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MEMORANDUM

DATE: March 31, 2008
TO: TechMIS Subscribers
FROM: Charles Blaschke and Blair Curry
SUBJ: New Guidance on Differentiated Accountability Model, Highlights of Three Conferences on NCLB Reauthorization Priority Changes, Math Panel Recommendations, and State Profile Updates

On March 18, USED Non-Regulatory Guidance on Differentiated Accountability was announced which could have significant implications for states which apply for the up to ten state pilot model. The attached Special Report identifies the major eligibility criteria which must be met for states to develop their own interventions to be used for SES in schools identified for improvement, particularly those in restructuring. Based on discussions with NCLB policy observers and in the context of recent proposals made by the Administration, additional regulatory changes -- which are very likely, along with implications for TechMIS subscribers, are highlighted.

During March, we attended a number of important conferences and forums which addressed issues and NCLB policy changes of interest to TechMIS subscribers. During the SIIA Education Forum, possible changes to NCLB were explored in some detail (SES, SBR, and formative assessments, among others) and implementation issues related to early intervening services and RTI were addressed. During the Council of the Great City Schools legislative conference, which for the most part was "off the record," Secretary Spellings did address, to some extent, questions and concerns among urban district officials, including SES set-asides. State and district technology officials, during the annual COSN conference, described how they were implementing state technology literacy assessments. USED also held a meeting for state Reading First directors where new draft guidance on making up for FY 2008 Reading First budget cuts through the use of alternative Federal funds was described. Additional USED guidance will likely be needed in the near future.

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

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The major effects of NCLB, both positive and negative, are identified by Jack Jennings, CEO of the non-partisan Center on Education Policy. He called for a total rethinking of the pillars of NCLB before reauthorization, which he felt would not occur until 2010. Jennings also noted that, if too many fundamental changes are made in the law through the non-regulatory process, then a coalition of Civil Rights organizations and neo-conservatives could kill NCLB.
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Some opportunities exist for non-SES providers under the 20 percent set-aside according to Steve Pines, Director of the Education Industries Association; however, during the SIIA forum, he predicted that Congress is likely to impose greater performance standards on third-party providers and will likely reduce SES set-asides in the reauthorization. EIA continues to pressure states to ensure unspent SES set-asides are not reallocated at the end of the year for other uses by districts.
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The Response-to-Intervention approach is operationally defined differently by various district officials and offices responsible for implementation, which firms should take into account in positioning products and approaching districts. Congressional committee staff predict that RTI and use of formative assessments will be greatly expanded in the NCLB reauthorization.
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Policymakers and leading education policy influencers agree that the most likely major changes in NCLB relate to school improvement and the types and nature of NCLB assessments, reinforcing the consensus of other SIIA forum panelists that increased funds will be used to expand formative assessments.
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Highlights of miscellaneous other sessions addressed state budget shortfalls with likely impact on K-12 state funding. A recent Reading First report by the Fordham Institute blames Congress for “softening” the SBR definition and encourages consortia development of uniform state standards in algebra.
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During the Council of the Great City School’s annual legislative conference, Secretary Spellings responded to urban districts’ concerns over the new national pilot of Differentiated Accountability, while Congressional staff and others indicate that some “near consensus has been developed on certain issues” regarding NCLB reauthorization; but reauthorization this year is not likely.

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The National Mathematics Panel recommends streamlining math instruction and sites research evidence supporting the use of computer assisted instruction in drill and practice and tutoring, but at the same time calls for increased research on the use of technology-based instruction generally.
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District and state technology officials believe that the curriculum for teaching 21st century skills will be driven by the types of assessments used by states and districts, a consensus among many attendees of the annual Consortium on School Networking (COSN) conference on March 10th.

State profile updates address a range of issues including major changes in some state assessments, state budgeting (with many states having to make significant cuts), high school reform, and a number of math/science initiatives.

Miscellaneous Items:

- Several days after the Reading First directors meeting, the Fordham Institute released its report which blamed Congress for not defining scientifically-based research which left too much discretion to USED officials culminating in the Office of Inspector General audits which found serious violations of conflict of interest and other mismanagement activities during the early implementation of the program (see comments made by Mike Petrilli in the item on the SIIA Forum). On numerous occasions, Secretary Spellings has called for a restoration of Reading First funds by Congress, where ranking Republican Mike Castle is spearheading an effort within the House to restore such funding. The Secretary's Dear Colleague letter cites numerous activities that have been undertaken by Secretary Spellings to implement recommendations of the Office of Inspector General to minimize future conflict of interest and mismanagement problems. Committee Chairman Dave Obey, who instituted the Reading First cut for FY 2008, is likely to use Reading First as a negotiating "pawn" in the FY 2009 appropriations negotiations with the White House.
- Both the House and Senate have passed budget resolutions for FY 2009. These resolutions only set limits on overall appropriations for the Departments of Education, Labor, and Health and Human Services. Appropriators will decide, within these limits, appropriation amounts for specific programs such as Title I and IDEA. The Senate would increase education limits by \$5.4 billion over the President's proposed FY 2009 budget. The House Committee could provide \$7.1 billion increase for USED and the other two agencies -- about \$5.5 billion more than Congress approved last year. Education is likely to get a moderate to significant increase in the final appropriations bill -- most likely for Title I and IDEA.

- During March, a number of Reading First developments occurred. At a meeting with state Reading First directors, Secretary Spellings indicated that USED would provide some flexibility to help SEAs and districts cope with the 60 percent budget cut next year. Draft guidance reminds Reading First districts that the major requirements of Reading First still need to be complied with and that states should consider reallocating Reading First funds from schools that are not making “sufficient progress.” This would have the effect, almost by definition, of increasing the Reading First achievement gains in the remaining Reading First schools in a district. The draft guidance also states “subject to the specific rules or regulations of the program, funds that LEAs receive under Title I Part A may be used to support elements of the Reading First program.” In schoolwide programs, Title I funds could be used to purchase core programs, provide screening and diagnostic assessments or reading coaches and other professional development; however, in targeted assistance schools, Title I funds could not be used to purchase the core reading program, but rather only supplemental materials. Other potential funds which could be used to make up the Reading First shortfall would include Title IIA to provide professional development, Title III to provide reading interventions for English language learners, and the 50 percent transferability provision that allows transfer of other program funds into Reading First programs.
- As the House and Senate were debating and then passing the FY 2009 budget resolution, Dear Colleague letters supporting increased appropriations for the E²T² program were circulating, calling for a restoration of funding to the FY 2005 level of \$496 million up from about \$260 million this year. Twenty-one House members joined with Congressman Ruben Hinojosa (D-Texas) and Judy Biggert (R-Illinois) in sending a letter to Committee Chairman Dave Obey, arguing that E²T² plays an essential role in our nation’s schools, fulfilling student achievement, teacher quality and parental involvement provisions of NCLB. On the Senate side, ten senators have signed onto a similar letter sponsored by Senator Joseph Lieberman (I-Connecticut) and Olympia Snowe (R-Maine).

**Use of Non-Regulatory Guidance to Change NCLB Increases As
Secretary Spellings Announced “Differentiated Accountability” Pilot
For Up to 10 States and Even More Changes
Can Be Expected Sooner Than Later**

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

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On the heels of the Growth Model Pilot expansion, Secretary Spellings announced, on March 18th, the “Differentiated Accountability” Pilot program in which up to ten states, under certain conditions, would be provided greater flexibility for proposing their own methods for categorizing identified schools and determining the interventions required for each category (e.g., corrective action, restructuring). States must commit to build their own capacity for school reform, take the most significant actions for the lowest performing schools, and use data to determine methods of differentiation. Differentiated Accountability has its roots in the notion that school improvement funding and efforts need to be focused on schools that are “most broken,” as noted by Sandy Krest, one of the architects of NCLB several years ago. Those states which are eligible and meet several important NCLB “choice safeguards” must submit applications by May 2nd. If approved by peer review and the Secretary, they could initiate the transition to Differentiated Accountability models next school year. Between 25-30 states are likely to be eligible, according to several NCLB policy observers. As noted below, the implications for TechMIS subscribers could be very significant in states participating in the Growth Model and now Differentiated Accountability pilots, particularly in light of anticipated regulatory changes in the very near future.

For states to be generally eligible to apply, they must: (1) have a fully approved assessment system and a plan for achieving NCLB’s highly qualified teacher requirements; (2) have no outstanding Title I monitoring exceptions; and (3) provide timely information on the number of schools identified for improvement each year. In addition, priority will be given to states in which at least 20 percent of Title I schools have been identified for improvement, which generally means these states have set higher proficiency standards than others.

Perhaps more important than the general criteria are the “safeguards” which states and districts must continue to meet, including to increase the number of eligible students who participate in supplemental educational services (SES) and/or school choice transfers. Generally, for selected states, these safeguards guarantee a minimum number of students will be required to participate in SES, ensuring that a certain amount of Title I funds will

be available year-to-year for SES tutoring. As Stephen Sawchuk, reporter for Education Daily, noted, "Application criteria for the new Differentiated Accountability pilot indicate Education Secretary Margaret Spellings will not approve proposals that might reduce participation levels in NCLB's two choice programs for students in struggling schools -- free tutoring and voluntary transfers." The proposed models should increase SES participation rates, even if the total number of eligible students declines, by allowing low-income students who are non-proficient to receive SES during the first year a school is identified and allowing students currently eligible for SES to continue even though they would not be eligible under the proposed model. It is not clear whether states could propose to allow districts which have been identified to continue providing their own SES programs. This approach provides opportunities for firms to partner with these districts, providing instructional materials, training and support. In order for some eligible states to be approved, they may have to increase the number of schools identified for improvement by discontinuing some of the "loopholes" negotiated individually with USED, such as changing the "N-size" and the so-called "all student subgroups failing two consecutive years in two subjects" condition for being identified.

In a policy letter sent to Chief State School Officers on March 20th, Secretary Spellings emphasized the program's Core Principle 9 that says the differentiated accountability model must be designed to result in an increase in number of students participating in SES and parent school choice (PSC) across the state. Moreover, "Interventions must be educationally sound. The state provides a rationale, including evidence of effectiveness, for each intervention proposed (Core Principle 8)." Studies by the Center on Education Policy and the Government Accountability Office on the effectiveness of different interventions on schools in corrective action or restructuring is very limited at best. By tying the justification of state-proposed interventions to increasing the number of students participating in SES, a door might be opened to allow states to approve districts which have been identified, but have a demonstrated record of increasing student performance, to provide their own SES. If the "rule of evidence" is the effectiveness of approaches in increasing student participation in SES, then it is worth noting what Mike Casserly, Executive Director of the Council of the Great City Schools, reported in his testimony on the House's proposed draft of the NCLB reauthorization on September 20, 2007, "The percentage of eligible students served in cities where districts can provide SES is 24.3 percent, compared with 10.9 percent in cities where the district is not a provider." From a cost-effectiveness perspective, Chicago Public Schools annual evaluation of its SES program has consistently found that the students in district operated SES programs performed at about the same achievement level -- at a quarter to a third of the per pupil cost -- as those participating in third-party-operated SES tutoring. Many urban districts would like to expand their district-operated SES programs -- which they currently cannot because of USED's policy of not allowing them to do so because the district has been identified for improvement. These same urban district officials are very concerned that, because they tend to have more student subgroups, states will likely identify proportionately more urban district schools as needing the most comprehensive school improvement reforms. Whether an eligible SEA will propose such a proposed intervention strategy for SES is not clear as it would appear to be in conflict with another "rumored to be published regulation," which would require a 75 percent "parent sign-off"

before districts can reprogram unspent SES set-asides for purchasing other Title I-allowable products at the end of the school year (see related item on the Council of the Great City Schools Conference highlights and below).

The March 20th policy letter also opens the door for another change. States will have to explain how they would leverage state and local resources, along with Federal funds, to promote school improvement, especially for schools in restructuring. Moreover, it suggests that states can use the “50 percent transferability provision” to reallocate funds from Federal titles other than Title I into schools in restructuring; under current law, such funds cannot be transferred into schools in restructuring.

Discussions we have had with state officials suggest that at least one state -- South Carolina -- will be submitting an application for the Differentiated Accountability Pilot and other states such as Georgia, Minnesota, New Mexico, and Illinois say they would consider applying, according to Education Daily. According to USED, the states which are not likely to be eligible because their standard and assessment plans as of March have not been approved nor is approval expected are: Louisiana, Minnesota, Mississippi, New Jersey, Oregon, South Dakota, Washington, Wisconsin and Wyoming.

As a side note, one of the biggest disconnects between the Secretary’s March 18th press conference announcing the Differentiated Accountability model and flexibilities provided to the states occurred when she used, as examples, the types of schools to be targeted by states -- the so-called “1,500 high school drop-out factories.” However, less than five percent of high schools receive Title I funds and the number that have been designated as being in corrective action or restructuring is well below that. On the other hand, the Secretary is likely to require states to use a “uniform graduation rate,” perhaps similar to the NGA definition, and that rate in calculating AYP.

In January, the process of using Non-Regulatory Guidance (NRG) and Pilot Programs to make significant changes in NCLB began with the newest guidance on “fiscal matters” related to schoolwide programs (see February 19th TechMIS Special Report). This NRG would allow schoolwide programs which commingled not only other Federal funds with Title I, but also state and local funds to use Federal funds to make up for shortfalls in state and local revenues. One example would be to allow such Federal funds to be used to pay for salaries of non-Title I teachers, which of course would reduce the amount of Federal funds available for the purchase of products and services. Under previous guidance, schoolwides which commingled other Federal funds with Title I did not have to report how the money was spent. Under the new guidance, the prospects for TechMIS subscribers are much better in schoolwide programs which do not commingle state and local funds, and hence have to use Title I and other Federal funds for “education program improvement purposes,” which can include purchases of products and services such as staff development.

Without a doubt, following the March 20 policy letter guidance described above, there is more to come, sooner rather than later, according to several policy observers. One such change, very likely to be reflected in Non-Regulatory Guidance and strongly encouraged

during the “peer review” process when eligible states apply for Differentiated Accountability flexibilities, is a requirement that districts have to document 75 percent “parent sign-offs” before unspent SES earmarks can be reprogrammed for other allowable uses. Currently, at least one state -- Florida -- has a state law, as a result of lobbying by the Education Industries Association (EIA) that requires 51 percent “parent sign-off,” even though the initial request by EIA was 90 percent “parent sign-off” before such funds could be reprogrammed for other allowable uses. During the first year after enactment in Florida, the amount of reallocated, unspent SES funds was reduced significantly from the approximately \$130 million reprogrammed the previous year. A critical implication for many TechMIS subscribers is that purchases of products and services, usually before June 30th, would decrease dramatically in some states. In most cases, such unspent SES earmarks would have to be carried over to the following year and added to the 20 percent SES set-aside for that year, a policy which will help third-party SES providers. If the total amount carried over, including unspent SES money, is greater than 15 percent of the district’s total Title I allocation, then, without a waiver from the SEA, the districts could lose the amount above the 15 percent (see TechMIS Special Report February 19th).

Another likely change is designed to increase the number of eligible students who participate in SES programs as well as the number of community-based organizations, including faith-based organizations, which operate 21st Century Community Learning Center programs. Following the pattern allowed by USED with the four districts participating in the SES National Pilot program (Chicago, Memphis, Hillsborough County and Boston), districts would be allowed to use up to one percentage point of their 20 percent earmark for SES and parent choice transfers for administrative purposes, particularly for soliciting support from parents to allow their children to take advantage of such options. In return, more faith-based organizations would be encouraged to provide SES as they expand their 21st Century after-school programs to include SES. Upfront funding would be provided to these organizations, reducing one of the greatest barriers for small after-school program operators identified during the SIIA Forum (see [Washington Update](#) related item), namely, lengthy reimbursements which create cash flow problems. Districts which are identified for improvement would be required to encourage more faith-based organizations to become approved by the SEA to provide SES and take advantage of such opportunities following 2006 Non-Regulatory Guidance that said such centers are considered “separate and distinct” from the district (see TechMIS [Washington Update](#) August 2006). On the positive side, this set of changes could provide sales opportunities for firms which have administrative tools designed to manage the SES process, ranging from soliciting parents’ participation to invoicing; and, at the least, there are opportunities for firms that have parent telecommunication systems to expand such services using “new” district allowable funding sources. There may be more opportunities for firms to partner with districts and after-school operators who provide SES.

Following a proposal in the President’s 2009 budget -- which violates current Law (i.e., to allow up to 50 percent of School Improvement Grant funding to be used by SEAs for capacity-building and removing the “hold harmless” requirement in Title I funds

requiring every SEA to set aside four percent of district Title I funding for school improvement) -- a number of options could be reasonably expected in new guidance in this area. One such option could be to allow SEAs to use a significant portion of their increased School Improvement Grants and the SEA four percent set-aside to develop the capacity to provide more technical assistance and support to districts with schools in corrective action and/or restructuring. SEAs could be allowed to count these funds as part of the 95 percent which current law requires be reallocated directly to districts; or a portion of the 95 percent which is supposed to be reallocated directly to districts could be set aside for further development and/or implementation of longitudinal data systems in certain states which justify doing so because of “economies of scale” and ensuring reduced inoperability problems that could be expected to occur if districts individually implemented such systems. In both of these areas, intermediate education units could play a very important role. Current regulations already allow an IEU to be treated as if it were an LEA for purposes of implementing Title I SES provisions and the IDEA early intervening services provision (e.g., such as in Pennsylvania and North Dakota).

It should be noted that during the press conference in Minneapolis earlier this month, accompanying Secretary Spellings was Dr. Gene Wilhoit, Executive Director of the Council of Chief State School Officers, which has a vested interest in increased Federal funding and support for SEA capacity building, particularly related to many aspects of school improvement.

Among Congressional leaders and Administration officials, there is a growing concern about the increasing number of schools identified for improvement, particularly those entering corrective action or restructuring. Even though several USED-supported studies, over the last several years, have argued that this situation cannot be attributed only to low performance on state assessments of the students with disabilities (SWD) and English language learners (ELL), recent pressures have increased to target school improvement efforts on these populations. Several NCLB policy observers believe that pending USED guidance will allow up to two times the amount normally allowed for SES per student to be used for students with disabilities and English language learners when they are part of subgroups that fail to meet proficiency levels. The guidance will also strongly encourage SEAs to allocate a portion of the IDEA state set-aside to districts to complement Title I SES funds, an approach which has been allowed since 2004, but rarely taken advantage of. During the Council of the Great City Schools annual conference, it was noted that Massachusetts already allows up to \$4,800 for students with disabilities to participate in SES.

Washington Update

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Nationally Respected Jack Jennings, CEO of Non-partisan Center on Education Policy, Describes the Major Effects of NCLB and Calls for a Total “Rethinking” before Reauthorization

During the SIIA Forum, Jack Jennings, who heads the Center on Education Policy which has reported annually on the implementation of major provisions in NCLB, identified the major effects of NCLB on schools and districts and concluded that major provisions in the Law need to be “rethought” before reauthorization, which he felt would not occur for two more years. Some of the major effects of NCLB provisions, he noted, were:

- While test scores have increased somewhat in at least 30 states whose state assessment data could be analyzed, he cautioned one should not attribute these increases to NCLB provisions;
- In general, time devoted to teaching math and reading has increased 40 percent, while other subject areas have received 30 percent less instruction, especially in schools identified for improvement;
- Major changes have not occurred in most schools in restructuring; however, most are using data to inform instruction and about 40 percent are replacing all or part of their curriculum;
- Disaggregation by subgroups has forced policy makers to pay more attention to subgroups of students;

- The Federal role over SEAs has increased, as has the SEA role over districts;
- More school principals are being selected based on their instructional knowledge and experience, rather than on traditional leadership criteria.

On the question of reauthorization, Jennings’s quick answer on whether there would be a reauthorization of NCLB this year was, “No.” Although Senator Kennedy, in April, plans to mark up a “short bill” which will not address some of the most controversial and partisan issues long held Congressional rule will once again prevail -- namely, it’s easier to stop a bill than to approve one. Jennings agreed with Andy Rotherham’s analysis (see below) that health and the economy issues will be first and foremost in 2009. He also noted that, unlike all prior reauthorizations of ESEA over the last 40 years, NCLB is the only education law that never has had even one amendment. This lends credence to former Presidential advisor Karl Rove’s “swan song” when he left Washington -- if Congress does not make changes in NCLB, then the Administration will make such changes through the regulatory process. As Jennings noted, if too many fundamental changes are made in the Law, then a coalition of civil rights organizations and neo-conservative groups (which see NCLB as a Federal “intrusion”) could kill the law.

In the meantime, Jennings argued that Congress and policy makers need to rethink

seriously the underlying principles and provisions of NCLB. During a Q&A, in response to a question about the future of Reading First, Jennings reported that state and district officials in CEP surveys feel the program has been very successful and that its practices, interventions, professional development, etc. are being “spread” to non-Reading First buildings and districts and throughout Title I. While the FY 2009 budget will likely have increases in Title I and IDEA, Reading First cuts will probably not be restored.

Jennings was reminded that, four years ago, during the SIIA Fly-In (now Forum), he supported the use of computer-adaptive testing and felt it would be critical to the effective implementation of NCLB. While he noted that USED policies do not allow out-of-level or adaptive testing, he argued that it still makes a lot of sense, but that Secretary Spellings will probably not allow it through the administrative and other non-regulatory guidance which will likely be issued shortly. He did conclude, however, that “weekly formative assessments with embedded items that could be used to calculate cumulative growth” would be expanded dramatically in the next phase of the standards-based movement and that curriculum should drive assessment, not the other way around.

SES Advocate Believes There Exist Some Opportunities for Non-SES Providers, but Predicts that Congress is Likely to Impose Greater Performance Standards and Will Likely Reduce SES Set-Asides in Reauthorization

Steve Pines, Executive Director of the Education Industry Association (EIA), which represents many third-party supplemental educational service (SES) providers, believes there are some opportunities for software publishers and related technology vendors in the overall SES market, but predicted that Congress will tighten up standards that SES providers will have to meet; and during the SIIA Forum, he indicated his believe that Congress will likely reduce the 20 percent set-aside for SES and parent choice in the NCLB reauthorization (or possibly through amendments) in the immediate future. While most SIIA Forum attendees prefer to “partner” with districts and/or firms which actually provide SES, some firms consider SES provisions and set-asides to be competitive with dollars districts would otherwise use to purchase their products and services. Pines gingerly and adeptly addressed some of these issues, while continuing to support the EIA position on SES.

Based on industry estimates, Pines felt that between \$600-700 million was actually spent on third-party SES providers during the last school year out of the approximate \$2 billion set-aside for SES. He argued that more SES funds are used by districts to operate their own SES programs which could provide “partnering” opportunities for instructional software publishers. Overall,

he estimated that about 600,000-700,000 eligible students participated in SES provided by third-party vendors, and that overall only 24 percent of eligible students participated in SES nationally, which is more than USED and other estimates.

Pines noted several important concerns for SES providers, including that state policies and guidance are critical because there has been little Federal guidance. Indeed, EIA has been instrumental in lobbying state legislators and governors for policies that have been advantageous to SES providers. He noted, for example, that Florida is a good state for SES providers. He did not mention, however, that EIA was instrumental in getting a Florida state law passed which requires districts to document that at least 51 percent of parents of eligible students who did not want their child to participate in SES to sign-off before unspent SES funds could be reallocated for other Title I allowable uses, including purchases of instructional software materials and staff development, usually by the end of the fiscal year. While admitting that school districts “hate” SES provisions, largely because of the amount of Title I funding which goes to SES providers, he argued that many districts do not provide the necessary outreach services to increase attendance by ensuring that parents are aware of the SES options available to their children. He felt that on a good day, 70 percent attendance of an SES provider’s students was good, noting that SES providers are paid based upon attendance and seat time. We asked, “If payment to SES providers were based, at least to some extent, on student academic performance on state or other approved instruments, would that reduce many of the tensions between districts and SES providers.

Pines acknowledged that he would support some degree of student performance-based fees. However, he felt strongly that school districts identified for improvement should not be allowed to continue providing their own SES programs, a policy EIA successfully lobbied for under the Paige Administration, specifically former Deputy Secretary Gene Hickok -- a policy which is not in the Law or the regulations. Hickok is now a lobbyist for EIA and was largely instrumental in getting the Florida state statute passed two years ago.

Some opportunities for non-SES providers, noted Pines, exist at the state and district levels. In SEAs, there are opportunities for firms that can facilitate student tracking/progress monitoring, and development of pre-post test instruments, as well as for firms in the evaluation or consulting business. Indeed, several of the SIIA members in the forum audience do conduct SES evaluations for SEAs and/or districts. At the district level, the major opportunity is sales of products and services to SES providers who can adapt the products and/or assessment pre/post-test instruments to their needs. In response to a question as to how much of SES funds that are allocated to third-party providers is spent on materials relative to direct labor, Pines noted that only one state has attempted to capture such cost information. Illinois reported that about 55 percent is spent on staff and 15-20 percent on materials.

Regarding future changes to SES provisions, Pines observed that pressures are coming from both sides of the political aisle to increase standards for SES providers. These include requiring SES providers to use only highly-qualified teachers; under current USED policies, this is not a requirement.

Democratic leaders, such as HELP Committee Chairman Ted Kennedy, feel that the use of SES funds has not been effective and are seeking alternatives such as extended learning time during the school day. As a result, Pines predicted that there will be fewer dollars set aside for SES in the future. He also noted that there is an anti-private sector bias in Congress which was reflected in the House draft version of the NCLB reauthorization in numerous areas where allowable services would be limited only to not-for-profit entities.

Earlier during this session, Jennifer Rinehart, Vice President for Research & Policy for the Afterschool Alliance, addressed opportunities for after-school program operators to participate in and provide SES for districts. We noted that recent studies have found that less than five percent of such operators of after-school programs funded by 21st Century Community Learning Centers provided SES even though USED issued guidance, over 18 months ago, that districts identified for improvement could allow their 21st Century Community Learning Center after-school programs to provide SES because they were considered a “separate and distinct” entity. She acknowledged that some of the larger after-school operators, such as the Boys Club and Girls Club and Citizen Schools, have begun to take advantage of the new opportunities; however, small community-based operators do not have the capacity to provide the back-end administrative support and cannot operate on a reimbursement model which creates critical cash flow problems. As we have recommended in the past, TechMIS subscribers with appropriate products should consider marketing to after-school operators who could provide SES in districts identified for improvement, and

allowing these after-school operators to purchase under an extended time payment may not help resolve cash flow problems. In her presentation, Rinehart also noted that there has been a significant increase in science and math enrichment activities under 21st Century Community Learning Center programs. However, she also observed that after-school programs which provide only tutoring have much lower attendance rates than those that have more comprehensive and motivational and enrichment activities. Studies of after-school programs have found that they are more effective in increasing student performance in math than in reading.

Response-to-Intervention Approach Means Different Things to Different School Staff Operating Different Federal Programs Which Firms With Instructional Interventions Should Be Aware of and Firms Should Target Districts and Schools that Are Ready and Have the Capacity to Implement RTI; Moreover, Congressional Committee Staffers Predict RTI and Formative Assessment Will be Infused in NCLB Reauthorization

During last year’s SIIA Forum, many of the software publishers were introduced to response-to-intervention (RTI) for the first time. Since then, some additional guidance has been provided by USED with more being provided officially or unofficially by SEAs. And district implementation of early intervening services and RTI has expanded based on local interpretations and implementation capacity. During this year’s Forum, some of the same panelists provided advice to firms and explained why RTI implementation varies, depending on the

school staff one approaches and his or her role in implementing different Federal programs, such as Title I or special education.

Richard Long, Executive Director of the National Association of State Title I Directors under the umbrella of the International Reading Association, explained that most general education officials perceive RTI as differentiated instruction and, as a result, refer to RTI as response-to-instruction, claiming that most general educators view response-to-intervention as a special education function. Increasingly, Title I directors and school principals are accepting RTI as a general education, rather than special education responsibility or a shared responsibility. More and more states and districts are developing and implementing student information systems that can provide granular reports on individual students' achievement that can be used to inform instruction; this is providing a momentum for RTI expansion.

Long also noted that more and more district Title I directors and other officials are accepting the NCLB principle of closing achievement gaps of subgroups of students. However, they are still opposing the prescriptive implementation provisions on how to close the gap, especially through supplemental educational services, parent choice, and other sanctions. From an historical perspective, he noted that during the 1980s, USED and Congressional policy tended to encourage Title I funds to be used for overall school improvement rather than pullout classes for Title I eligible students and that the availability of "remedial teachers" and "diagnostic specialists" has diminished with a greater emphasis placed

on "schoolwide specialists." In a sense, RTI is somewhat of a compromise to fill the gap, as it involves a mix of school professionals (Title I teachers, reading coaches, reading specialists, school psychologists, etc.) whose responsibility is to focus on individual students -- not necessarily Title I eligible students -- providing diagnostic and related assistance and selecting appropriate interventions. The key to effective use of RTI, especially in Title I, is to identify the appropriate mix of professionals who identify individual students' needs, select appropriate interventions, and use available funding from different resources without violating the somewhat dysfunctional provisions in, for example, Title I or IDEA (see March 3rd Washington Update). He noted that the regulatory guidance for Title I in schoolwide programs is a continuing concern, particularly whether or not Title I funds used to purchase interventions are violating the supplement not supplant provision which precludes Title I funds from being used to purchase "core" instructional programs such as basal texts.

Patti Ralabate, Senior Associate for Special Needs at the National Education Association and a former special education teacher, acknowledged that more and more states are issuing early intervening services/RTI guidance to districts and some states are implementing pilot programs in a planned, technology-based manner which are likely to produce solid results. Other states, which she did not name, are not and are claiming that what they are already doing (e.g., use of "child find study" teams) is an acceptable response to RTI. She argued that the key components of RTI, which include scientifically-research-based core instruction, universal screening, student progress monitoring, and the use of

progressively individualized types of instruction under Tier 2 and Tier 3 interventions should be the components of overall general education. She noted, however, that because of pressures to teach to state assessment tests and to use such scores as the only criteria for determining AYP, other classroom assessment measures, such as observation scales, teacher judgment, etc. were being cast aside. Successful RTI implementation does include such measures and activities used by the study team for assessing at-risk students in determining what types of interventions are most appropriate. Echoing earlier comments by Richard Long, she advised firms to select districts and schools to target that are ready and have the capacity to implement RTI effectively. Only in districts that have a systematic process in place, a trained mix of staff (including administrators as well as teachers), and an RTI infrastructure for individual student data tracking and reporting, are interventions likely to be used effectively and produce results.

Senior Committee Staffer on the House Education and Labor Committee, Jill Morningstar, who has played a key role in drafting the House draft version of the NCLB reauthorization, said the inclusion of early intervening services and the response-to-intervention provisions in the draft reflected a “major movement to expand the use of formative assessment in schools in improvement.” She noted that Priority schools, which have a lower percentage of students failing to meet AYP, could use early intervening services in lieu of supplemental educational services. In a High Priority school, in which 50 percent or more groups of students failed to meet AYP, they could also implement EIS along with supplemental educational services. She also

felt technology could play a critical role in implementing formative assessments and RTI, especially providing immediate feedback for timely analysis by teachers and others in diagnostic/prescriptive activities. We asked whether recent policy guidance from USED on RTI -- which basically would not allow a district in a state that requires, rather than permits, implementation of RTI until all schools in the district have a capacity (including all teachers being trained) before the district could implement RTI -- reflected Congressional intent (see March Washington Update). We suggested that this new guidance creates confusion as many states strongly encourage districts to use RTI, but do not require RTI as state policy. Her associate, who assisted in drafting IDEA reauthorization in 2004, stated, “we intended more flexibility.” In prefacing the question, we noted that the USED guidance related to early intervening services under IDEA and the use of the 15 percent set-aside in districts with disproportionality was not intended to affect the use of Title I funds used to implement RTI in schoolwide programs.

The Most Likely Major Changes in NCLB Relate to School Improvement and Type and Nature of Assessments

The SIIA Forum panel on likely NCLB changes reflected a consensus that the major changes will occur in the school improvement and assessment provisions of the No Child Left Behind Act. While the current assessment/accountability provisions were designed to help parents and others compare districts and schools to facilitate choice, Washington policy-makers and

influencers agreed that different types of formative assessments, which can be used by teachers -- and even parents -- to inform instruction for individual student improvement, will be relied on much more extensively than national standardized tests.

In his opening comments, Roberto Rodriguez, Senior Education Advisor for Senate HELP Chairman Ted Kennedy, acknowledged that achievement gaps have, to some extent, been closing, but not necessarily attributable to NCLB. A major focus now in Congress is on school improvement; almost 10,000 schools have been identified for improvement.

During another conference held two days before the SIIA Forum, as reported in Education Daily, Carmel Martin, also an advisor to Chairman Ted Kennedy, emphasized that the intention is not just more money, but how districts spend it and how it's used to build capacity and expertise to turn around schools. Andy Rotherham co-founder of the Education Sector and former education advisor under the Clinton Administration, argued that one cannot draw an inference that NCLB works after six years, rather it will take over a decade to determine how effective it has been. Rotherham, a member of the Virginia State Board of Education, did not mention that the Virginia legislature has passed a bill that would allow the state to "opt out" of NCLB beginning in June 2009. One positive effect of NCLB, he noted, is the creation of state and district "data gathering and reporting systems." Both he and Rodriguez indicated that the critical element is whether and how teachers and policy makers would use such data. Rodriguez reiterated that extensive teacher training in the use of data will be a primary focus of the next stage of

"standards-based reform."

All three panelists, which also included Scott Fein of the Council of Chief State School Officers, agreed that the National Assessment of Educational Progress (NAEP) should continue and, perhaps, carry more weight in policy decisions. As Rotherham noted, "NAEP keeps people honest."

Panelists recognize that the proposed use of "alternative measures" has evoked opposition from many civil rights groups and that 21st century skills assessments is considered to be a "masquerade" to go beyond math and reading, by civil rights organizations and groups such as the The Education Trust. All agreed that the use of growth models will expand to many more states in the immediate future and the use of formative assessments to inform instruction will continue to expand dramatically even without reauthorization changes. Speaking as a member of the Virginia State Board of Education, Rotherham noted that a major problem is the lack of competition in the assessment industry and that states have to choose among the least worst alternatives. He also emphasized that alternative types of formative assessments is where "the action will be" and that this is a fertile growth area for creative software developers and publishers. All three panelists also agreed that more funds should be allocated for the development of new and different ways of assessing student performance. In light of the expected expansion of growth models, which require the use of individual student data tracking and monitoring systems, we asked the panelists whether computer-based, adaptive testing, as reflected in the bill proposed by Congressman Petri (see March TechMIS Washington Update), would be

allowed (current USED policy does not allow adaptive out-of-level testing, even though virtually every state uses it for non-NCLB purposes). Rodriguez felt that adaptive testing could be used if such tests were valid and reliable and reflected grade-level standards. Rotherham agreed, if adaptive testing “were done right.”

When asked whether NCLB reauthorization will occur this year, Rotherham predicted it would not. Both Democratic Presidential nominees are on the Health, Education, Labor and Pensions Senate Committee headed by Senator Ted Kennedy; the major issues in 2009 are expected to be health care and the economy, which will divert time and energy from considering new education legislation, including NCLB reauthorization. On the other hand, Scott Fein predicted there will be “de facto” changes in NCLB “sooner than later,” referring to Secretary Spelling’s use of administrative and non-regulatory guidance processes to implement changes (see Special Report in this issue). As we noted in our February 19th TechMIS Special Report, this is already occurring with respect to schoolwide programs and “flexible” enforcement of supplement not supplant provisions. Rotherham noted in his closing comment, “If the Secretary makes changes in the Law and Congress likes the changes, then that’s okay; if Congress and education groups don’t like them, then red flags may be raised.”

SIIA Forum: Other Highlights in Addition to the Panelists and Speakers Comments Noted in Other Washington Updates in This Issue

The highlights of several other SIIA sessions are also worth noting. Dane Linn, who

directs the Education Division of the National Governors Association and heads the Center for Best Practices, painted a gloomy picture for an increasing number of states in terms of revenue shortfalls and probable reductions in K-12 expenditures. Such states include:

- Arizona, which faces a shortfall of \$870 million, will use its rainy day fund as well as cut spending;
- California, with a \$14.5 billion shortfall for FY 2009, will cut all agency budgets by ten percent;
- Kentucky, facing a \$290 million shortfall in FY 2008, expects budget cuts of five percent across all agencies; and
- Nevada, with a shortfall of \$440 billion for FY 2008, has proposed 4.5 percent cuts.

Mid-year cuts are expected in some states in September-October due to spending pressures for Medicaid and health care, infrastructure, and property tax relief. In response to a question, Linn acknowledged that some states like California, may attempt to defer spending on textbook adoptions for several years. In an offline discussion after his presentation, Linn indicated that few, if any, states will attempt to follow the Florida’s governor’s approach to “decategorize” funding set-asides for instructional materials by putting those funds in the general school aid formula.

Among the states, the general priorities are early childhood education/universal pre-K, increasing post-secondary student financial aid, and research and development with a focus on economic development. The priorities in the NGA’s Center include state participation in international benchmarking,

such as states taking the PISA; high schools, particularly uniform dropout reporting rates; early childhood education (birth to five); virtual learning; and STEM education.

During a session on high school reform efforts, Sandra Boyd, Vice President of Achieve, Inc., explained that Achieve High School Algebra 2 Consortium has grown to 14. It will be field testing paper-and-pencil versions, as well as the open-ended component, of the test this Spring (see March TechMIS [Washington Update](#)); the online version will be field tested next Fall. She indicated that several colleges and universities have been involved in the development and design of the exam to ensure it adequately covers freshmen admission requirements. Ohio is taking the lead role in implementing the field test and perhaps is more knowledgeable than other states about the exam that is being developed by contractor Pearson Education. In an offline discussion, she suggested that firms who are interested in finding out more about the exam should contact the Ohio State Department of Education.

In a lively session concerning the impact of scientifically-based reading research on school district purchases of instructional technology products, Mike Petrilli, Vice President for the Fordham Foundation, summarized its recently released report on Reading First which argued that the root of the “problem” with the Reading First’s initial management debacle was Congress which changed the definition of scientifically-based research. Initially, the definition would have required districts to use Reading First funds to purchase only products that have been validated by rigorous research as being effective; rather, Congress changed the definition so that

products only had to demonstrate they included all of the five “essential elements” ranging from phonic awareness to reading comprehension. This, in turn, provided too much discretion on the part of USED. In a separate session, Jack Jennings referred to the Fordham report as an attempt to “white wash” the mismanagement and conflict of interest uncovered in the Office of Inspector General’s report. While most firms whose products were “unofficially recommended” for Reading First positioned their product as having the five elements, in fact, after several years of redesign and development, most of the leading basal texts now have expanded focus on each of the five essential elements, according to Petrilli.

During the Council of Great City School’s Annual Legislative Conference, Secretary Spellings Responds to Urban Districts’ Concerns Over New National Pilot of Differentiated Accountability, While Congressional Staff and Others Indicate that Some “Near Consensus has Been Developed on Certain Issues” Regarding NCLB Reauthorization; But Reauthorization This Year is Not Likely

During her fifth and final keynote address at the Annual Legislative Conference of the Council of the Great City Schools as Secretary of Education, Margaret Spellings provided hints about the new ten-state National Pilot to test alternative, “differentiated accountability,” that she formally announced in Minneapolis the following day (see [Washington Update](#) related item). Because several rumors about likely provisions in the pilot program

surfaced during the conference, several attendees directed specific questions to her, but got rather obtuse answers.

One large district superintendent raised the concern that, if state education agencies (SEAs) were given the responsibility of identifying schools which are “most broken” and would have serious sanctions placed on them, most of the schools would be inner-city schools which have greater diversity (e.g., more sub-groups) and that this would be “unfair.” Spellings’ short response was that SEAs were in a better position to identify such schools in the context of individual districts. She also argued that there exists the need to give to Congress information on some of the best practices that work with these schools and to include them in the new law.

Another large northeastern urban district superintendent expressed his belief that the two percent cap on so-called “gap students” enrolled in special education is unfair to large urban districts because more than two percent of special education students in these districts have severe cognitive impairments. Spellings answered the question by answering another question as to whether or not the goal of having 100 percent of all children proficient by 2014 was really possible. She indicated that the two percent cap is one of several “mitigating conditions” which indicates that, for certain groups of students, the 100 percent proficiency may not be achievable. That is another reason why she proposed to expand the number of states that would be allowed to use growth models, as long as they meet certain data system and other conditions.

A board member from a large urban district argued that most new teachers cannot teach

reading effectively and asked what USED is planning to do to solve this problem. Her answer was to continue Reading First funding at the appropriate level as most Reading First funds are used for professional development. Another urban district board member expressed concern on the part of teachers in the district that NCLB requires too much testing. Spellings argued that the Law requires that only one test be administered in math and reading annually; however, she recognized that most states administer benchmark or formative assessments to determine how well students are progressing to meet proficiency levels, but that this decision is typically a local decision.

In the context of increased use of growth models at the state level, an urban district official raised the question once again as to whether or not a district which met the USED requirements for having a longitudinal student data tracking system in place could be approved to use a growth model if it were tied to another state that had an approved growth model. This is a particular concern in California which does not have an individual longitudinal student tracking data system, while many of the large urban districts do. Secretary Spellings’ response was a little bit more flexible than last year as she indicated that she “would be willing to listen” to justifications on individual cases.

Perhaps the most serious question raised about the pending announcement of the national differentiated consequences/accountability flexibilities related to the rumor that 75 percent of parents of eligible students for SES would have to “sign off” in a document that they do not want their student to participate in

SES before the district could be allowed by the SEA to reprogram unspent SES funds for other allowable purposes (see related SIIA Forum item). Her quick response that she “has not made up her mind.” Moreover, she noted that she would not approve any document that she did not feel would have a positive impact.

Based on some of the comments made by House and Senate Committee staff members during this conference and the SIIA Forum held last week (see above), as well as comments from several association officials who have been lead lobbyists on NCLB reauthorization, there would appear to be a number of areas of consensus or “near consensus” on needed “fixes” to NCLB as highlighted below:

- While additional indicators and certain alternative measures in other subjects may be used in AYP reporting and calculations, the primary focus of assessment will still be math, reading and language arts.
- In addition to the use of state assessments, which will likely continue to be some form of standardized test, increased funding will be made available to expand the use of formative assessments designed to inform instruction and to individualize student instruction.
- Many more states will be allowed to use growth or value-added models under the primary condition that state assessments must meet minimal requirements and that states and/or districts must have individual student achievement tracking systems in place.
- Increased funding would be primarily in the area of school

improvement, particularly related to schools in corrective action or restructuring.

- Bipartisan support exists for greater uniform reporting on disaggregated graduation rates, reflecting definitions developed by the National Governors Association (NGA).
- SEAs should be given greater authority and resources to meet their responsibility.

Some of the areas in which there appears to be little bipartisan consensus include performance pay for teachers based, in part, on student academic performance and the use of “alternative measures” in addition to state math and reading assessment scores, such as teacher grades and district-developed tests.

By contrast, there appears to be a growing consensus that certain issues should not be raised and debated or focused on during reauthorization attempts. These include:

- “methodology” debates such as “English only” versus “emersion” versus “bilingual” approaches for English language learners;
- math and reading pedagogical approaches;
- retention of parent choice transfer options, but not through vouchers (even though Title I and other Federal funds could follow children who go to charter schools); and
- changing the Title I formula.

National Mathematics Panel Recommends Streamlining Math Instruction

In April 2006, the National Mathematics Panel was established by Presidential Order to provide advice on the best use of scientifically-based research to advance the teaching and learning of mathematics. This past month the Panel released its Final Report which focused on preparation for and success in algebra.

The Panel's recommendations took the form of six elements, primary of which is that the mathematics curriculum in grades PreK-8 should be streamlined to focus on a well-defined set of critical topics. Specifically, the math curriculum in grades PreK-8 should (1) emphasize critical foundations for algebra (whole numbers, fractions, geometry, measurement); (2) follow a coherent progression; and (3) avoid any approach that revisits topics without closure. From a practical standpoint, school districts should ensure all students should be prepared for, and have access to, an authentic algebra course by the eighth grade.

The Panel's second recommendation called for making use of what is known from rigorous research about how children learn. Following the adage, "First Things First," the Panel stressed that positive results are best achieved -- within reasonable time and cost constraints -- by addressing important topics first, requiring a consistent, community-wide effort, and following a disciplined model of continuous improvement. Like the Reading First model, the math curriculum should simultaneously develop conceptual understanding, computational fluency,

factual knowledge, and problem-solving skills. Studies have shown that improved math performance can be achieved by changing student's beliefs from a focus on ability to a focus on effort.

The Panel also recognized the importance of having mathematically knowledgeable teachers in the classroom and called for a strengthening of the mathematics preparation of elementary and middle school teachers. The Panel recommended that research should be conducted on the use of full-time mathematics specialists in elementary schools. Other important elements of the impact of teachers on math instruction should be evaluated and considered, including higher base salaries for math teachers, incentives for math teachers in hard-to-staff schools, and bonuses based on the teachers' effectiveness in raising student achievement.

Instructional practice should be informed by high-quality research if it is available and otherwise by the best professional judgment of teachers. The Panel also indicated that research does not support an emphasis on either student-centered or teacher-directed instruction and called for the effective use of formative assessments, particularly when the instruction is computer-assisted or includes peer tutoring. Research on low-achieving math students (including those with learning disabilities) says that effective practices include clear problem-solving models, concrete objects to understand abstract representations, coherent sequences of examples, and participatory thinking aloud by students and teachers.

The Panel called for more research on the use of technology in mathematics instruction. Current research suggests that

computer-assisted instruction (CAI) can be effective for drill-and-practice and that well-designed tutorials can be effectively delivered through CAI. The Panel's review of 11 rigorous studies of student calculator use (nearly all of which are at least 20 years old) found no impact on calculation skills, conceptual development, or problem-solving ability.

From an evaluation standpoint, the Panel says that State math assessments, as well as the National Assessment of Educational Progress (NAEP), should develop better quality control to ensure that test items measure what is intended and do not include design or working problems that obscure the measurement of math skills.

According to the Panel, more rigorous scientific research should be undertaken in the area of the teaching and learning of mathematics.

Finally, the Panel strongly suggested that U.S. math textbooks are far too long -- sometimes 700 to 1,000 pages -- and contain too many errors. The excessive length makes the books too expensive and makes it difficult for classroom instruction to maintain coherence and focus.

During an SIIA sponsored webcast on March 24th, Dr. Larry Faulkner, who chaired the National Math Panel identified some of the anticipated next steps in implementing recommendations. First, some of the recommendations on streamlining mathematics curricula can be implemented immediately by districts and schools with the increased focus on a limited number of important elements, particularly related to preparation for taking algebra courses. Second, he felt USED would be meeting

with numerous associations and USED would likely use "carrots rather than sticks" to ensure their participation in implementing some of the recommendations. He noted, that while the Math Panel did not recommend the NCTM focal points recommendations, he felt that the document was "a significant step and is consistent with most of the panel's recommendations." Last, in response to a question, he noted that the panel, and particularly the instructional practices task force did take into account the first year results of the USED sponsored software interventions evaluation which began in 2003. However, when we asked whether or not year two results of that study were reviewed by him and the panel, he indicated that he had not seen year two results and did not know whether the panel did take into account the year two findings which most of the firms participating in the study thought would be more positive, as the fidelity of implementation of the interventions should have improved significantly.

Education Curriculum for 21st Century Skills Will Be Driven by Types of Assessments Used by States

During the Consortia for School Networking (COSN) Conference on March 10th, speakers and analysts generally agreed that the type of curriculum to prepare students for 21st Century continuing education and workforce will be influenced by the types of assessments used by states or districts. While there appears to be a general consensus that performance-based, formative assessments are the most appropriate, the costs and conflicts with

NCLB priorities and USED policies hinder such widespread use. Richard Hersch of Hobart and William-Smith College, felt that “teaching to the test is okay if the test is worth teaching to,” and felt that formative assessments (versus multiple choice tests increasingly used for NCLB AYP determinations) would lead to a curriculum that addresses critical thinking and problem solving skills. Chris Dede, Professor Harvard University, felt that assessments should accommodate different student learning styles (e.g., those who learn through virtual worlds, blogging or online chatting).

Officials from states and districts with experience in implementing different types of assessments shared their experiences in a session entitled, “Assessing Eighth-Grade Technology Literacy: How Are Districts and States Meeting the Requirements of NCLB?” One of the stated goals of NCLB Part II-D *Enhancing Education Through Technology* is that states have to provide annual reports on the number of eighth-grade students who are “technology literate” by the end of the eighth grade. However, when initial guidance were provided by USED to states, it stated that states need not meet this reporting requirement, and as a result only five states have actually implemented wide-scale assessments, even though over 48 states have developed “technology literacy standards” for students -- mostly those standards developed by ISTE. About a year ago, USED finally began to request states to provide such information according to USED officials (however, some states undertook serious initiatives in this area even before NCLB was passed).

According to Frances Bradburn, former

Director Instructional Technology North Carolina SEA, noted that since 1995, students had to pass a computer literacy course in order to graduate. The assessment focused on student performance and using databases and desktop publishing and also included a multiple choice portion which addressed ethics. In 2005, an online assessment option for assessing computer skills became available for most students. For so-called gap students who were identified as being cognitively impaired and had to take an alternative assessment with modified standards (the so-called two percent cap), portfolio assessments were administered. In 2005, the SEA has also made available test prep simulations for students. However, earlier this year a state Blue Ribbon Commission -- without much serious analysis -- voted to do away with the eighth-grade computer literacy test which will make it difficult for the state to comply with the NCLB reporting provision which has only now been enforced. The primary reason for the recommendation was too much student time devoted to such testing. According to Bradburn, the state will likely have to develop assessment items which are used in other subject areas as embedded test items. They are also working with Professor John Branson, formerly of Vanderbilt University now with University of Washington, to develop a 21st Century curriculum.

Brenda Williams, Executive Director Office of Instructional Technology West Virginia Department of Education (one of the veterans of the SEA technology directors), described the balanced approach in terms of types of assessments used in West Virginia to ensure the development of skills as well as the appropriate use of tools. West Virginia has used embedded assessments in

the curriculum to determine how well students can use technology within the curriculum. In addition to acquiring knowledge, students must be able to create knowledge based on what they have learned previously. The curriculum, as well as the assessments, are constantly undergoing change. The SEA moved in a planned, methodical way from extensive professional development to pilot testing to phased implementation with an enormous amount of state-provided training and technical support. In previous meetings, Williams acknowledged that some of the conflicting NCLB priorities were identified early by the state superintendent and her staff to minimize the impact of such impediments to the state developed plan.

Sharing the experience at the district level, Linda Morrel, Director of Instructional Technology Cobb County Public Schools, Georgia, said the district had to take the initiative to fund the development and use of computer literacy assessments to meet NCLB requirements, as the state had no such assessment or requirement. Shortly after the district began intensive planning, the state did develop a state assessment

which focused on mastery, but relied only on multiple choice responses. The district felt this was inadequate for determining student performance and entered into a contract with Learning.com to use its assessment that is also used in several other states such as Arizona. The assessment was pilot tested in 24 schools in which during the first year 12 achieved proficiency while the other 12 did not.

Over time, the COSN conference has grown in numbers, but perhaps more importantly, the quality of technology decision-makers and influencers at the district level which in turn has increased the number of firms exhibiting and/or providing product demonstrations. Different from other technology-related associations which generally have education professionals as members or firms as members, COSN membership includes both, which has resulted in the generation of partnerships between firms and technology users over time.

For more information about COSN, go to: www.cosn.org

Alabama Update

April 2008

The Birmingham City Council has approved a \$3.5 million program to provide 15,000 laptop computers to its poor students. The \$200 laptops would be produced by the non-profit One Laptop Per Child Foundation which intends to provide laptops to poor children in developing countries. The district plans to make a computer available to every student in grades 1-8. Close to 80 percent of Birmingham's 28,000 enrollment qualifies for free or reduced price lunch. Skeptics are concerned that the computer, built on the Linux operating system, rather than the more familiar Windows, will turn off U.S. students. The plan must be approved by the Birmingham school board.

Alaska Update

April 2008

According to the Fairbanks Daily News-Miner, the Alaska Senate has approved a bill (H.B. 273) that would increase State funding to school districts by more than \$40 million next year. The bill would:

- Increase the base student allocation by \$100 million over the next three years;
- Raise funding for students with intensive needs;
- Add money for high-cost districts; and
- Protect districts with declining enrollments.

Governor Sarah Palin has indicated she would sign the legislation even though she believes the increase in the base student allocation should be larger.

Arizona Update

April 2008

Arizona's 15-year legal battle over the education of English language learners (ELLs) is entering the practical stage. State officials estimate the cost of complying with the court ruling to increase funding for ELLs at \$40.6 million -- the cost of hiring 1,500 extra teachers to teach four hours a day of English-language instruction. According to The Arizona Republic, the total could go down to \$19.3 million if the State were allowed to count Federal anti-poverty funds against the amount. The Arizona School Administrators, on the other hand, estimate the costs at \$304 million.

The Arizona Republic also reports that the Arizona legislature is considering a measure -- House Bill 2711 -- that would allow the State to take over districts in which at least half the schools are underperforming. The bill is specifically aimed at the Roosevelt school district in south Phoenix, but it could be applied to a number of other struggling districts, including Indian Oasis-Baboquvari, Miami, San Carlos, and Union Elementary.

The Arizona House of Representatives has approved a bill that would make Arizona the first state to opt out of the Federal No Child Left Behind Act. If signed into law, the measure -- to take effect on July 1, 2010 -- could cost the State \$600 million in Federal education funding.

Arkansas Update

April 2008

Arkansas, which at 19 percent is second only to West Virginia in terms of lowest percentage of adults with college degrees, is seeking to increase its college graduation rate through a program known as the Arkansas Single Parent Scholarship Fund. A study of the program's results found that 77 percent of participants in 2006 either completed their education or were still in school, according to the Arkansas Democrat Gazette. State officials believe the program shows a greater success rate than any other plan to address college graduation rates.

California Update

April 2008

As reported in the San Francisco Chronicle, California's Committee on Education Excellence has made a series of recommendations which, if implemented, would cost the State -- which already faces an estimated \$8 billion deficit -- an additional \$10.6 billion. Among the Committee's proposals are recommendations relating to universal preschool, merit-based teacher pay, and block grants to school districts. Governor Arnold Schwarzenegger's K-12 budget for the next fiscal year is expected to see a more than \$4 billion cut, so implementation of the Committee's recommendations is extremely unlikely.

Because of the State's dire financial situation, including a \$4.8 billion education cut, most California school districts are expected to lay off teachers this Fall. As reported in The Los Angeles Times, as many as 20,000 employees, including teachers, could lose their jobs. Based on attendance at the Los Angeles Regional Charter School Job Fair, held in mid-March, many of these teachers could find positions at charter schools, many of which are still hiring for next school year.

The Los Angeles Times reports on a State appellate court ruling that says home-schooled children must be taught by a credentialed teacher. Although home schooling is not addressed in California State law, the State's education code says students taught at home must have a credentialed tutor. The State, however, does little to enforce the provision, considering it the responsibility of local school districts. The court's ruling could have an effect on as many as 166,000 home-schooled California students.

Agreement has been reached on a settlement of a lawsuit between the Los Angeles school district and the California Charter Schools Association regarding the sharing of classroom space. Under the agreement, there will be an increase in the number of district teachers who will travel to a number of classrooms each day, thus freeing up classroom space for charter school students.

Colorado Update

April 2008

As reported in the Rocky Mountain News, the Colorado State budget is expected to include more than \$2 million specifically targeting the learning gap between low-income and middle-income students. The spending bill includes \$1.8 million to address the achievement gap, plus \$441,000 to fund five staff positions -- one to work with school districts and four subject area experts (mathematics, science, social studies, the arts). The budget proposal will be subject to lengthy debates in both houses of the legislature.

According to The Denver Post, the Colorado legislature is considering a bill that would replace the State's high school assessment -- the Colorado Student Assessment Program (CSAP) -- with the ACT college entrance exam. Colorado educators are becoming frustrated with student apathy toward CSAP, scores on which do not have any direct effect on the students. Some believe that using the ACT will give students a greater incentive to perform well. It is also believed that the switch would save an estimated \$9 million which could be used to fund after-school and teacher-enrichment programs.

Connecticut Update

April 2008

Connecticut has proposed to redesign the State's K-12 curriculum, increasing the graduation requirement from the current 20 credits to 24, requiring passage of end-of-course exams, and requiring completion of an independent study project. The proposed curriculum overhaul must be approved by the State legislature -- likely later this year or early in 2009 -- and would become effective for the 2011-12 school year.

The Hartford Courant reports that Connecticut is considering a program whereby more than \$100 million would be directed toward building new magnet schools in Hartford area towns and increasing the number of slots for city students in suburban schools through what is known as the Open Choice program. Currently, the State pays 95 percent of construction costs and contributes to the operating costs of inter-district magnet schools.

District of Columbia Update

April 2008

The Washington Post reports that the District of Columbia is initiating a pilot program for troubled students that includes in-home substance abuse counseling and other programs for troubled families. Known as D.C. START, the program will assign specially trained school counselors to identify the causes of students' classroom difficulties and, if the problems are related to the home, to provide appropriate assistance in addressing such issues as substance abuse, domestic violence, and illiteracy. The program will begin this Spring at two elementary schools -- Truesdell and Barnard -- at a cost of \$500,000. Next Fall, the program will expand to four more elementary schools -- Leckie, Simon, Malcolm X, and Ferebee-Hope -- and one middle school -- Hart -- at a total cost of \$750,000. The program is modeled after a similar effort in Auburn, New York that showed a reduction in classroom behavior problems.

Florida Update

April 2008

According to the Orlando Sentinel, the Florida legislature is seeking to close a \$3 billion shortfall in the State's FY 2008 budget. The House proposal calls for a \$610 million cut in education spending while the Senate version cuts education by \$1.1 billion. Education officials are hoping the State's lawmakers will use rainy day funds to minimize the cuts in education funding.

The Miami Herald reports that the Florida legislature is considering a plan that would grade high schools on measures beyond the Florida Comprehensive Assessment Test (FCAT). If passed, the bill would become effective for the 2009-10 school year. Schools would still be given grades of A through F, but the grade would incorporate, in addition to FCAT scores, graduation rates, SAT scores, and student performance in Advanced Placement courses. Also being looked at in the legislature is a plan to add social studies to the FCAT and to mandate the development of new "world class" curriculum standards. In addition, there is discussion of adopting the New York State Regents end-of-course test model.

The Orlando Sentinel also reports that Florida, which not long ago faced a dire shortage of teachers, is expected to see a reduction in hires due to enrollment declines and the struggling State economy. Statewide, Florida schools are looking to hire at least 17,000 teachers this Fall, down sharply from the 32,000 that were needed in 2006.

Georgia Update

April 2008

The Georgia legislature is considering a bill that would allow the use of “performance contracts” under which schools would agree to more rigorous academic standards in return for more flexibility on rules that control such issues as class size, hiring standards, pay scales, and allocation of school funds. The proposal, which emerged after law makers were unable to overhaul the State’s complex education funding formula, would call for higher test scores and graduation rates. And failure to meet the standards could result in a school being taken over by an outside organization or converted to a charter school.

The legislature is also considering a bill that would grant vouchers to students in consistently low-performing schools. As reported in The Atlanta Journal-Constitution, the legislation would allow students in chronically failing schools to transfer to another school -- public or private -- and receive a voucher for the State’s portion of each student’s education funding. Students in schools on the State’s “needs improvement” list for seven consecutive years would also be eligible for transfer.

Also according to The Atlanta Journal-Constitution, the accreditation of the Clayton County school district is expected to be revoked this summer. The National Accreditation Commission board has voted to revoke the district’s accreditation as of September 1 unless nine conditions are met. School officials believe they can make the necessary changes, but observers see it as unlikely. As a first step, the district is interviewing two candidates for the superintendent position: John W. Thompson, former superintendent in Pittsburgh and Tulsa; and Santiago Wood, former superintendent in Fresno and Alum Rock, California.

Education Week, reports that the American Civil Liberties Union has sued the Atlanta school district and a private school management company over conditions at an alternative school in Atlanta. Managed by Community Education Partners, the 460-student school serves middle and high school students who have been referred for disciplinary violations. The lawsuit claims that

the school has no library, cafeteria, or gymnasium, that students are routinely subjected to searches, and that the school's teachers are inexperienced. The management company disputes many of these allegations.

Idaho Update

April 2008

The Idaho Statesman reports that the Idaho legislature has approved a package of bills that comprised the State's funding for public education -- \$1.42 billion -- up from \$1.37 billion the year before. The budget includes:

- An increase in the State's minimum annual teacher salary to \$31,750 starting on July 1;
- A \$3.9 million math initiative;
- \$50,000 to develop a Statewide teacher evaluation system;
- \$2.5 million to collect data on enrollment, dropout rates, and student achievement; and
- \$50,000 to allow high school students to take classes for college credits.

The Statesman also reports that 32 Idaho schools have missed enough Federal standards under the No Child Left Behind Act that they are facing sanctions. Two-thirds of the schools in the State have missed at least one NCLB goal in the last four years.

Illinois Update

April 2008

Education Week reports that the Chicago school district plans to “turn around” eight of its poorest performing schools by firing all of the schools’ principals and teachers and replacing them with new teachers who will receive an intense professional development program. One of the schools -- Orr High School -- will have its three academies combined into comprehensive high school. Orr and two of its feeder elementary schools will be managed by the Academy for Urban School Leadership, a non-profit school management organization that already operated two Chicago “turnaround” schools.

Education Week also reports that the proposed \$5 billion 2008-09 budget for the Chicago school district has a projected \$180 million shortfall. The district has asked the State for assistance. Effective on July 1, the new budget -- \$200 million more than last year -- uses \$50 million out of the district’s \$400 million reserve fund and projects an additional \$20 million in property tax revenues from new construction. The district has preliminary plans to make as much as \$90 million in cuts and could lay off some non-teaching staff.

As reported in the Chicago Tribune, Illinois State officials have ruled that Spanish-speaking public school students in Chicago must take State standardized tests in English. Federal education officials have said that an alternative exam, the IMAGE test, is not acceptable. Chicago district officials have argued that it is unfair to test students who are unable to read their exams. Students will be evaluated for grade promotion based on attendance, course work, and in-class exams.

The Chicago Community Trust, a local community foundation, will donate \$50 million to the Chicago school district over the next five years. The money will be used to fund strategies aimed at improving teaching and learning in Chicago elementary schools. The new grant brings the total the Trust will have given to the district to more than \$105 million by 2013. Since 2001, the Trust has awarded 334 grants to more than 250 Chicago schools. Carson Elementary School,

for example, has used its grant to implement the Advanced Reading Development Demonstration Project which has resulted in 73 percent of the school's students meeting State standards in 2007 compared with 49 percent in 2001.

The Chicago school district is looking into the idea of operating a residential program for public school students. As reported in the Chicago Tribune, the district expects to put forth a formal request for proposals to operate boarding schools as part of the City's Renaissance 2010 new schools program. Aimed at homeless students and children from troubled homes, a pilot program could be operational by the Fall of 2009. The approach will be modeled after several other programs, notably The SEED School in Washington, D.C. which serves 300 students from seventh to twelfth grades.

Iowa Update

April 2008

The Quad-City Times reports that the Iowa legislature is considering a bill that would, for the first time, require local schools to adopt a set of State-developed standards. The new standards, called the Model Core Curriculum, would have to be implemented by high schools by 2012 and by K-8 schools by 2014.

Governor Chet Culver has proposed, as part of the Iowa's new State budget, a \$5 million training center for mathematics and science teachers. To be located at the University of Northern Iowa, the proposed Science, Technology, Engineering and Mathematics (STEM) center would train and mentor teaching students, offer realistic learning opportunities in the private sector, and recruit them into the teaching field. According to the Sioux City Journal, Iowa has about 100 physics teachers ready to retire with only 14 such teachers scheduled to graduate this year.

According to the Des Moines Register, nearly a third of the freshman at Iowa's community colleges were required to take at least one remedial course and almost 57 percent needed additional high-school-level instruction in at least one subject. While community college officials are becoming frustrated with the number of incoming students who are unprepared for college work, Iowa numbers are not substantially different from national figures which show 26.3 percent of full-time community college freshman taking at least one remedial course.

Kentucky Update

April 2008

As reported in Education Week, Republicans in the Kentucky legislature have proposed eliminating the State's current accountability system in favor of new assessments. Specifically, the proposed legislation would:

- replace State-developed assessments with a nationally-normed, multiple choice exam;
- replace current high school exams with the ACT college entrance exam;
- delete open-ended questions from the State's accountability system;
- eliminate State assessments in arts, humanities, and vocational education (local assessments would be used in these subjects); and
- require that schools communicate to parents how their children are performing relative to local, State, and national norms.

Louisiana Update

April 2008

As reported in The Advocate, Governor Bobby Jindal has, as part of his planned education budget for next year, proposed \$70 million for teacher pay raises. The Governor's plan would increase average annual teacher salaries by 2.18 percent to \$47,819. In addition, the plan includes \$20 million for K-12 teacher incentives and \$15 million in performance-based incentives for colleges. Also included in the budget proposal are \$14 million for an intensive reading and math improvement initiative and a \$2.5 million increase for the LA4 program that serves four-year-olds from the State's poor families; the new funds would increase LA4 enrollment by 500 children to 14,000.

As reported in last month's TechMIS issue, Louisiana is planning a Statewide initiative to improve its students' reading and math scores. Building on a 30-school literacy improvement pilot program begun this past Fall and modeled after a similar initiative in Alabama, the Louisiana effort will probably focus on grades K-4. As reported in Education Week, the State Education Department will ask the legislature for funding in the FY 2009 budget. Schools wishing to participate in the program will be selected through a competitive process.

The Louisiana legislature is considering a bill (H.B. 7) that would offer families a 50 percent tax reduction for up to \$5,000 per child in private school tuition and home-schooling expenses. The bill has been expanded to cover the cost of school uniforms. Proponents argue that the tax assistance is necessary because the State's inadequate public schools limit parents' choices. It is estimated that the bill would cost the State \$20 million per year in lost revenues.

A Federal audit has determined that Louisiana exercised sound oversight and allocated funds appropriately to schools and school districts in the aftermath of the State's hurricane disasters. As reported in Education Week, the audit found that the State's process for distributing \$750 million in federal funds -- through the Hurricane Education Recovery Act -- was appropriate and that the funds were used to replace textbooks, pay teacher salaries, cover transportation costs,

and other uses.

According to Louisiana's Department of Economic Development, in 2014, 55 percent of the State's jobs will require qualifications between high school and college level; only eight percent of Louisiana's high school graduates are following that mid-track level. The State is planning a restructuring of the way it prepares its citizens for the job market. The plan involves replacement of the State's Department of Labor and expansion of community and technical colleges. Currently, the Louisiana Community and Technical College System has 48 campuses with 52,000 students. The State has allocated \$250 million to help expand the system to serve 160,000 students by 2012. The plan's critical elements include a \$10 million training fund that would target community/technical college programs toward high-priority workforce needs and a \$4.5 million increase in funding for an expansion of vocational and technical education programs in the State's public schools.

The U.S. Department of Homeland Security and FEMA have a website that shows the funding status of individual schools in Orleans Parish and the Recovery School District. Available at www.fema.gov/hazard/hurricane/2005katrina/map/rsd.html is a map showing each school along with its operational status (open/closed), the amount obligated by FEMA to the State for that school, and the amount of the obligated funds drawn down by the school district from the State.

As reported in Education Online from the Association for Supervision and Curriculum Development, considerable progress has been made repairing the hurricane damaged school infrastructure in New Orleans through the Recovery School District. According to Recovery District officials, 22 new schools have been opened serving 10,000 students. All classrooms have been equipped with modern furniture and whiteboards. Students have been given new textbooks. And all high school teachers and students have been issued laptop computers. Next year, the District will devote the first ten weeks to strengthening language arts and math proficiency. It also expects to expand instructional time during the school year by 250 hours through a longer school day. It is also expected to make a long-term investment in early childhood education. In addition, the District will employ parents who are already active in the

district to make visits to homes of parents who haven't responded to calls from teachers.

The New Orleans Recovery School District is planning a major overhaul of its high school structure including:

- a standardized curriculum;
- extended school days at all high schools;
- Advanced Placement courses at all high schools;
- College partnerships and work-study opportunities;
- Establishment of new high schools;
- Career specialty programs at all high schools.

Funding for the District's high school redesign effort will be supplemented by a \$1.6 million grant from the Walton Family Foundation with another \$7 million expected from the Foundation for implementation.

Maine Update

April 2008

The Bangor Daily News reports that some eighth-grade students in Maine have had trouble taking the online version of the State assessment -- the Maine Educational Assessment (MEA) exams -- causing their schools to go back to pen-and-pencil versions. It appears that the problem occurs only on the open-ended answers where students have been unable to save their responses when they are finished. State officials emphasize that the problem is not widespread and that no student responses have been lost. This year only 27 schools are participating in the voluntary online testing program; problems have arisen in three schools.

Maryland Update

April 2008

As reported in the Washington Post, the Maryland State Senate has passed a bill that would raise the mandatory school attendance age from 16 to 17. Urged by struggling districts like Baltimore City and Prince George's County, the law is intended to reduce rising dropout rates. Opponents have argued that such a law would cost districts millions of dollars. The legislation calls for the change to become effective for the 2010-11 school year, but only if the Governor sets aside at least \$45 million in the State budget to compensate school districts for their higher costs.

As TechMIS reported in 2000, Maryland has passed a law that says, effective with the Class of 2009, students must pass the Maryland High School Assessment exams in English, algebra, biology, and government in order to graduate. Now, the State legislature is receiving pressure from parents to modify or even repeal the requirement. One pending bill would bar the State from requiring the tests for graduation; another would require schools to use other measures, in addition to the tests.

As reported in the Baltimore Sun, a third of all Maryland middle schools have failed to meet Federal and State academic standards for the past two years. State officials believe the poor performance of middle schools is attributable to inadequate teacher preparation. Based on a change in the State's teacher certification requirements, Villa Julie College will offer, beginning this Fall, a teacher preparation program designed specifically for middle school grades. The program will provide two tracks: language arts/social studies and math/science. Graduates of the program will be certified for grades 4 through 9. Towson University has indicated that it is planning a similar program.

The Center on Education Policy, in its report "Making Mid-Course Corrections: School Restructuring in Maryland," indicated that Maryland is developing a pilot program that would send support teams into schools under restructuring. Modeled after similar program in Kentucky and New Jersey, the Maryland program is called Restructuring, Implementation, Technical

Assistance (RITA). The RITA team observe classes; interviews school staff, parents, and teachers; reviews school programs; and develops a report designed to help the school meet State standards. Currently, the State assembles the RITA team, but the long-range plan -- when funding becomes available -- calls for the hiring of a cadre of retired professional staff.

As reported in the Washington Post, Governor Martin O'Malley has proposed establishment of a comprehensive workforce development system devoted to the needs of adult learners. The plan, now being considered by the Maryland legislature, would transfer authority for adult education, correctional education, and GED testing services from the State Education Department to the Department of Labor, Licensing and Regulation. Under this approach, for example, an inmate who earns a GED would also be trained in a skill and given assistance in getting a job. State officials estimate that 750,000 Maryland citizens lack adequate literacy skills for the workplace.

Massachusetts Update

April 2008

A report by the Massachusetts Department of Education and the State Board of Higher Education indicates that Massachusetts has one of the nation's highest rates of high school students going on to college -- 80 percent. However, the report also found that 37 percent of those going on to college needed remedial courses in college. Based upon data from the high school Class of 2005, the report found that nearly two-thirds of students in community colleges took at least one remedial course, as did 22 percent of students going to State colleges and eight percent of those going to State universities. More than half of students from high-risk groups (minorities, special education students, English language learners, low-income) required college remediation.

Minnesota Update

April 2008

In his state-of-the-state address, Governor Tim Pawlenty emphasized recruiting and training of qualified teachers, particularly in areas of shortage like math and science. The Governor focused on expanding opportunities for mid-career professionals to enter teaching and on attracting young teachers into the profession. He called for a 50 percent increase in funding for the State's math and science teacher academies and a summer institute to train existing math and science teachers in teaching methods, curriculum and technology. He has set a goal of training 1,000 new teachers over the next two years.

As reported in the Pioneer Press, students who take more rigorous, college-track courses and get grades of C or better (and who come from families with annual incomes of less than \$75,000) can receive scholarships of \$1,200 for a Minnesota college. Known as Achieve, the program is funded at \$10.8 million and plans to award as many as 8,300 scholarships starting with the Class of 2008.

As reported in the Star Tribune, a study of test scores by the Minnesota Department of Education indicates that Minneapolis' voluntary desegregation program -- Choice is Yours -- has not improved the performance of urban students. Minneapolis students did better than suburban students in reading at every grade level, possibly due to the district's early childhood and after-school programs. These results have raised questions among some district officials about the program of sending their students to suburban schools.

Mississippi Update

April 2008

The Jackson Clarion Ledger reports that, by the end of this school year, all Mississippi school districts are required to have an approved dropout prevention plan to be implemented in the Fall. In partnership with the America's Promise Alliance, Mississippi has held the nation's first dropout prevention summits for students and adults. The student summit was held in January. The summit in late February included 2,000 business, community, civic, and education leaders.

As reported in Education Daily, the Mississippi legislature is considering a bill -- S.B. 2149 -- that would authorize the replacement of superintendents who have underperformed for at least two years. The State's House of Representatives has passed the measure and sent it back to the Senate.

Nebraska Update

April 2008

The Nebraska legislature is considering a bill that would eliminate the use of the State's traditional local assessments for purposes of the Federal No Child Left Behind Act. If approved, the measure would require Statewide assessments in:

- reading in grades 3-8 and once in high school, starting in the 2009-10 school year;
- math in grades 3-8 and once in high school, starting in the 2010-11 school year; and
- science at least once in elementary, middle, and high school, starting in the 2011-12 school year.

Local districts may still use local assessments -- through the School-Based Teacher-Led Assessment Reporting System (STARS) for local purposes.

New Jersey Update

April 2008

As reported in The Newark Star-Ledger, more than a third of all new teachers in New Jersey are using the State's "alternate route," through which mid-career professionals from other fields have become certified. These teachers tend to be more racially diverse than other teachers and often work in low-income schools and in subjects for which there are shortages of teachers. On the other hand, alternative-route teachers are required to take only 30 credits in their subject area and do not have to perform student teaching. Administrators believe alternative-route teachers in middle and high schools are strong, but think those entering elementary schools often lack the understanding of child development that traditional-route teachers have.

The Newark Star-Ledger also reports that New Jersey plans to implement a computerized tracking system for the State's more than 100,000 public classroom teachers. Although the State currently maintains some basic information on all teachers, the more detailed database is expected to help make teachers more accountable, particularly alternate route teachers who comprise nearly 40 percent of the State's new teacher hires. Connecticut and Texas are two states that have made effective use of their central teacher databases for measuring student achievement and identifying gaps in teacher training.

After years of debate, the New Jersey Board of Education has passed a resolution retaining the State's alternative high school exit exam -- the Special Review Assessment (SRA). However, according to The Newark Star-Ledger, the Board expressed concern over abuses by local school districts of the SRA which is untimed, locally scored, and less rigorous than the standard high school proficiency test. More than 50 New Jersey schools had at least a quarter of their senior class take the SRA which -- virtually no one fails -- and, at 12 schools, half of the Class of 2007 took the SRA.

The Manchester Times reports that a school in Ocean County will be the first in the State to participate in the U.S. Navy's STARBASE program. STARBASE is intended to encourage

fifth-grade students with interests in space and aeronautics to take advanced instruction through hands-on experience. The program, a component of New Jersey's effort to improve student achievement in science, technology, engineering, and mathematics (STEM), is open to public and private school students with an interest in aviation. Some students will be selected for the school-year program and a summer session will be offered to interested students who are not selected.

The New York Times recently reported on the Newton Street School in Newark, one of 38 schools in the State that failed to meet Federal standards for seven consecutive years. The school has entered into a partnership with Seton Hall University and the Newark Teachers Union to rebuild. Each teacher has been given a laptop computer and provided with access to the latest research on effective teaching strategies. Seton Hall professors serve as mentors and coaches and Seton Hall undergraduates tutor students after school. The parent-teacher organization has been revived through family breakfasts at the school.

New York Update

April 2008

As reported in Education Week, Governor Eliot Spitzer's resignation has complicated budgeting issues for New York State school districts. Spitzer's FY 2009 budget proposal had included \$21 billion for K-12 education -- a \$1.46 billion increase. Critics of the budget plan claim the proposal is \$350 million less than was promised earlier. The State is supposed to have an approved budget in place by April 1, although that seems very unlikely. The new Governor, David Paterson, is known as a strong advocate for students with disabilities and is a supporter of charter schools and other means of school choice.

The New York Times reports that New York City's schools, facing City and State budget gaps, is considering significant cuts in school funding. The school district is expecting cuts totaling more than \$600 million in State and City funds and has been asked to cut \$180 million from the current fiscal year's budget and \$324 million from next year's.

As reported in The New York Times, the New York City school district is experimenting with a program in which 2,500 teachers are evaluated based on how their students perform on standardized tests. However, the State legislature is considering a budget bill that includes a provision that would bar school districts in the State from linking teacher tenure to students' test scores. If approved, the legislation would require that teacher tenure decisions follow State standards only, and not include local measures. The provision is supported by the United Federation of Teachers, the City's teachers union.

Ohio Update

April 2008

In his state-of-the-state address, Governor Ted Strickland proposed a plan to increase the number of Ohio college graduates. The Governor proposed raising the quality of college academics and ensuring that qualified high school graduates could afford to attend college. He called for an expansion of the University System of Ohio to make flexible alternatives available to students unable to attend four-year colleges.

As reported in The Cincinnati Enquirer, Ohio's new "Senior to Sophomores" early college program attracted at least 23 proposals from Ohio public schools on the first day of eligibility. The program allows high school seniors to spend their fourth year of high school on college campuses, earning their high school diploma and college credits. The program would be cost-free for participating students, but the cost-sharing between the high schools and the colleges must be negotiated. The State is encouraging pilot programs by allocating \$4 million (up to \$100,000 per high school) for planning.

Oklahoma Update

April 2008

The Oklahoma legislature is considering a bill that would bar Oklahoma college students who take remedial classes from using the State-financed college scholarship program to pay for them. The legislation is an attempt to control the costs of the Oklahoma Higher Learning Access Program (OHLAP) which pays tuition at in-State colleges for low-income students who maintain good grades. OHLAP cost about \$48 million and is expected to cost \$60 million this year. Of the 14,000 college students who participated in OHLAP last year, 1,300 took remedial courses.

Oregon Update

April 2008

A State report indicates that more than half of Oregon students taking English as a second language for at least one year advanced by one point or more on the State's five-point English proficiency scale; it had been estimated that only 35 percent would do so. Statewide, almost 9,000 students passed the State's English exam in 2006-07, up from fewer than 4,000 the year before. Currently, more than 62,000 Oregon students are in ESL classes compared with 45,000 five years ago.

The Oregonian reports that, starting this Fall, the State will require all Oregon public school tenth-graders to take the PSAT or a similar college readiness exam. To be paid for by the State, the tests should help the schools by:

- providing customized student reports showing areas where improvement is needed;
- generating a listing of students who are likely to do well in Advanced Placement classes; and
- showing schools the areas where the curriculum should be improved.

The State has negotiated a six-year contract with the College Board (which was chosen over ACT) to provide the PSAT for \$500,000 per year. It is expected that 37,000 Oregon tenth-graders will take the PSAT in the Fall. Another 7,500 students are expected to take ACT's PLAN at district expense.

As reported in The Oregonian, the Oregon State school board has placed a number of new restrictions on the creation of new online charter schools. After much deliberation by the board and lobbying by proponents and foes of charter schools, the State has decided to allow online charter schools, but only under severe restrictions. Two national companies -- Insight Schools and K-12 -- have expressed the desire to open large, Statewide online schools. The board's decision limits such schools to 100 students per grade and requires the schools to get permission from each local school district, most of which do not care to pass on the \$6,000 per student in

State funds to charter schools. It should be noted that the existing cyber-school, Connections Academy (with its 1,800 students) is exempt from the new restrictions for the next two years because it was established before the board's decision. However, after its contract expires in 2010, it will be subject to the new restrictions.

Pennsylvania Update

April 2008

As reported in the Pittsburgh Post-Gazette, Pennsylvania is using a new tool called the Pennsylvania Value-Added Assessment System (PVAAS) to define successful schools. In pilot form since 2002, the PVAAS has, this Fall, been able to provide its full complement of data. The State has twice applied to -- and been rejected for -- the U.S. Department of Education's Growth Model Pilot which allows states to use student growth data as a measure of adequate yearly progress under the No Child Left Behind Act. Pennsylvania believes the full availability of PVAAS will make the State eligible for the Growth Model program.

As reported in Education Daily, Pennsylvania has allocated \$1 million from its FY 2008 budget for the Common Cents program designed to reduce local taxes by improving educational quality and efficiency. Under Common Cents, 39 of the State's 501 school districts will receive State-funded consultation on ways to save resources -- including inter-district opportunities in such areas as administration and transportation. Successful practices emerging from the program could be adapted for districts across the State.

Currently, as reported in the Pittsburgh Post-Gazette, 70,000 of Pennsylvania's 1.8 million school-aged children receive services for gifted students. Students are classified as gifted if they score 130 or higher on an IQ test, perform one or more years above grade level, and excel in one or more subject areas. The State is considering a change to the criteria arguing that IQ tests do not always identify gifted students, particularly those for disadvantaged families or who have disabilities. Under new guidelines, students could be classified as gifted if they meet the IQ threshold or if they meet multiple other criteria.

Pennsylvania education officials have said the recent report from the National Mathematics Advisory Panel should be considered a "call to action" for Pennsylvania schools. As reported in Education Daily, the State considers the Panel's recommendation, advocating more focus on an early group of math concepts, to represent an affirmation of Pennsylvania's approach to math

instruction and has encouraged local school districts to take the Panel's findings to heart.

Puerto Rico Update

April 2008

Education Daily reports that Puerto Rico has paid back to the U.S. Department of Education more than \$19 million it received improperly from the Federal Migrant Education Program. Between 2001 and 2004, Puerto Rico falsely certified the number of eligible migrant children residing on the island.

Rhode Island Update

April 2008

According to The Providence Journal, scores on Rhode Island's new assessment system indicate that almost 80 percent of the State's eleventh-graders are unable to do math at an acceptable level. The new test, the New England Common Assessment Program, found that just 22 percent of the 11,600 high school juniors who took the test this past Fall scored at "proficient" or better. Math scores on the new exam are substantially lower than in previous years. Reading and writing proficiency, however, remains steady at 61 percent and 37 percent, respectively. The new assessment was developed in conjunction with Vermont and New Hampshire.

South Carolina Update

April 2008

Currently, the South Carolina State Constitution only requires the State to provide a “minimally adequate” education. A resolution is being considered that would change the language in the Constitution to “a high quality education, allowing each student to reach his highest potential.” A Constitutional amendment would have to be passed by the legislature and approved by the voters.

South Carolina has embarked on a Statewide initiative to create a “seamless transition” from high school to college. The Charleston Post and Courier reports that college professors often find freshmen inadequately prepared for college-level work. College officials note that there is a big gap between what they need and what high schools think they need. Teams drawn from representatives of K-12 education, higher education, and the business community will be designing paired courses that students will take in high school and soon after entering college.

The Charleston Post and Courier also reports that the South Carolina Connections Academy, the State’s virtual charter school, will open with 500 K-12 students this Fall. Operated by Connections Academy, the new cyberschool will allow its students to earn a high school diploma through the State’s online course offerings. The virtual school will employ licensed South Carolina teachers to teach the students whose progress will be tracked using an Internet-based records system.

South Dakota Update

April 2008

As reported in eSchoolNews, the South Dakota legislature has eliminated \$3 million in State funds that was to be used to expand access to the State's laptop computer initiative. As the State attempts to trim expenses, it also has agreed to continue paying for Internet access in the State's public schools. The legislature had threatened to make local districts pay for their own Internet access. South Dakota is one of only six states that supply Internet access to their schools.

As reported in the Argus Leader, South Dakota has inaugurated a new program that will pay students \$100 if they score a 3, 4, or 5 on Advanced Placement exams, if they take the AP class online from the State's virtual high school. The program covers students' course expenses and pays teachers \$100 for each student who achieves the passing score. Courses included in the program are English language and composition, English literature and composition, calculus, statistics, biology, physics, and chemistry.

Texas Update

April 2008

According to The Dallas Morning News, a recent study of the Texas Educator Excellence Grant programs -- which provides merit-based bonuses to teachers -- found a favorable response from teachers, but suggested school turnover makes it difficult to ensure success in the long term. Because participating schools turn over from year to year, teachers may be discouraged from adopting new instructional approaches. The current program provides only enough funding for 1,100 schools each year. A second incentive pay plan -- covering all public schools -- will be implemented next year. The report indicates that school districts are being encouraged to target the incentive money to the highest performing teachers rather than providing smaller bonuses to a larger number of teachers. The study also noted that many of the reservations against performance incentives -- including less teacher collaboration -- were not realized.

The Dallas Morning News also reports that more than 100 Texas school districts have opted out of the \$148 million merit pay plan for teachers. Currently, only about a third of the State's districts expect to participate in the District Awards for Teacher Excellence (DATE) program. The districts that have chosen not to participate in DATE have done so largely because of financial concerns and the program's reliance on a single standardized test. The program requires local match and recommends a minimum bonus of \$3,000 per teacher. The low district participation rate will mean more money for participating districts. The Dallas school district, for example, will receive \$1 million extra, raising its total to \$8.2 million.

As reported in the Star-Telegram, Texas has made a number of changes to the State assessment - - the Texas Assessment of Knowledge and Skills (TAKS) -- that could result in significantly lower scores for special education students. In the past, special education students were tested at their learning levels, not their actual grade. Now, they will be tested at their grade levels. About ten percent of the State's 4.6 million students receive special education services. Alternative versions of the TAKS are available to special need students, but some local educators believe the scores will still be considerably lower.

The number of Hispanic children in Texas' public schools continues to grow. Of the State's 4.7 million public school students, 47 percent are currently Hispanic and the percentage in early grades (K-3) is even higher (49.6 percent). As reported in the Houston Chronicle, the State school board is planning to update the English/language arts/reading curriculum for public schools, a decision that will influence new textbooks for the 2009-10 school year. A member of the legislature has asked that decisions be delayed until the new curriculum can be reviewed by Hispanic experts. The board is not inclined to agree to any delay.

The Dallas Morning News reports a State committee on high school dropouts has adopted a long-range plan to reduce the dropout rate and improve the college and workforce readiness of high school graduates. Among the panel's specific targets are:

- reduce the high school dropout rate by one percent each year;
- increase the high school graduation rate by 0.8 percent a year;
- reduce the percentage of ninth-grade students retained in grade by 0.5 percent a year; and
- raise the passing rate on State graduation test (TAKS) by five percent a year.

The committee apparently rejected a private school voucher program for students at risk of not graduating, but left open the possibility of the State contracting with private firms to help dropouts finish high school.

Utah Update

April 2008

In mid-March, as reported in the Deseret Morning News, Governor Jon Huntsman, Jr. signed a number of education bills. Under SB 162, the State, not local districts, will determine whether Utah schools participate in Federal programs that cost the State more than \$100,000 -- such as the No Child Left Behind Act. SB 48 spreads State building aid to more school districts so growing areas -- like the west side of the Jordan school district (recently split in half) -- could build new schools. Conversely, four other school districts -- Murray, Salt Lake City, Granite, and the new Jordan East -- will see a combined \$12 million loss in State funding.

Concerned about inappropriate appeals practices under the No Child Left Behind Act, Utah required its school districts to re-examine situations under which districts used three-year averaging (not allowed by Utah regulations) to determine which schools made adequate yearly progress (AYP). The Deseret Morning News reports that, after re-examination, the percentage of Utah schools making AYP went from 72 percent to 74 percent.

Virginia Update

April 2008

The Virginian-Pilot reports that there has been a decrease in the state's enrollment of special education students. Currently, there are about 168,000 special education students (down 4,000 from last year), less than 14 percent of the State's student population (down from 14.5 percent last year). State officials are uncertain whether the decline is a trend or a one-year anomaly. Some believe the drop could be attributed to the way special education students are identified -- early intervening services.

The Washington Post reports that Virginia is continuing the process by which it could opt out of the Federal No Child Left Behind Act, arguing that the Federal Government has failed to provide enough funding and flexibility for states to comply with NCLB's assessment and other requirements. Having passed through the legislature, the "opt-out" bill would not have immediate impact. If the State Board of Education recommends withdrawal from NCLB, it must present a plan to the Governor and the legislature by June 30, 2009.

Bedford County, in the rural western part of Virginia, is looking into the possibility of establishing a virtual school for the 2008-09 school year. As reported in The Roanoke Times, the district is planning to use K12.com's curriculum covering the core areas of language arts, math, science, history, music, and art. Known as the Bedford Academy of Virtual Learning, the new cyberschool will begin with 30 students in its first year, at a cost of about \$135,000 to be reimbursed by the State.

Washington Update

April 2008

According to The Seattle Times, Washington State has budgeted \$22 million for administering the State assessment -- the Washington Assessment of Student Learning (WASL). State officials estimate that, because the requirements of the Federal No Child Left Behind Act, it will in fact cost as much as \$25 million more. The State is seeking to cut this cost by reducing the number of open-ended questions and dropping the requirement that students show their work on math problems. Even with such cuts, the cost is likely to be \$15 million more than budgeted.

As reported in The Seattle Times, the Washington State legislature has approved a bill that would replace the tenth-grade math State assessment (the Washington Assessment of Student Learning -- WASL) with two end-of-course exams in Algebra I and Geometry I. The new exams would be phased in over the next few years. State officials believe that end-of-course exams bring greater consistency to what is taught in class and aids in remediation. The bill must still be approved by Governor Christina Gregoire who vetoed end-of-course exams last year.

The Seattle Post-Intelligence reports that the WASL is coming under increasing attack as the Class of 2008, the first students who must pass the WASL to graduate, near their scheduled graduation date. State Superintendent Terry Bergeson, who is up for reelection this Fall, is being opposed by State and local teacher unions -- who once supported her -- for her unwavering support of the WASL.

As reported in Education Week, local Washington voters approved more than 50 property-tax-rate measures in mid-February. The school levies will be used for school districts' operating and technology budgets. The number of approved measures is a direct result of a new constitutional amendment that dropped, from 60 percent to 50 percent, the percentage of voters needed for approval. According to the Yakima Herald-Republic, State officials indicate that all of these initiatives would have failed last year when passage required a 60 percent supermajority. But a Constitutional amendment, passed in a close vote last November, allowed approval with a 50

percent majority.