NM	\$57,607
INDIAN RIVER CO SCHOOL DIST	VERO BEACH	FL	\$46,440
2005 Commitments			
ANADARKO SCHOOL DISTRICT I 20	ANADARKO	OK	\$117,206
FORT DAVIS INDEP SCHOOL DIST	FORT DAVIS	TX	\$322,912
DUARTE UNIFIED SCHOOL DISTRICT	DUARTE	CA	\$119,670
FREEHOLD BOROUGH SCHOOL DIST	FREEHOLD	NJ	\$76,149
EAST BATON ROUGE PARISH DIST	BATON ROUGE	LA	\$60,203
2004 Commitments			
OSCEOLA SCHOOL DISTRICT 1	OSCEOLA	AR	\$232,090
2003 Commitments			
none			
2002 Commitments			
OAKLAND UNIFIED SCHOOL DISTRICT	OAKLAND	CA	\$1,015,199

Alabama Update

March 2008

Education Week reports that the Alabama School Readiness Alliance -- a coalition of early childhood organizations -- has received a \$30,000 grant from the Alabama Power Foundation to promote the State's prekindergarten program. The Alliance is given the highest rating by the National Institute for Early Education Research, but only about 1,000 children -- two percent of the State's four-year-olds -- participate. Governor Bob Riley has proposed a massive expansion of the program for FY 2009, allocating \$30 million to bring enrollment to 7,600 students at 400 sites across the State.

Seeking to address the State's teacher shortage, Alabama has set forth a plan to offer scholarships for potential teachers. A total of 100 scholarships -- worth \$20,000 each -- will be awarded to entering college freshmen this Fall if they attend an Alabama college and promise to teach in Alabama public schools for at least four years. Another 60 scholarships -- worth \$6,000 each -- will go to college graduates who want to go back to college to get teaching credentials. Scholarship recipients must agree to teach English language arts, math, science, or special education.

According to the Birmingham News, the superintendent of the Birmingham school district has been placed on administrative leave pending an investigation into the altering of a report critical of the school district. A number of revisions were made in the report, prepared by the Council of Great City Schools, before it was made available to the public.

Alaska Update

March 2008

The Anchorage Daily News reports that the Alaska legislature has approved an increase in the State's education funding of more than \$200 million over the next three years. The plan, following the recommendations of the State's Legislative Education Funding Task Force, increases the base per-pupil allocation by \$100 (to \$5,480), adds money for students with "intensive needs," and balances the cost differentials between urban and rural areas. The plan would raise education spending by \$118 million in the next fiscal year and by \$257 million over the five years to implement the plan fully. Critics of the increase argue that the increase cannot be sustained for more than three years.

The Anchorage Daily News also reports that the Alaska legislature has cut more than \$1 million from Governor Sarah Palin's proposed budget for early childhood education. The cut includes a \$600,000 reduction in the Governor's planned increase for Head Start. Both Federal and State Head Start funding have been flat for a number of years, resulting in the closure of Head Start centers in 19 Alaska communities. Currently, Head Start serves about 3,500 economically disadvantaged preschool students, many from rural areas.

Arizona Update

March 2008

According to the Arizona School Administrators Association, the State's school districts, in order to implement the 2006 law requiring a four-hour class for English language learners, will require at least \$300 million in new funding. The State, having allocated only \$56 million for the purpose, disputes the Association's estimate. Under the court ruling, the State is required to provide money for new instructional programs for ELL students; how the funding differences can be resolved is unclear.

The Arizona legislature is considering a proposal that would expand the State's longstanding Career Ladder program. Career Ladder provides State funding to districts to supplement the income of the best teachers. Currently, only 28 of Arizona's 237 school districts participate in the program and there is no Statewide standard for how the money is distributed. The new bill, to be phased in over five years, would expand Career Ladder to all districts as long as they agree to State standards for teacher performance. It is estimated that the modified program would cost about \$175 million per year, although much would come from the local property taxes. By FY 2015, districts hoping to participate in the modified Career Ladder program would be required to ask their voters to approve a property-tax increase. A competing proposal in the legislature would replace Career Ladder with a voluntary performance pay system, implemented over six years beginning in 2009, for which the State would pay the full cost (estimated at \$200 million in the first year).

Arizona has turned down a \$1 million Federal grant for an abstinence-only sex education program, arguing that the State would be required to match \$750,000 for a program that doesn't work. The Federal government spends about \$176 million a year on such programs, but last Spring, a Congressionally-authorized study found that abstinence-only programs were not effective for getting teenagers to hold off on sex. Arizona is the 16th state to reject the Federal funds.

Arkansas Update

March 2008

A recent study by researchers at the University of Arkansas has found that a merit pay pilot program in Arkansas resulted in higher student test scores. Implemented in five schools in Little Rock, the Achievement Challenge Pilot Project (ACPP) paid teachers bonuses of up to \$11,000 based on student performance on standardized tests. Using test data from 2004-05 through 2006-07 and adjusting for a number of factors (prior achievement, socioeconomic status, gender), the study found that, in math, ACPP students out-performed their peers in non-participating schools by seven percentile points. And, in language arts, ACPP students were better by six percentile points.

California Update

March 2008

Schools in Restructuring

In the Governor's proposed K-12 budget for next year, the first priority mentioned is to improve the performance of low-performing schools, particularly those that have been identified for restructuring (i.e., they missed adequate yearly progress targets for six or more years in a row). In the 2007-08 school year, 1,013 schools (about 11 percent of all California public elementary and secondary schools) were in corrective action or implementing restructuring based on 2006-07 scores. While most are in urban districts, in 2007-08, 35 percent of the schools in restructuring were in suburban districts. During the last school year, only about 30 schools increased student performance enough to exit from restructuring. In 2006-07, California allocated almost \$70 million from the SEA four percent set-aside for school improvement, with about \$7 million being allocated to 51 districts that have been identified for improvement. About \$10 million was used to support the State's Regional System of District and School Support (RSDSS), which provided technical support for schools in improvement. In December 2007, the SEA received \$16 million under the newly funded School Improvement Grant program that, in turn, would be reallocated on a competitive basis, to districts with large numbers of schools in corrective action or restructuring. The state's School Improvement Initiative, if funded, would also be designed to help districts in improvement.

In its analysis, the Center on Education Policy (CEP) assessed which of the five restructuring options was the most effective in helping schools meet their targets. CEP found that, in 2006-07, none of these schools turned operation over to the State (Option 4) or replaced all or most of the school staff (Option 3). Only one percent reopened as a charter school (Option 2) and only ten percent entered into a contract to have an outside organization operate the school (Option 1). About 90 percent of the schools in restructuring picked Option 5 -- undertaking "other" major restructuring of the school's governance. CEP data suggest that between 11 percent and 17 percent of the schools, depending on the option used, made AYP the following year.

We have highlighted below some of the common themes identified by CEP in their case studies of nine schools in four districts and also answers to follow-up questions to the key CEP research staff. CEP found that seven of the nine schools in the case studies continued prior restructuring initiatives without major changes; however, the report also indicated that schools were using the LEAP After School Program, Technology Academy, funded in part by HUSAP, which used differentiated interventions and other types of curricula. We asked the researcher whether these were major changes or add-ons to the previous curriculum changes or were these used initially when the school went into restructuring. Her response was, “Administrators in seven of the nine schools studied said the schools were continuing restructuring efforts begun in previous years rather than starting something entirely new. For example, the LEAP program in Grant Union District began around the time the schools were initially placed in restructuring, and the district is continuing this strategy at Grant High School. In the other two of the nine schools we studied in California, administrators said schools were starting entirely new initiatives for restructuring. For example, the Martin Luther King Jr. (MLK) Junior High School in Grant Union District won a technology grant and became a ‘technology academy.’”

CEP also reported that administrators felt their schools were using research-based strategies that had been successful in other similar schools and that they believe would eventually help their school. We asked the researcher whether any of the districts had a benchmark evaluation point at which time they would decide whether to redirect their current restructuring efforts. Perhaps in line with the Governor’s high priority placed in his budget for state interventions in these schools, her response was, “I can say that many of the state, district, and school administrators in California told CEP that it may take longer than one year for a school to yield results. Other research supports these positions. NCLB, itself, is unclear on whether a school must start a new reform every year it is in restructuring or whether the school may simply continue the reforms of the previous year. This is discussed in the recent GAO report. Also, CEP has not yet reviewed the Governor’s initiative in depth.”

CEP also found that districts used a variety of strategies to complement the official restructuring strategy that they undertook; however, all reported, “intensive use of data to make decisions

about teaching students.” Using data for decision-making was the most widely-used, including: diagnosis and prescription by teachers; coaches and intervention specialists to provide technical support; and formative assessments to determine whether AYP is likely to be met. Her response was, “In terms of intensity of use, were any of the above methods used more widely than others, or are there certain types of patterns when using two or three in combination? We have not examined the prevalence of these specific strategies for using data; however, in our survey of nationally representative districts with schools in improvement, virtually all districts (97%) reported increasing the use of student achievement data to inform instruction and other decisions. In addition, 49 percent of these districts reported providing assistance through distinguished teachers and/or instructional coaches.”

The San Francisco Chronicle reports that California has initiated a plan to help nearly 100 school districts that have failed to make adequate yearly progress (AYP) under the Federal No Child Left Behind Act for at least five years. Depending on the severity of the districts’ problems, different levels of intervention will be implemented:

- One district (Coachella Valley) will be taken over by a State trustee;
- Six districts will be assigned “State intervention team” to help specific groups of students make AYP in reading and math;
- 38 districts will be able to identify their own (State-approved) intervention teams to help the districts develop corrective action plans;
- 42 districts will receive additional funds to implement their existing plans; and
- 9 districts will receive reductions in State funds because they missed Federal standards for less severe reasons (e.g., too few students tested).

California’s Assembly Bill 1802 provides \$30 million for California schools to purchase approved supplementary instructional materials for English Language Development (ELD).

According to California officials and at least one of their Washington representatives, there is

mounting pressure to allow districts to extend their purchases of state adopted basals and materials beyond one year which would likely reduce the amount spent during the first year of the adoption/purchasing cycle. Because of the increased deficit in state funding of around \$14 billion, school officials, including teacher representatives, would like to have this extension to allow flexible use of such funds during the first year. As noted in the last TechMIS report, Governor Crist in Florida initially proposed to decategorize the \$270 million instructional materials categorical program and include such funds in the state funding formula. In this case, the major pressures came from the Florida Association of School Administrators.

A study by the University of California, Santa Barbara has determined that only 25 of California's 2,462 high schools produce more than 20 percent of the State's dropouts. As reported in The Los Angeles Times, the study found that nine of the ten schools with the highest dropout rates were charter or alternative schools, all of which specialized in teaching high-risk students. The researchers did not address the issue of why the rates were so high. Many educators have criticized the report for using questionable data and for releasing the report without appropriate context.

As reported in Education Daily, Donald Bren, a California real estate tycoon, has donated \$8.5 million to expand after-school programs in southern California. The funds will go to the non-profit THINK Together after-school academic program to: (1) facilitate after-school programs in every K-5 school in the Santa Ana school district; (2) expand the program to serve 30,000 disadvantaged students across southern California; and (3) establish a leadership grant.

Colorado Update

March 2008

Education Week reports that the Denver school district's two-year-old merit pay plan has had a positive influence on teacher recruitment. Funded locally at \$25 million per year, the program was developed by the district in partnership with the district's teachers union. It is estimated that half of the district's 4,400 teachers participate in the plan, although half the participating teachers were required to participate as a condition of employment.

Florida Update

March 2008

The Miami Herald reports that Florida's financial condition, hindered by shrinking sales-tax revenues, has caused the State legislature to cut more than \$350 million in school spending during the current school year. Governor Charlie Crist has recommended that, instead, the legislature dip into reserve accounts. The Governor's proposed budget for next fiscal year (beginning July 1) calls for a \$1 billion increase in school funding, relying on higher property tax revenues and new lottery games. But legislators are looking to reduce the 2008-09 spending plan by more than \$2.5 billion.

According to Education Week, Florida has approved science standards that present some topics more clearly and concisely and, for the first time, refer specifically to evolution. In an attempt to placate some parents and religious groups, a change was made putting the words "scientific theory of" in front of evolution. Many local school boards opposed the standards, particularly citing the reference to evolution as "the fundamental concept underlying all biology." The new 96-page standards document is the culmination of nine months of writing, public comments, and revising by a group of 61 Florida educators and scientists.

Under the Federal No Child Left Behind Act, schools identified for improvement must spend up to 15 percent of their Title I allocation for supplemental educational services (SES) -- tutoring and after-school programs generally offered by outside providers. Applications for service providers in Florida are now available and are due on March 3. The website for the application form is:

www.fldoe.org/flbpso/nclbchoice/ses/ses-rfa.asp

The South Florida Sun Sentinel reports that the Florida Youth Athletic Association is planning to partner with local schools on a mandatory tutoring program targeting struggling students. Expected to begin operation in August, the program will require young athletes who are not doing well in school to attend a study hall once or twice a week. The program is also soliciting

volunteer tutors to help the students.

Miami-Dade County Superintendent, Rudy Crew, has been named the 2008 National Superintendent of the Year by the American Association of School Administrators. Crew has been recognized for establishing Miami's School Improvement Zone through which about \$1 million has been allocated to each of 39 low-performing schools to cover the costs -- including higher teacher salaries -- of longer school days. Because of budget limitations, the program will be cut back to about 12 schools next year. Crew has emphasized the need for professional development at the elementary level to be coordinated to activities at the higher grades.

Georgia Update

March 2008

The Atlanta Journal-Constitution reports that the Georgia legislature is considering a bill to create the Georgia Charter Schools Commission. The Bill has passed to House and must be approved by the Senate. If approved, the Bill is likely to result in more tuition-free charter schools next school year. Currently, there are 71 charter schools operating in Georgia; all receive State funding, are not permitted to charge tuition, and must maintain open enrollment policies. They do not, however, have to follow many State and Federal regulations to which traditional public schools are subject.

According to Education Week, a State audit of the State's competition under the Federal 21st Century Community Learning Centers (21st CCLC) program found that it was manipulated fraudulently by former State education officials. In May 2006, a grant consultant excluded 23 of the 54 applicants for more than \$46 million in 21st CCLC funds and gave the money to the remaining applicants by some unknown formula. Evidence indicates that at least two State education officials had contractual relationships with groups that received grants but should not have. Moreover, many of the most highly ranked applicants received little or no funding.

As reported in Education Week, the Fulton County school district is implementing a privately financed pilot program -- known as Learn and Earn -- which pays cash incentives to students who improve their performance in math and science. Under the 15-week program, 20 students each from Creekside High School and Bear Creek Middle School can earn money by attending after-school math and science tutorial sessions (\$8 per hour) for up to four hours a week and bonuses (\$75 for eighth-graders and \$125 for eleventh-graders) if they get a B average in their math and science courses and pass the State assessments. Funded at \$60,000, the program is supported by Charles Loudermilk through the Learning Makes a Difference Foundation.

Indiana Update

March 2008

According to State data, nearly a quarter of Indiana's high school students fail to graduate within four years. As reported in The Indianapolis Star, a number of new programs have been implemented to improve the State's graduation rate. These include night classes, graduation coaches/mentors, improved courses on study skills, and even schools in malls.

In 2007, the Indiana legislature passed a substantial increase in funding for full-day kindergarten, from \$8.5 million last year to \$33.5 million this year. As reported in Education Week, the grants have gone to 144 school districts at the rate of only about \$800 per student -- less than the cost of the programs. Districts, therefore, either absorb the costs or charge fees. Also during its 2007 session, the legislature passed a bill that allows districts to continue charging fees for full-day kindergarten, although a 2006 State court ruling has been interpreted to the contrary. The issue clearly needs further resolution.

According to Education Week, Governor Mitch Daniels has made property tax relief a priority and plans to remove school funding from reliance on property taxes. The Governor's plan would entail a shift of \$1.3 billion in school costs from localities to the State. To fund the plan, the State would raise the sales tax from six percent to seven percent and use other money set aside for property tax relief. The Indiana Association of School Business Officials does not oppose the Governor's property tax plan as long as it includes a separate "rainy day" fund for schools when sales tax revenues decline.

A recent study by the Indiana Chamber of Commerce showed that almost 24 percent of the State's workforce lack the skills, education, or training to succeed. According to the study, 12 percent of Indiana's adults do not have a high school diploma and nearly 17 percent struggle to earn a living wage. Indiana ranks 41st among the states in the percentage of working-age adults with a two-year degree or higher.

The Indianapolis school district is planning to initiate a program targeted on the 1,400 of its students who have been held back at least twice before eighth grade. To reduce the stigma of being put in classes with much younger students, fifth-through seventh-graders will be assigned to separate classes in designated schools. As reported in The Indianapolis Star, these students will have teachers specially trained to help struggling students and will be provided with more support staff. This approach faces the difficulty of having schools that will almost certainly be unable to make adequate yearly progress under the Federal No Child Left Behind Act and could be subject to NCLB sanctions -- such as closure or restructuring.

Kansas Update

March 2008

Kansas has been praised by the U.S. Department of Education for its progress under the No Child Left Behind Act and has received a nearly \$1 million Federal School Improvement Grant to help low-performing schools. As shown in a new Federal reporting tool -- *Mapping Kansas' Educational Progress 2008* -- 88 percent of Kansas schools (and 95 percent of Title I schools) are making adequate yearly progress (AYP) under NCLB. Student achievement is up in grades 3-8 and achievement gaps between white and minority students have decreased. The report is available at www.ed.gov/nclb/accountability/results/progress/kansas.pdf

Kentucky Update

March 2008

As reported in the Lexington Herald-Leader, Kentucky's Senate Bill 1, supported by Republicans in the State legislature, seeks to replace the State's 18-year-old assessment system with nationally normed multiple-choice exams. It is argued that the change would save Kentucky schools \$10 million and add 21 days per year to the instructional calendar. Under SB 1, Statewide tests would no longer include writing portfolios as measurement of arts and humanities subjects. The current State test that requires a number of writing answers has been criticized for its subjectivity and lack of national comparisons. The new test, at the elementary and middle school levels would be similar to the Comprehensive Test of Basic Skills. For high school students, the State would use tests from ACT, Inc. It is not expected that SB 1 will be approved by the legislature.

Louisiana Update

March 2008

As reported in Education Week, Louisiana is seeking organizations that can help the State turn around 11 persistently failing schools across the State. Labeled “academically unacceptable” under the State’s accountability system for at least five years, the schools are just the first of perhaps 48 schools that could be subject to State takeover by the end of the year. Specifically, the State is looking for experts in local school districts, national charter school groups, universities, for-profit management organizations, and community organizations.

Louisiana plans to implement a number of changes to improve the reading and math skills of its students. As reported in The Advocate, the State expects to make structural changes in the State Department of Education with the intent of creating a branch devoted to reading and math improvement. Modeled to some degree after a similar push in Alabama -- which has shown significant reading gains in recent years -- Louisiana’s approach will include more technical assistance from the State. The grades on which this new emphasis will focus have not yet been determined.

U.S. Secretary of Education, Margaret Spellings, has agreed to be flexible on how Louisiana complies with the Federal No Child Left Behind Act. The U.S. Department of Education will grant waivers on certain parts of the Law. A new State test -- iLEAP -- will be administered to determine if students in the third, fifth, sixth, and ninth grades meet State standards. Louisiana will receive a \$2.6 million Federal grant to improve struggling schools, particularly in reading and math. The grant will be used, in part, to hire reading and math specialists to improve student test scores.

Education Week reports that the New Orleans Recovery School District is planning a major overhaul of its high schools that would offer career-based magnet programs at each school, as well as a district-wide college prep curriculum. The redesign plan, covering the district’s eight

existing schools and two new schools (expected to open in the next two years), will organize the schools similar to charter schools with advisory committees to formulate programs. The redesigned schools will offer dual enrollment with New Orleans area colleges and will structure freshmen courses on block schedules to allow for “double doses” of daily English and math instruction. This added work is clearly necessary. At least half of the district’s students missed forty or more school days last school year and only 338 of the district’s 860 seniors graduated. Moreover, there are an estimated 600 current seventh- and eighth-graders who are at least two years behind their peers.

Maryland Update

March 2008

As a result of the 2007 State legislation known as Thornton, new funding totaling \$3.3 billion has gone to low-income school districts in Maryland over the last five years. The money has been used to hire new teachers, raise teacher salaries, and reduce class sizes. As reported in the Baltimore Sun, MGT of America has been hired by the State to determine where the money was going and whether it was making a difference. According to MGT's interim report, the number of students -- including special education students, minority students, and English language learners -- passing State reading and math assessment has increased significantly in every district. Members of the State school board were critical of the MGT report, saying it did not provide even estimates of how the money was spent. The final MGT report is expected next school year.

Influenced by a similar program in New York City, Maryland is implementing a program that will pay struggling students who improve their scores on State graduation exams. The incentive payments (estimated to be \$935,000 this year) are part of the State's \$6.3 million initiative to increase graduation exam scores. As reported by Education Week, tenth- and eleventh-graders who failed at least one exam will earn \$25 if they show a five percent improvement on their first benchmark assessment. They can earn another \$35 if they increase their scores by an additional 15 percent on the next benchmark assessment, and \$50 more if they raise their scores by another 20 percent. The program is targeted at students who may not utilize after-school tutoring because financial need requires them to have jobs.

As reported in the Baltimore Sun, Governor Martin O'Malley has apparently abandoned his effort to force out State Superintendent Nancy. The Governor has asked the legislature not to pursue a bill that would have nullified Grasmick's recent contract renewal.

The Baltimore Sun also reports that many schools have been implementing Saturday tutoring sessions in hopes of improving scores on the Maryland School Assessments (MSA), which will

be administered to third- through eighth-grade students in early April. Schools that have failed to make adequate yearly progress under the Federal No Child Left Behind Act are trying to get off the State's "watch" list with, in Anne Arundel County, for example, intensive 1 ½ hour tutoring sessions and other extra work in reading, math, social studies, and science. In reading, students practice reading comprehension and writing short essays. In math, students work through practice problems like those on the MSAs. Students also receive help with test-taking strategies.

Also reported in the Baltimore Sun, a Statewide task force of educators, legislators, and community leaders has recommended raising the high school dropout age to 18 (from its current 16). The principal resistance to the proposal is based on cost. According to the task force's report, such a change would increase the State's enrollment by 21,000 students at a cost of \$200 million per year. It would also exacerbate Maryland's acute shortage of teachers, requiring the hiring of 1,100 more teachers. The task force also recommended redesigning the traditional path for graduation to be five years for struggling students and awarding alternative diplomas for non-English speaking students that carry the same weight as regular diplomas.

Massachusetts Update

March 2008

In his first State-of-the-State address, Governor Deval Patrick called for a K-12 education budget of \$5.2 billion including a six percent (\$223 million) increase in State aid to local school districts. The Governor's proposed budget plan also includes an additional \$15 million to expand the State's universal prekindergarten program as well as \$8 million to increase the number of schools offering full-day kindergarten. He also requested \$13 million to increase -- from the current 19 -- the number of public schools participation in the State's extended learning days program.

According to Education Week, Massachusetts provides State funding to districts as an incentive to offer full-day kindergarten. The State's incentive grant is only about \$15,000 per classroom, about a fifth of the annual cost of operating a full-day kindergarten class. Districts charge tuition to pay for the grant -- up to a cap of \$4,000 per year. Some districts charge the full \$4,000 while others charge only a few hundred dollars.

The Boston Globe reports that, in Massachusetts generally and in Boston specifically, there is a significant underrepresentation of Asian Americans in special education programs. Statewide, Asian Americans represent 4.8 percent of the public school enrollment, but only 2.3 percent of special education students. In Boston, Asian Americans make up nine percent of the school enrollment, but only three percent of special education. These discrepancies have raised concern that many Asian American students are not receiving appropriate help. Asian American parents often face cultural and language barriers and many see a cultural stigma associated with having children with disabilities.

Michigan Update

March 2008

In her State-of-the-State address, Governor Jennifer Granholm proposed to allocate \$300 million to create as many as 100 smaller high schools to replace larger low-performing schools.

According to [The Detroit News](#), funding for the plan would come from bonding against the \$32 million per year the State must set aside to settle a special education court ruling -- known as the 21st Century Schools Fund. Of Michigan's 1,149 high schools, 291 have failed to make adequate yearly progress for at least two consecutive years. Participating schools could receive up to \$2 million for planning and operations and up to \$8 million to be used as matching funds for construction. The \$300 million fund could last as long as five years depending on the number of schools that apply and the amount of money needed.

Governor Granholm, decrying Michigan's high school dropout rate, asked the State legislature to raise the mandatory school attendance age to 18. She also proposed establishment of the 21st Century Schools Fund designed to replace large, low-performing high schools with smaller "early college" high schools that would give students the skills to succeed in college and the workforce. The Governor praised the Kalamazoo Promise program that gives each Kalamazoo high school graduate tuition support in higher education. She wants to expand the program Statewide.

According to [The Detroit News](#), Michigan is planning to ask the U.S. Department of Education (USED) for a waiver that would allow some students to take a fifth year of high school to graduate. Michigan State law already allows districts to collect State aid for students, under 20 years old, in their fifth year of high school. But, under the Federal No Child Left Behind Act, students who drop out and return to school are still considered dropouts and can keep their schools and districts from making adequate yearly progress (AYP) and subjecting the schools to sanctions. USED has already given fifth-year exemptions to Michigan's special education students, English language learners, students with illness, and students enrolled in the State's six early college high schools.

Mississippi Update

March 2008

The Mississippi Department of Education has awarded a \$29 million contract to Pearson's Educational Measurement group to establish and implement a new writing assessment program. Working with Mississippi education officials, Pearson will provide customized writing assessments for 124,000 Mississippi students in grades 4, 7, and 10. Pearson has an ongoing ten-year contract with Mississippi -- awarded in 2006 -- to manage the Mississippi Curriculum Test.

The Hattiesburg American reports that the Mississippi legislature is considering a bill that would allow the establishment of up to five charter schools -- to serve low-performing students -- as alternatives to traditional public schools. Intended to become effective on July 1, the bill would require that at least three of the local public schools to be given charter status are located in school districts with an accreditation status of 3 or lower. The charter schools would have to develop a plan for improving student learning including performance-based objectives. Under the plan, State funds allocated for public school students would follow the students to the charter school.

Missouri Update

March 2008

As reported in Education Week, Governor Matt Blunt has proposed a STEM (Science, Technology, Engineering, and Mathematics) initiative that includes:

- creating 100 “technologically advanced” classrooms and equipping 300 other classrooms with advanced math and science curricula (\$5 million); and
- training 1,000 new Advanced Placement math and science teachers and helping more than 6,000 students take Advanced Placement exams (\$750,000).

Montana Update

March 2008

As reported in the Billings Gazette, the deep cuts in the Federal Reading First program are expected to have significant effects on Montana school districts. In 2007, 30 districts in the State received about \$2.4 million in Reading First funds; this year only \$775,000 is available. Nearly all of the Reading First schools acquired new reading curricula and hired reading coaches to work directly with students. However, State officials believe the new curricula, without the full Reading First grants and teacher training, will allow classroom work to continue. Many schools may not, however, be able to maintain full-time reading coaches.

New Jersey Update

March 2008

The New Jersey legislature has approved a FY 2008 budget of \$7.3 billion for K-12 schools, a 2.9 percent increase over the prior year. As reported in Education Week, and in earlier TechMIS issues, the New Jersey legislature has also passed, and the Governor has signed, a new State school funding formula. However, implementation of the new funding structure is likely to face significant legal opposition. Last year, the Governor also approved a law that places a four-percent cap on increases in local property-tax levies that pay for public schools.

New Mexico Update

March 2008

As reported in The Santa Fe New Mexican, a legislative task force has recently determined that New Mexico schools are underfunded by as much as \$350 million per year -- 15 percent of the State's K-12 education budget. New legislation calls for an overhaul of the State's 30-year-old school funding formula. As part of the proposed plan, each district must develop an Educational Plan for Student Success (EPSS) that would show how funds would be spent to improve student performance. Included in the EPSS would be bilingual/multicultural education, physical education, career/technical education, gifted education, special education, and distance learning. Some districts would, under the new formula, see significant increases in State funds. Santa Fe, for example, could receive as much as \$8 million more -- equal to 11 percent of the district's current budget.

The New Mexico legislature has approved a bill that would require high school seniors to pass a proficiency test in order to graduate. As reported in The Albuquerque Tribune, the new requirement would first become effective for the Class of 2011. Among the options that might be used by local school districts include: (a) national college entrance exams (SAT or ACT); (b) the Word Keys assessment; (c) a work portfolio; or (d) the current New Mexico Standards-Based Assessment. The latter exam showed that, last year, nearly 70 percent of New Mexico eleventh-graders would not pass. In February, the legislature allocated \$4 million for testing.

Facing one of the worst dropout rates in the country, New Mexico is using dual enrollment as a way to improve its graduation rates. As reported in the Las Cruces Sun-News, the State legislature last year passed a high school redesign law that requires high school students (starting with ninth-graders entering in 2009) to take at least one dual credit, advanced placement, or distance learning class in order to graduate. State data indicate that, in 2008, 8,348 New Mexico students (5.2 percent of the State's high school enrollment) were taking college courses compared with 1,817 students (1.4 percent) in 1994.

New York Update

March 2008

Facing a \$4.4 billion budget deficit, Governor Eliot Spitzer has proposed a \$124.3 billion State budget that includes only a five percent increase over the previous year, the lowest growth in more than a decade. Under the proposed budget plan, State aid to New York school districts would increase by 7.5 percent -- \$1.46 billion -- to a total of \$21 billion.

Education Daily reports that homeschooled children in New York are no longer eligible for special education services. The State does not recognize homeschooling as the equivalent of private elementary or secondary schools and, thus, special education for homeschooled students “is not authorized under IDEA or New York state law.”

As reported in Education Week, the New York City school district has implemented a \$6 million program, known as Opportunity NYC, aimed at expanding opportunities for low-income families. Part of Opportunity NYC is an incentive program that gives cash rewards to fourth- (up to \$250 per year) and seventh- (up to \$500) grade students based on their performance on year-round assessments. The program began in 60 schools last June; there is yet no data on the effectiveness of the program.

Ohio Update

March 2008

Beginning in early February, 90,000 Ohio students can apply for scholarships (vouchers) to attend private schools in the Fall under the Ohio EdChoice program. The vouchers are worth up to \$4,375 for elementary students in private schools and up to \$5,150 for high school tuition. As reported in the Cincinnati Enquirer, only students from under-performing schools are eligible for the vouchers.

The new Ohio STEM Learning Network will oversee the establishment of five new math and science schools across the State by 2009. Funded in large part by a \$12 million grant from the Bill & Melinda Gates Foundation and managed by Battelle Institute, the Learning Network hopes to double the number of Ohio college graduates with degrees in math, science, and technology. The program will encourage students to develop problem-solving skills and will target minority and low-income students.

Governor Ted Strickland has proposed an expansion of Ohio's Post Secondary Enrollments Options program under which 11,000 of the State's high school students take college courses for credit. Called "Seniors to Sophomores," the new program will allow qualified high school students to spend their senior year taking classes at one of Ohio's public colleges. As reported in The Cleveland Plain Dealer, the plan guarantees that such a collegiate program will be available within 30 miles of every citizen of the State.

As reported in Education Week, Ohio funds full-day kindergarten in low-wealth school districts. Many of the districts that do not qualify for State funding charge fees of up to \$2,000 per year. In December, the State legislature passed a law that allows districts that don't receive State "property-based assistance funding" to continue charging fees as long as the fees are calculated on sliding scale so as to provide access for low-income students.

Oklahoma Update

March 2008

Governor Brad Henry has proposed placing graduation coaches in Oklahoma's high schools in hopes of cutting the State's dropout rate. According to Education Week, 5,768 Oklahoma high school students dropped out last year. Modeled after a similar program in Georgia, the Oklahoma graduation coach initiative is intended to keep students focused on academics and to provide mentors for at-risk students. The Governor's budget has allocated \$2.5 million for the effort (substantially less than Georgia's \$30 million), but the Governor hopes to fill the gap by encouraging private sector volunteers to serve as graduation coaches.

The Tulsa World reports that Governor Henry has proposed a \$1,200 average salary increase for Oklahoma's teachers. Currently, the average salary for teachers in the State is \$42,379 compared with \$50,816 nationwide. It is estimated that the plan would cost about \$68.5 million a year.

A report by the Center for Education Reform ranked Oklahoma 19th out of 40 states with respect to the strength of its charter school law. The State received a grade of B based on a number of factors including: number of new charter schools, funding opportunities, and independence from local control. Currently, the Oklahoma charter school law is the subject of lawsuits and pending legislation; the law may well be overturned or expanded depending on events of the next few months.

Oregon Update

March 2008

Education Week reports that the Oregon legislature is considering a bill that would allow school districts to continue charging fees for their full-day kindergarten programs, despite the State Attorney General's advisory that districts do not have the authority to charge tuition. A controversy has arisen over low-income parents who say they can't afford the \$290 per month charge for full-day kindergarten. But many in legislature believe that, because the State only funds half-day programs, districts should be permitted to charge for the other half day. It is expected that it will be another couple of years before the State will consider funding full-day programs.

According to a report by the non-profit, Achieve, Inc., Oregon is well behind other states when it comes to the rigor of its high school requirements. The national trend toward more demanding high school curricula has not been pursued in Oregon. The State has no academic standards for eleventh or twelfth grade and does not administer exams that require reading and math skills beyond the ninth grade. Algebra II does not become a graduation requirement until 2014. Although tenth-graders take State tests in reading, writing, math, and science, the material is at the ninth-grade level. Students who fail the exams can still graduate. Achieve found that Oregon high school students get a false sense of security that they are academically prepared for college.

Pennsylvania Update

March 2008

A total of 358 Pennsylvania schools are the first to establish Classrooms of the Future under Governor Ed Rendell's program by which schools will be quipped with enhanced technology. Budgeted at \$200 million over the next three years, Classrooms of the Future will provide each classroom with laptop computers for all its students, as well as a Smartboard and projector, web cams, imaging software, and other video equipment. Teachers will also receive a multimedia workstation and intensive professional development.

Under the Federal No Child Left Behind Act, schools identified for improvement must spend up to 15 percent of their Title I allocation for supplemental educational services (SES) -- tutoring and after-school programs generally offered by outside providers. Applications for SES providers in Pennsylvania are now available and are due on April 18. The website for the application form is:

www.pde.state.pa.us/nclb/cwp/view.asp?a=3&Q=82596

It appears that the Philadelphia school district is facing higher budgetary shortfall partly as a result of the growth in charter school enrollments. It is estimated that the district's deficit is nearly \$33 million, \$13 million of which is due to the diversion of funds to charter schools. Charter school enrollment is up by 3,000 students, 600 of whom are in virtual charter schools.

South Dakota Update

March 2008

As part of his State-of-the-State address, Governor Mike Rounds proposed to allocate \$3 million, under the State's existing program, on laptop computers for 400 teachers and 4,600 students next school year. As reported in Education Week, the Governor also directed \$4 million more in salary support to school districts facing tight labor markets. He also emphasized that his \$404 million FY 2009 budget for K-12 education included a 2.5 percent increase, but argued that some districts are using the increase to pad their general fund reserves.

According to the Sioux Falls Argus Leader, South Dakota's precarious financial condition has caused Governor Rounds to hold "a tough line in terms of additional spending." Estimates put State revenues for the current fiscal year at \$4.5 million lower than just three months ago and doubles the estimated budget shortfall for next year (FY 2009). Among the education proposal that may not receive funding are increased teacher salaries, more funding for technical schools, and the planned campus laboratory upgrade package.

Tennessee Update

March 2008

Governor Phil Bredesen, in his State-of-the-State address, proposed a total \$27.8 billion FY 2009 budget that would hold the line on all but a few education programs. The Governor proposed \$4 billion for the basic K-12 education program, as well as \$25 million to increase the number of prekindergarten classes by 250. He also wants to use \$200 million in lottery revenues to provide financial aid to college students and to lower the threshold GPA recipients must make to retain their scholarships.

As reported in the [Chattanooga Times Free Press](#), Governor Bredesen plans to emphasize attracting quality teachers to Tennessee as a large part of improving the State's education system. A part of this initiative will be the Teach Tennessee program, an alternative certification program that certifies mid-career professionals from other fields as public school teachers. The three-year-old Teach Tennessee program focuses on attracting middle and high school teachers of math, science, and foreign language.

Under the Federal No Child Left Behind Act, schools identified for improvement must spend up to 15 percent of their Title I allocation for supplemental educational services (SES) -- tutoring and after-school programs generally offered by outside providers. The application for service providers in Tennessee is now available and is due on March 28. The website for the application form is:

http://state.tn.state.us/education/fedprog/doc/SESApp08_09.doc

Texas Update

March 2008

A recent study by Rice University and the University of Texas (Austin) indicates that Texas' school accountability system actually contributes to lower graduation rates in the State.

Researchers for the study found an overall five-year graduation rate of only 33 percent, with rates for Latino students (25 percent) and English-as-a-Second-Language students (20 percent) even lower. The State public school accountability system creates the appearance of increasing test scores, a narrowing of the achievement gap between white and minority students, and improved school ratings, largely because of the exodus of low-performing (usually minority) students. The study found a direct relationship between higher school accountability ratings and higher numbers of dropouts. The accountability system also allows principals to hold back low-achieving students (who could reduce school ratings), a large proportion of which drop out.

In testimony before the Select Committee on Public School Accountability, Texas' four teacher unions urged the State to devote less effort to high-stakes testing of students. As reported in The Dallas Morning News, the organizations argued that the time spent on testing and test preparation is cutting into instruction. The Select Committee is considering changes to the State's school rating system and will present its recommendations to the legislature before its next (2009) regular session. The Texas Assessment of Knowledge and Skills (TAKS) is used, not only as State measure, but also for Federal ratings under the No Child Left Behind Act.

Also reported in The Dallas Morning News, the Michael & Susan Dell Foundation has awarded a \$5 million grant to the Dallas school district to establish a comprehensive database of student academic information and other district-related information. The database will allow Dallas educators to have immediate access to academic records for the districts' 158,000 students and to identify learning patterns.

The Dallas school district is also implementing a program, called LUCHA ("fight" in Spanish), by which older English language learners will be taught such subjects as algebra, geometry,

chemistry, and world history online and in Spanish. One of ten Texas school districts participating in LUCHA, Dallas is treating the program as “an online tutoring class.” Students will continue to take their classes in English and must pass subject exams in English.

According to the Houston Chronicle, the Houston school district, arguing confidentiality, has declined to make public the names of teachers and other school staff who earned bonuses under the district’s performance pay program. Through a complicated formula, bonuses are calculated based on student performance. Last year, the district released a list of amounts each employee earned.

As reported in the Fort Worth Star-Telegram, the Fort Worth school district has proposed to implement a pilot program -- called PEAK (Public Educators Accelerating Kids) -- designed to attract teachers to struggling schools. Slated to begin in the 2008-09 school year, PEAK would provide incentives for teachers at hard-to-staff schools and rewards for teachers (or teams of teachers) whose students perform well. Assisted by the Broad Foundation, PEAK will be pilot tested in 6-8 hard-to-staff schools and in another 4-7 schools that show growth in student achievement. The district experimented with teacher incentive programs in 2006-07; 26 schools received \$2.3 million through the Texas Educator Excellence Grant program.

Utah Update

March 2008

Governor Jon Huntsman, Jr., in his State-of-the-State address, highlighted the shortage of teachers in Utah. The Governor noted that, this year, the State has 400 teacher vacancies, twice the shortfall last year. He proposed increasing the number of graduating teachers from 2,300 to 3,300 by 2011 and called for year-round contracts for math and science teachers, which would provide students with summer opportunities for remediation as accelerated study.

The Deseret Morning News reports that a 2006 audit of Utah's charter school system recommended a study of charter school funding. The result of that seven-month study is HB 278, a bill that would require school districts to allocate a specific amount of local funding for each charter school student. This means the money would follow the student, even to schools out of the district. Because the charter schools would go back to receiving their funding from school districts (since 2004, they have been funded directly by the State), charter school officials are concerned that there will resurface an adversarial relationship with school districts.

Utah's Senate Education Committee has approved SB 162 that would require legislative approval of agreements between the State and the Federal government. Aimed at Federal programs like the No Child Left Behind Act, the bill would require approval of legislative management for agreements in excess of \$500,000 and agreements of more than \$1 million would require full legislative approval.

Virginia Update

March 2008

Governor Tim Kaine has proposed a number of funding increases for education in his budgets for the 2008-10 biennium. Among the recommendations is a \$1 billion increase in general aid for K-12 schools and \$56 million to expand the State's preschool program from its current 13,000 students to 20,000 students by 2010. The Governor's proposal budget includes an additional \$44.3 million for Virginia's State colleges and universities and the sale of \$1.6 billion in State bonds for college construction.

The Washington Post reports that Virginia has undertaken a number of new initiatives to improve instruction in mathematics and science:

- online tutorials to help middle school math teachers learn new techniques for teaching fractions, statistics, and measurement;
- work with area universities to train math specialists; and
- a \$50,000 grant from the National Governors Association and the Bill & Melinda Gates Foundation to create six career and technical academies.

The Virginia legislature has proposed at least two bills that would pull the State out of the Federal No Child Left Behind Act if the U.S. Education Department does not grant the State's waivers in a number of areas. If the bills are approved by both the Senate and House of Delegates, Virginia would become the first State to set a deadline -- Summer 2009 -- for NCLB pullout. Such a pullout could cost the State \$350 million in Federal aid. Governor Tim Kaine has not expressed his views on the proposed legislation.

West Virginia Update

March 2008

The West Virginia House of Delegates has passed a bill that would overhaul the State's school funding formula and add \$48 million per year in school and over the next three years. The new formula would:

- compensate for district differences in enrollment and population density;
- ensure funding for the fewest needed support positions (nurses, counselors, technology specialists);
- preserve personnel needed to improve learning and to minimize unnecessary identification students or in need of special education.

The bill would require about 580 new classroom positions as well as a number of technology systems experts.

Wisconsin Update

March 2008

Governor James Doyle, in his State-of-the-State address, called for the Wisconsin legislature to pass a requirement that high school students pass three years each of math and science in order to graduate Wisconsin, according to Education Week, is one of only five states that require only two years of these subjects. Other proposals in the Governor's address included a salary increase for teachers and a \$15 million allocation for research-based strategies for improving education in the Milwaukee school district.

According to Education Week, the political wrangling over Wisconsin's virtual schools continues. In December, an appeals court ruled that the State's largest online school violated State open enrollment, charter school, and teacher licensing laws. The legislature reached a bipartisan agreement that would allow the schools to remain open. But, after a hint of a veto by Governor Doyle, the agreement fell apart leaving 3,500 online students and their parents in educational limbo.

Preliminary results from a study conducted by the University of Wisconsin raise questions about the value of tutoring for low-performing students. As reported in the Milwaukee Journal Sentinel, the study of supplemental educational services in the Milwaukee school district found no strong relationships between hours of tutoring and student test results. The study did find that tutoring is most effective when students attend for 40-45 hours during the school year (about one hour per week). In 2005-06, only 15 percent of middle school students and six percent of high school students participated in tutoring programs for at least 40 hours. Of Wisconsin's 45 schools identified for improvement last year, 32 are in the Milwaukee school district.

Wyoming Update

March 2008

According to the Billings Gazette, most Wyoming citizens are in favor of changing State law to allow the establishment of more charter schools. Currently, there are only three charter schools in the State: one in Laramie and two on the Wind River Indian Reservation. A study conducted by the Wyoming Association of Public Charter Schools and the Center for Education Reform found that 68 percent of respondents believe that parents should have a choice of schools for their children and 59 percent think groups other than the local school board should have the authority to establish charter schools. The Wyoming legislature is considering a bill that would create a State board to consider new charter schools.