

# Education TURNKEY Electronic Distribution, Inc.

256 North Washington Street  
Falls Church, Virginia 22046-4549  
(703) 536-2310  
Fax (703) 536-3225

---

## MEMORANDUM

**DATE:** June 26, 2008  
**TO:** TechMIS Subscribers  
**FROM:** Charles Blaschke and Blair Curry  
**SUBJ:** Proposed Additional SES Regulatory changes, AEP Summit Highlights, SEA Policies on EIS/RTI, and State Funding Budget Gaps

During June, USED continued proposing to use the “regulatory” route to change NCLB and bolster supplemental educational services provisions, while education associations mounted attacks on some of the proposed changes even as Congressional activities occurred behind closed doors. While presumptive presidential candidates Obama and McCain failed to address education policy and funding issues directly, one could infer from their spokespersons’ presentations and recent newspaper articles that some major differences exist between the candidates. In the meantime, the list of states with moderate and major budget shortfalls for 2009 continues to grow, which suggests that the FY 2008-09 Federal Title I and other program funding increases may become even more important sources of funds for purchases of supplemental instructional software and materials.

Along with state profile updates, this TechMIS report includes the following Washington Updates:

- **Page 1**  
Newly released USED Regulatory Guidance would allow districts in up to 35 states to provide supplemental educational services (SES) before parent school choice in schools identified for improvement for the first time, which would expand the National Pilot Program beyond the four existing states. Depending on the specific states which apply and are approved, the amount of Title I funds set aside for SES will increase by several hundred million dollars, likely to reach well over \$2 billion. While this expansion would increase opportunities for SES third-party providers, it could also increase the number of districts allowed to operate their own SES programs, providing opportunities for firms to partner with them by providing materials, training and support.

- **Page 2**  
 Highlights of the Association of Educational Publishers (AEP) Annual Legislative Breakfast during its June Summit involved ranking Republican Mike Castle on the House Education Subcommittee and key Senate committee staff who are taking the lead role in drafting the Senate NCLB reauthorization proposal. Issues addressed included: proposed USED regulations which would reduce the amount of unspent SES set-asides that could be used to make end-of-year purchases of supplemental materials and staff development; the use of supplemental materials in Reading First and IDEA/Early Intervening Services; scientifically-based research proposed language; and directly-related matters.
- **Page 4**  
 During the summit, representatives for the Obama and McCain campaigns identified education policy and priority differences. One could infer moderate to major differences exist on increased education funding, teacher pay based on student performance, parent choice, standardized state assessments versus expanded use of formative assessments, and the level and nature of technology supports for teachers.
- **Page 7**  
 The most recent periodic NEA survey of teacher use of technology identifies trends and growing opportunities for instructional software, training, and support and suggests the types of teachers and districts which have the greatest needs.
- **Page 8**  
 As part of its continuing study of the implementation of NCLB, the Center on Education Policy has found that the impact of Reading First on student achievement was perceived as greatest in rural districts when compared to urban and suburban districts. However, both rural and non-rural districts felt district policies unrelated to NCLB contributed more to increased student performance than did other NCLB requirements. Less than ten percent of both respondent types felt SES requirements were very important or important.
- **Page 10**  
 SEA policies on implementing early intervening services/response to intervention approaches continue to vary -- in some cases significantly -- thereby creating immediate or long-term opportunities in districts. The new All Kinds of Minds website, which went online in June, has links to SEA websites which include "official" policies which "require" or "permit" districts to implement EIS/RTI, the number of pilot sites, and consortia of intermediate units and other loosely coupled groups which influence district implementation.
- **Page 12**  
 According to a recent survey conducted by MMS/Education, the use of supplemental instructional materials in reading, math, language arts, science and social studies will increase in between 39 and 53 percent of districts and

buildings; 57 percent of respondents identified Title I funds as the largest source of funding for such purposes, while reallocation of funds (most likely unspent Title I SES set-asides) were identified as a funding source by 21 percent of respondents.

- **Page 13**

A new survey update by the Center on Budget and Policy Priorities reports that the number of states with expected budget shortfalls for FY 2009 has more than doubled to 29 which have an estimated combined shortfall of \$48 billion. Excluding California, the average budget shortfall for 28 states is 6.2-6.7 percent of general funds. The report estimates that by the end of the current fiscal year, rainy day fund reserves will be down to 6.7 percent of annual state spending on the average. Another recent survey by the National Governors Association estimates that the rainy day funds have dropped to 7.5 percent for FY 2009.

- **Page 15**

NCES releases its *Condition of Education for 2008*, covering data collected for the most part in 2004-05 school year, includes analysis of district expenditures by wealth of district over time, high school graduation rates by state, and numbers of special education students who graduate with a regular high school diploma or alternative diplomas.

- **Page 16**

SES Update

# Washington Update

---

Vol. 13, No. 7, June 26, 2008

## **USED Would Allow Districts in Up to 35 States to Provide SES Before Parent School Choice in Schools Identified for Improvement for the First Time, Which Would Increase the Amount Set Aside for SES by Several Hundred Million Dollars and Could Provide Opportunities for Firms to Partner With Districts Which Operate Their Own SES Programs**

On June 4<sup>th</sup>, USED announced a potentially dramatic expansion of the National Pilot Program which allowed SES to be provided before school choice in schools identified for improvement for the first time. The Pilot Program was initiated in four districts in Virginia several years ago and has now been expanded to a limited number of districts in Alaska, Indiana and North Carolina. If half or more of the eligible 35 states apply and receive approval, the estimated \$1.5 to \$2.0 billion set aside for SES this school year will likely increase by \$200 to \$400 million (depending on which states) next year. TechMIS subscribers should consider opportunities for partnering with a district, if the district has been approved by the SEA as a service provider to operate its own program, by providing instructional materials, training and support. This is particularly true in those states that have applied for Differentiated Accountability Model approaches which would likely allow more districts that are identified for improvement to provide their own SES (see June TechMIS).

In addition to providing opportunities for firms with products and services which could be used for instruction in district-operated SES programs, districts participating in this expanded National Pilot would also be allowed to use one percent of the 20 percent set-aside for notifying parents of their child's eligibility in a timely manner and other directly related administrative applications. One of the important conditions for participation notes, "The state must ensure that participating LEAs:

- Provide timely, clear, accurate notice to parents about the identification of their child's school as in need of improvement and their parental involvement opportunities, including the availability of the SES and public school choice options, in simple language that parents can understand;
- Notify parents of eligible students about SES prior to the start of the 2008-09 school year, or within the first few weeks of the school year, and provide SES shortly thereafter."

Demand should increase for many products and services, ranging from telecommunications systems to administrative applications for managing the SES process. Brought about by opposition by district administrators associations to a requirement that parents be notified 14 days before school begins as proposed in the Title I regulations (see June TechMIS report), the above condition provides districts much greater flexibility and reduces disincentives to participate in this expanded Pilot

Program. The states that are most likely eligible and are likely to be good candidates for “partnering” include the 17 states that applied for the differentiated accountability model: Alaska, Arkansas, Florida, Georgia, Illinois, Indiana, Louisiana, Maryland, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee and Virginia.

### **Highlights of Association for Education Publishers (AEP) Annual Legislative Breakfast**

During the AEP Annual Summit in early June, House Education Subcommittee Ranking Republican Mike Castle and key committee staff spearheading the Senate NCLB reauthorization effort provided an update and discussed issues of high concern to most supplemental education publishers, the highlights of which are noted below.

Congressman Castle, who was instrumental in including language in the IDEA reauthorization Conference Report which clearly allowed supplemental materials to be used to implement early intervening services, announced that his proposal for NCLB reauthorization would be submitted shortly. It would provide opportunities for greater parental involvement, require a uniform state reporting system on graduation rates similar to that proposed by the National Governors Association four years ago, and call for the use of growth models for calculating AYP. And because of his continuing interest in special education funding and services, Castle would also codify current regulations that allow up to 1% of severely cognitively impaired students to take alternative

assessments and the use of alternative assessments with modified standards for up to 2% of other special education students with lesser cognitive impairments. He also announced his opposition to the current legislative proposal which would provide several billion dollars for Federally-funded school construction. He believes that, if such funds are appropriated, there would be no increases in Title I or IDEA over the next several years in order that the legislative goal of having the Federal funds pay for 40 percent of special education costs be met. At the current level, Federal IDEA funds cover only 19 percent of such per-pupil costs.

Regarding NCLB reauthorization, he noted that those in Congress who wanted to do away with the Law were primarily Republicans who opposed it initially and a large number of new Democratic representatives who were elected based on their opposition to NCLB. In terms of timeline, he stated that reauthorization with some of his proposed fixes should be completed now to ensure children benefit earlier rather than later. During a brief Q&A session, Castle was asked whether he was succeeding in “spearheading” an effort to restore Reading First funding. He responded that he was not really “spearheading” the effort, but did support restoration of such funds and had engendered support of other key representatives in this effort.

A lively “give and take” panel discussion occurred with: Roberto Rodriguez, Senior HELP Committee staff, who is leading Senator Ted Kennedy’s reauthorization effort; Sarah Rittling, HELP Committee staffer who works for Senator Lamar Alexander; and John Vaupel, education

staffer for Senator Joseph Biden. The participants shared some of the changes which are likely to be proposed in the Senate, and also addressed some of the NCLB proposed regulatory changes announced last month by Secretary Spellings. Some of these changes would have a negative impact on many supplemental publishers.

Rodriguez prefaced his comments stating that Senator Kennedy, despite his illness, “still wants to move forward on reauthorization as soon as possible.” Referring to many NCLB provisions as being part of the larger “standards-based reform movement,” he identified several issues which will be addressed in the Senate version, including:

- The need for new modes of assessment, particularly formative assessment use, which he recognized is already growing; he indicated any new provisions have to be “carefully crafted.”
- Growth models and alternative measures for calculating AYP should also be carefully crafted along with differentiated sanctions.
- Teacher provisions need to be upgraded or addressed, particularly in the area of induction, performance-based pay, and mentoring.
- The definition of scientifically-based research, which was included in the Head Start legislation, should “be revisited as it applies to NCLB” and should “keep to sound research principals.”
- New provisions in targeted funding for schools identified for improvement have to be addressed,

particularly schools in corrective action or restructuring.

Rodriguez reiterated the concerns of Senator Kennedy and committee staffers about the quality and provision of supplemental educational services. He acknowledged that he was involved in negotiations with USED on the proposed regulations which would make it much more difficult for districts to reallocate unspent SES set-asides for purchases of other allowable products and services, including end-of-year purchases of supplemental instructional materials. Under the proposed regulations, if districts could not document their attempts to promote SES (see June [Washington Update](#)), then such unspent SES funds would have to be carried over and once again earmarked for SES the following year or, in some cases, funds in excess of 15 percent could have to be returned to the U.S. Treasury. He acknowledged that he was intimately aware of the concerns of both districts and supplemental publishers and that he “intended to weigh in with USED” on this and related SES issues. He also suggested that the 40 to 50 representatives of supplemental publishers and dealers attending the session should educate their representatives and Senators, in their meetings with them after the session, about the prerogatives taken by USED in proposing regulatory changes which in fact have overridden Congressional authority and should make clear the impact on publishers of some of these changes. Charlene Gaynor, Executive Director of AEP, questioned the authority of USED in making such sweeping regulatory changes in the Law and what could be done about that. Over a year ago, AEP opposed policy changes made by USED which could have been very detrimental to supplemental publishers as

the NIMAS guidelines were being developed. Rodriguez and Rittling acknowledged that their concern during the initial years of NCLB was the degree to which it was being implemented and not in the details of how such implementation occurred; moreover, they noted that Congress had been in a more “reactive mode” until the most recent proposed set of regulations, which has raised serious concerns to more members in the Senate.

In response to a question from a large supplemental publisher regarding the difficulty of having supplemental materials approved for use in Reading First programs, Rodriguez stated that recent findings from the Reading First interim study were “dismal” and “hit Congress like a ton of bricks.” He said that the reauthorization would certainly revisit Reading First and acknowledged the important role supplemental instructional materials could play in bolstering core instruction programs, an issue which Rittling worked on as part of the IDEA conference report related to early intervening services when she was a staffer for Representative Castle. Rittling noted that there is also “a lot of discussion regarding the use of education technology” and implementing proposed NCLB reauthorization provisions, a point that was reinforced by Rodriguez who indicated that Universal Design Learning (UDL) principles will likely be incorporated into the Senate proposal and that the role of technology in implementing data-driven decision making provisions will be crucial.

In an offline discussion with Rodriguez, we asked if there were any possibility of a compromise regarding the reallocation of unspent SES money. Based upon our discussions with several key association

officials representing districts (see [June Washington Update](#)), it appears that these groups would support the requirement that certain more rigorous conditions could be imposed on districts before they were allowed to reallocate unspent SES funds if more districts were allowed to provide their own SES programs. In this case, the number of students actually participating in SES would likely increase dramatically at a lower per-pupil tutoring cost, thereby reducing the amount of unspent SES money significantly. “Interesting,” he noted. He then volunteered that USED will be issuing non-regulatory guidance shortly, allowing schools identified for the first time to provide SES along with the parent choice option (see related [Washington Update](#) item).

### **During the June AEP Summit, Representatives for Obama and McCain Campaigns Identified Education Policy and Priority Differences**

On June 6<sup>th</sup>, during the AEP Annual Summit, advisors for presidential candidates McCain and Obama discussed the education policies and priorities that their candidate would initiate or redirect. McCain’s spokesperson was Lisa Graham Keegan, former chief state school officer in Arizona and co-founder of the Education Leaders Council (ELC), which received between \$40 and \$50 million in “earmarks” from USED funding during the early implementation of NCLB. The ELC was eventually folded into another pro-NCLB group -- Accountability Works -- as a result of several audit exceptions regarding use of funds. The spokesperson for Obama was Jeanne Century, science director of the University

of Chicago Center for Elementary Math and Sciences, who as part of the Obama education team. During the initial statements by Keegan and Century and in response to questions addressed during a panel discussion during the general session and subsequently in a media press conference, several major differences between the candidates on certain policies and issues either were identified explicitly or could be inferred.

Regarding the changes that each would make in NCLB, Century said Obama would place a higher priority on “life-long learning, not just fixing NCLB.” She referred to a litany of initiatives and policy redirections which had been posted in November on the Obama website. According to her, Obama feels that NCLB is “under-funded and has been poorly implemented” and hasn’t recognized that the “quality of teaching is key.” She noted the quality of teachers, not the instructional programs, are the “interventions” and that teachers need to be provided much more support, including immediate feedback of formative assessments to inform instruction. She also indicated that teacher performance should be judged on “alternative measures,” such as becoming “highly qualified.”

Keegan, who served as McCain’s primary education advisor in his unsuccessful attempt for the presidency in 2000, said McCain believes certain NCLB provisions are working, as supported by student performance (NAEP) data, but that too many education officials at the state and local levels are “passive” in their implementation of NCLB provisions with regard to proficiency targets. On several occasions she said now that we have the data, we can do “what’s right.” One major

difference between the candidates is that McCain believes teacher pay should be tied to student performance and other “differentiated” measures, referring to existing teacher contracts and collective bargaining agreements as major barriers to improving student performance. McCain would continue to support school choice, including vouchers, charter schools and other areas such as virtual schools. While Keegan said McCain does not support national standards, he does support the notion set forth by former Governor Roy Romer co-chair of ED ’08 (which was a sponsor of the conference), whereby states would benchmark their students’ performance compared with peers in other nations. Under McCain, the role of states would be greatly strengthened, as long as states remain accountable for meeting the standards they develop. As more and more states implement longitudinal student data systems, states would be responsible for identifying effective practices, particularly in the area of unconventional approaches such as charter school policies and alternative accreditation approaches for attracting quality teachers. McCain’s priorities would focus on making sure funds get to the classroom level with activities focusing on students suggesting that the amount of funds allocated for administration be reduced while overall Federal funding for education would be initially frozen. Keegan cited a recent NCES report (which we included in the last TechMIS issue) which found instructional expenditures (as a percentage of current expenditures) in large school districts ranged from 37 percent in Philadelphia to 95 percent in Puerto Rico, data which we seriously question due to definitional issues.



From the responses to several panelists' questions, one could infer policy differences on certain additional issues. When asked what would the candidates do to increase reading scores, Century reiterated that the quality of teachers as the "intervention" and not particular programs, while Keegan said McCain would place greater emphasis on the use of programs based upon the "science of reading," referring to the past failures of "whole language." This also evoked her response to the Reading First Interim Report findings that showed no significant differences between Reading First and comparison schools. Keegan said the findings were certainly not supported by state reports and reemphasized that states should be responsible for identifying effective practices and programs. In response to a similar question, Century indicated that Obama feels that randomized trial control study designs are too limiting and that a wide range of "methods of research" should be used to identify effective practices. McCain would expand the development/implementation of student achievement data systems and reporting in order to, among other things, identify practices that work.

While curriculum and content standards were not addressed directly in Century's comments, one could expect Obama to place a higher priority on subjects beyond math and reading -- such as science, music and arts -- and to expand the measures for determining what is now called adequate yearly progress and the use of alternative and formative assessments. Because of factors such as cost and ease of implementation, it is likely that McCain would continue to rely on existing types of state assessments because they would be driven by the uniform student longitudinal

data systems which are being developed in most states.

When asked about the candidates' support for technology, Keegan felt that the Federal government should reduce or "scrub" current barriers to technology use which should be used to support teachers. As we have noted in previous TechMIS reports over the last four or five years, McCain has been a major supporter of the e-Rate program, although he has been critical of some of the leadership who initially implemented the program. While Obama would continue to address the infrastructure questions, he would also place a priority on the development of technologies "which don't exist today but could be used to develop 21<sup>st</sup> century skills," such as collaboration and problem-solving.

During a later press conference, also attended by co-chairman Romer of ED 08 (a bi-partisan group whose mission is to increase the priority placed on education policy during the Presidential debates), Keegan was even more critical of teacher groups than in the previous session in which NEA's chief lobbyist was a panelist. She reiterated that collective bargaining agreements are the major barrier to effective implementation of NCLB provisions. While the Administration has been successful in getting Congress to fund the Teacher Incentive Fund, which allows selected states to design and implement differentiated pay demonstrations in districts which volunteer to participate, she agreed that, with the expansion of state longitudinal data systems, it is more possible to implement teacher-pay-based-on-student-performance initiatives which she argued would improve the quality of teaching and student achievement. With the new proposed

regulations allowing more districts to implement SES before parent choice and earmarking 20 percent of Title I funds for such purposes, we asked Keegan whether McCain would support basing a large portion of the fee paid to SES providers upon the performance of students participating in their programs. Looking somewhat puzzled, she responded that SES providers were paid based upon their performance at which time we reminded her that this was not the case; rather they are paid based upon “seat time” and attendance of students at the provider’s SES sessions. In fact, several years ago, during an annual meeting of the Education Industries Association, the president of one of the largest SES providers specifically stated that his priority was getting students to attend sessions so they could be paid rather than focusing on student performance. In June 2002, during the First National SES Conference sponsored by USED, I asked Keegan a similar question to which, at that time, she responded that if the parent didn’t like the services provided to his or her child, then after two years the parent could find another tutor. As one of the architects of the SES provisions in NCLB, she was reminded that states not districts were responsible for assessing the performance of students and determining whether providers should be taken off of approved lists because of poor performance of students, which has seldom occurred in only a few states which are conducting SES evaluations. She ended her response by noting that McCain would likely support some payment to SES providers based upon performance, without suggesting the exact performance measures.

## **The Most Recent NEA Survey of Teacher Use of Technology Addresses Access, Adequacy and Equity, Identifying Gaps, Trends and Growing Opportunities for Instructional Software Training and Support**

The National Education Association’s third periodic survey of technology use in education addressed the issues of access, adequacy and equity in the use of technology with an in-depth focus on technology support. Based on a survey conducted in 2006 with almost 2,000 educators from urban, suburban and rural/small districts, the report presented findings generally and then by demographic characteristics, as highlighted below. Some of the interesting findings suggest growing needs -- as well as opportunities -- for instructional software.

In terms of access to technology and support, the NEA found that more than half of the teacher respondents had no more than two computers in their classrooms and such access was inadequate for effective classroom instruction. While most felt that teacher access to technology at the school level was adequate, they also reported receiving little support for technology access outside the school and for the use of the Internet and instructional software, particularly in urban districts. Elementary educators were less satisfied with instructional software for their students’ use. On the other hand, less experienced educators were more satisfied with their knowledge of technology and its impact on their own job.

Several important findings about instructional use were reported. Although

76 percent of respondents reported they used technology daily to perform administrative tasks, only 32 percent and 29 percent reported daily use to instruct students and prepare for instruction, respectively. In terms of demographics, while only 35 and 38 percent of urban and suburban districts, respectively, reported using technology to monitor individual student progress, almost 46 percent of rural, small town educators did. And, while about 57 percent of middle and high school educators reported using computers to monitor individual student progress, only 26 percent of elementary educators reported such use daily; even fewer (24 percent) used technology on a daily basis to plan and prepare instruction.

Moreover, educators with the least amount of job experience were more likely to use technology for instructional purposes, and were more satisfied with their knowledge of technology and its impact on their ability to do so. These so-called “early-career educators” were more likely (82.8 percent) to be satisfied with their knowledge of how to use technology in their work and more likely (92.5 percent) to agree that technology saved time in their job and improved their job effectiveness. These less experienced teachers strongly felt the National Education Association should lobby for more technology funding for schools, more so than middle- or late-career educators. As the report concludes, “They were also much more likely to use technology for instructional purposes.”

About 71 and 68 percent of educators, respectively, felt their technology training was “adequate” or “more than adequate” in *Using Internet for research* or *Using technology equipment*. A smaller percentage, however, felt their training was

“adequate” or “more than adequate” for *Evaluating student progress* (58 percent), for *Integrating technology into instruction* (56 percent), and *Designing individualized lessons* (46 percent). Over the last couple years, with the adoption of early intervening services and response to intervention approaches, we have reported on findings from our own survey and those of others (e.g., the recent CASE study highlighted in the May Washington Update). The demand and expenditures for directly-related EIS/RTI training and support continues to increase and, with the emphasis on data-driven decision-making to inform instruction under the new School Improvement Grants under Title I, such demand will be bolstered even more. It would appear that some of the best opportunities exist among “newer” teachers who are more likely to use instructional software and who believe their local teachers’ associations should become an advocacy group for increased funding.

For a copy of the NEA report, go to: [www.nea.org/research/images/08gainsandgapstedtech.pdf](http://www.nea.org/research/images/08gainsandgapstedtech.pdf)

### **Reading First’s Impact on Student Achievement Perceived as Greatest in Rural Districts According to New Center on Education Policy Report**

As part of its annual study of the implementation of NCLB, the Center on Education Policy’s newest report found that 79 percent of rural districts that participated in the Reading First program believe that the Reading First program contribution to improved student achievement in English Language Arts was “very important” or “important.” Compared to non-rural (i.e.,

urban and suburban) districts, more rural Reading First respondents felt that the Reading First instructional program's (79 versus 57 percent) and the Reading First assessment systems' (79 versus 59 percent), contributions to improved student achievement were "very important" or "important." The other significant contribution of NCLB to improved achievement in reading was the requirement that schools identified for improvement develop school improvement plans, with 72 percent of rural -- versus 62 percent of non-rural -- districts feeling such plans brought about significant improvement. Both rural and non-rural felt that district policies and programs unrelated to NCLB contributed more to increased student performance than other NCLB requirements. Similarly, only seven percent of rural respondents and six percent of non-rural respondents felt that supplemental educational service (SES) requirements were "very important" or "important" in contributing to improved student achievement.

The perceived importance of the causes for improved student achievement in mathematics was generally similar to that in reading and Language Arts. Similar to above, 80 percent of rural respondents -- versus 43 percent of non-rural respondents -- perceived the development of school improvement plans in schools identified for improvement to be "very important" or "important" causes, while about 70 percent of both types of respondents felt district policies and programs unrelated to NCLB were perceived to be "very important" or "important" reasons contributing to improve math achievement. Regarding the importance of supplemental educational services, both rural (11 percent) and non-rural (7 percent) respondents felt SES were

"very important or important" in math at a slightly higher rate than for reading.

The perceived importance of using research-based programs as a cause for improving math versus reading performance was different and somewhat contradictory. For example, 55 percent of rural respondents felt research-based programs were "very important" or "important" in contributing to student achievement in math, compared to 38 percent among non-rural respondents. On the other hand, 44 percent of rural respondents felt research-based programs were "very important" or an "important" cause of reading achievement improvements compared to 55 percent in non-rural districts. Moreover, as noted earlier, 79 percent of rural district respondents felt Reading First instructional programs and assessments were very important or important causes. Because the Reading First program was initially designed based on scientifically-based research conducted by the National Reading Panel, one would assume the use of "research-based programs" would be perceived as an important cause of reading improvement. This seemingly contradictory finding was discussed with Jack Jennings, Executive Director of CEP. One explanation could be that district respondents in Reading First districts may have felt that the use of research-based instructional materials may not have been as important as the professional development provided to both Reading First and non-Reading First teachers. Another possible explanation is that districts were told by their SEAs what instructional programs and assessment instruments could be used based upon what had been approved in their proposal to USED, the approved programs only had to include the five essential Reading First

elements and not necessarily evidence that they were effective based on scientifically-based research studies.

For a copy of the report go to: [www.cep-dc.org](http://www.cep-dc.org).

### **State Policies on Implementing Early Intervening Services/Response to Intervention Approaches Vary Indicating Where Immediate and Long-Term Opportunities Exist**

District-level surveys conducted by us (2007) and CASE (2008) found implementation of early intervening services/RTI provisions in IDEA varied across districts and that state policies had a major influence on the districts. A recent compilation of SEA policies on EIS/RTI conducted by All Kinds of Minds highlights many of the differences among states which suggests what states and districts to target and when, depending on the firm's overall marketing and sales strategy. Below, several illustrations are noted.

One important difference is that some states "require" RTI while most SEAs "permit" RTI approaches along with the use of the "discretionary model" (i.e., the use of I.Q. tests) to determine whether a student should be placed in special education programs. As we mentioned in our analysis of USED policy guidance (see March [Washington Update](#)), the distinction is important. In a state that "requires" EIS/RTI, districts cannot use the approach until all teachers in the district or at certain grade levels have been trained in how to use RTI approaches. On the other hand, if a state "permits" EIS/RTI, then districts can pilot test and

then implement on a phased basis expansion into additional schools and grade levels. The distinction, however, of "permitted" versus "required" depends on several details in the state policies, as noted below.

Colorado, which "requires" RTI and prohibits the discrepancy model according to the All Kinds of Minds website (or "microsite") allows districts to voluntarily adopt RTI models after the district completes its needs assessment, and defines RTI as "a problem-solving approach for all students that is an integrated school improvement model which is standards-driven, proactive and incorporates both prevention and intervention." In Delaware, districts are required to implement RTI at the elementary level beginning this coming school year with implementation for all other students beginning in 2009 or earlier. New Mexico will require RTI in grades K through 2 beginning July 2009. In West Virginia, RTI is required while the use of the discrepancy model is prohibited. In these states which currently require RTI and prohibit the use of discrepancy model, one tactic would be to identify those districts which are "out front" in developing/implementing the EIS/RTI infrastructure (i.e., documenting the process) and have all teachers trained in the use of RTI approaches. As these districts reach a certain point, district-wide implementation of approaches and purchases of interventions and related training and support could occur.

A larger number of states which "permit" the use of RTI are implementing pilot programs in selected districts while allowing other districts to implement their own RTI approaches which meet the principles and procedures "encouraged" by the SEA.

Arizona has one of the largest “pilot programs” being conducted in 125 schools in 60 districts. Through this pilot, a database with longitudinal student data is being developed. In Kansas, RTI was piloted in several districts in 2005 and the SEA plans to expand the use of the RTI in additional districts immediately. Montana has initiated a three-year RTI pilot program in four schools while New Hampshire received a Federal grant to pilot-test in five schools an integrated three-tier system of academics and behavioral support, referred to as New Hampshire *Responds*. Pilot programs have been initiated in ten school sites in Oklahoma, while Virginia recently solicited applications for up to 16 RTI pilot schools. However, as our survey found in Virginia as well as other states with formal pilot sites, many districts are not awaiting results of these pilot demonstrations, but have proceeded on their own to implement their versions of RTI. In Michigan, RTI Initiative --referred to as Michigan’s Integrated Behavioral and Learning Support Initiative (MIBLSI) -- includes currently about 300 schools and is expected to grow to over 900 schools with the priority placed on those schools and districts identified as having disproportionality. As our survey found, many Michigan districts are adopting Reading First interventions for use as part of their RTI implementations. In most of these states, opportunities could exist for firms which have interventions or teacher training programs and supports to be included in formal pilot tests. However, in districts which have been identified as having disproportionality and are allocating up to 15 percent of their IDEA funds for EIS/RTI opportunities might exist now for larger scale purchases of products and services.

Many SEAs have taken a lead role in

providing professional development and/or technical assistance to districts regarding RTI adoption and implementation. For example, North Carolina is implementing its “responsiveness to instruction” RTI approach which was originally developed in the Heartland Area Education Agency in Iowa. It focuses on school improvement generally, not simply on evaluation for special education eligibility. Four years ago, pilot programs were conducted in four districts and as of 2008, 68 districts have sent at least one team through the state’s eight-day training session; these teams in turn train their counterparts on returning to their districts. Thus far, 16 districts have committed to using RTI. Over the last year, Virginia has hosted three statewide RTI institutes, while California has conducted five webcasts on RTI which are now available for on-demand viewing and has distributed RTI training modules in DVD format. Training and technical assistance are also provided by intermediaries in various states. In addition to the Michigan MiBLSi consortia, Nebraska has created a consortia whose primary focus is to train education service units in school districts to deliver high-quality support for implementation of RTI. In Pennsylvania, the intermediate education units known as BOCES, are taking lead roles in implementing and helping districts implement RTI approaches while training district staff at the same time. Over time in those states with intermediate education units, one can anticipate increased roles in the future.

While most states have mandated or encouraged a certain RTI model or approach (i.e., the three-tiered model), few have officially prescribed certain types of interventions. According to the “microsite,”

the Louisiana SEA by 2011 plans to implement and sustain an RTI approach which will integrate existing models such as Reading First, positive behavioral support, strategic instruction model, learning initiatives networking, and communities for success. Most SEAs in which Reading First has had a positive impact are “unofficially” encouraging the use of Reading First instructional and assessment interventions as our survey and that conducted by the Center on Education Policy have found.

In closing, as anyone who has attempted to gather state policies on RTI has found, state websites are often difficult to navigate to find appropriate answers to questions. The new microsite operated by All Kinds of Minds does provide links to various state documents where they exist on SEA formal policies. However, as we have noted in many of our Washington Updates and Special Reports on RTI, perhaps as much guidance is provided by word-of-mouth from SEA officials to district officials. To review the All Kinds of Minds website go to:

[www.allkindsofminds.org/policy/index.aspx](http://www.allkindsofminds.org/policy/index.aspx)

### **Use of Supplemental Instructional Materials to Increase Over the Next Two Years With Primary Funding Source Being Title I**

The third annual survey of supplemental instructional materials use (3<sup>rd</sup> Annual Market Survey) conducted by MMS/Education found that between 39 and 53 percent of district and building officials believe that, over the next two years, the use of supplemental instructional materials will increase in reading, math, language arts,

science, and social studies. More than 90 percent of respondents said expenditures for supplementals will increase or stay the same next year. However, respondents were more skeptical about spending in 2008 compared with previous years; only 20 percent anticipated increases in 2008, whereas 29 percent showed increases in 2006.

Respondents were also asked to identify the funding sources for increases in expenditures, with 57 percent naming Title I funds, followed by regular budget increases (49 percent), while state funding would be a source in 32 percent of the cases. Other Federal programs, reallocation of funds (which were likely unspent “set aside for SES), and IDEA funding ranged from 24 to 21 percent. During the well-attended AEP summit session, we noted that due to the set-asides for SES, professional development and other purposes, Title I operating budgets in between two-thirds and three-quarters of the districts will actually be reduced. As the survey found, almost a quarter of respondents indicating purchases would come from the “reallocation of funds,” primarily unspent set-asides, which in many cases will have to be obligated before the end of the fiscal year -- June 30 in more than 40 states.

District respondents felt the two most important criteria for purchasing supplemental materials were whether it was “correlated to state standards” and was “based upon scientifically-based research.” Building level staff felt that referrals, price/value, and free trials were more important criteria than did district-level respondents. In an offline discussion with Susan Meell, CEO of MMS Education, she concurred that the importance of scientifically-based research was likely

“overstated” and that evidence of student achievement gains is the most likely operational definition, which is what we found in our survey of early intervening services two years ago.

In terms of sources of information about new supplemental materials, 82 percent of respondents identified conferences/conventions while 75 percent said word-of-mouth. Both of these responses were the same in their annual survey last year and in our Surveys of Technology Use of Special Education, the first of which was conducted in 1987. Our 2006 survey found that the Internet was used by 46 percent of respondents to find information about new products while the MMS survey found Internet-related activities were used extensively, including websites (60 percent), online searches (40 percent), and online ads (22 percent). Building-level staff indicated their primary source was word-of-mouth, while district-level respondents relied on conferences and conventions. Slightly over 55 percent of respondents indicated they were receiving “just about the right amount” of promotional email messages; 75 percent responded that email is filtered to block spam messages, while about 20 percent receive emails when sender is on an approved list. Almost 90 percent reported that they visit vendors’ websites -- up from 79 percent two years ago, with district respondents visiting websites more frequently, most often to gather information about new products. The survey found that online ordering continues to increase, growing from 50 percent two years ago to 56 percent this year. About 60 percent of respondents said they attended a webinar for professional development, while 45 percent attended for new product demonstrations.

The slide presentation made during the AEP Summit will be available at the MMS/Education website which is: [www.mmseducation.com](http://www.mmseducation.com).

### **Center on Budget and Policy Priorities Reports More States Face Budget Shortfalls**

As we reported in the February Washington Update, last November, the Center on Budget and Policy Priorities (CBPP) found that 13 states expected budget shortfalls for FY 2009 totaling between \$23 billion and \$30 billion. Based on data collected in May, CBPP has determined that now 29 states are facing combined shortfalls estimated at \$48 billion.

The 29 states facing budget gaps, plus the District of Columbia, are shown in the table below.



### FY 2009 Budget Gaps (\$ millions)

| STATE                             | AMOUNT                   |
|-----------------------------------|--------------------------|
| Alabama <sup>1</sup>              | \$784                    |
| Arizona                           | \$1,900                  |
| Arkansas                          | \$107                    |
| California <sup>2</sup>           | \$22,200                 |
| Connecticut <sup>1</sup>          | \$150                    |
| Delaware                          | \$217                    |
| District of Columbia <sup>1</sup> | \$96                     |
| Florida <sup>1</sup>              | \$3,400                  |
| Georgia <sup>1</sup>              | \$200 - \$300            |
| Illinois                          | \$1,800                  |
| Iowa <sup>1</sup>                 | \$350                    |
| Kentucky <sup>1</sup>             | \$266                    |
| Maine <sup>1</sup>                | \$124                    |
| Maryland <sup>1</sup>             | \$808                    |
| Massachusetts                     | \$1,200                  |
| Michigan                          | \$472                    |
| Minnesota <sup>1</sup>            | \$935                    |
| Mississippi <sup>1</sup>          | \$90                     |
| Nevada                            | \$898                    |
| New Hampshire <sup>1</sup>        | \$200                    |
| New Jersey                        | \$2,500-\$3,500          |
| New York <sup>1</sup>             | \$4,900                  |
| Ohio                              | \$733-\$1,300            |
| Oklahoma <sup>1</sup>             | \$114                    |
| Rhode Island                      | \$430                    |
| South Carolina                    | \$250                    |
| Tennessee <sup>1</sup>            | \$468-\$585              |
| Vermont <sup>1</sup>              | \$59                     |
| Virginia <sup>1</sup>             | \$1,200                  |
| Wisconsin <sup>1</sup>            | \$652                    |
| <b>TOTAL</b>                      | <b>\$47,500-\$49,300</b> |

<sup>1</sup>These states have adopted new or revised budgets that address these shortfalls.

<sup>2</sup>In a special session earlier this year, California adopted measures to close \$7.0 billion of this shortfall. A gap of \$15.2 billion remains to be closed. Assumes that FY08 gap would have carried over the FY09.

As the table shows, California is looking at the largest gap, \$22.2 billion, equal to more than 20 percent of the State's FY 2008 General Fund. Excluding California, the average budget shortfall for these states is 6.2 percent to 6.7 percent of general funds. Two additional states -- Missouri and Texas -- are projecting budget gaps after FY 2009. CBPP notes that the number of states facing FY 2009 budget gaps is likely to increase as revenue forecasts are updated.

CBPP also observes that some mineral-rich states -- notably Alaska, Montana, and New Mexico -- are expecting revenue growth as a consequence of the high price of oil. However, some local governments in those states could still face economic problems.

Because state budgets must be balanced and states cannot run deficits, states must raise taxes, cut expenditures, or utilize reserve funds.

According to CBPP, during the last recession (which began in 2001), 34 states cut real per-pupil aid for K-12 education, resulting in higher fees for courses and instructional materials, cuts in staff, shorter school days, and reduced transportation. Cuts in state expenditures during the 2001 recession have left all states with combined expenditures below the 2001 level.

The bursting of the housing bubble has made it difficult for localities (including schools) to maintain revenues. More aid from states, which are themselves running deficits, is unlikely.

The use of reserves -- "rainy day" funds -- in recent years has cut the availability of such funds in the current economic downturn. At

the end of 2006, state reserves totaled 11.5 percent of annual state spending; by the end of the current fiscal year, the reserves are estimated to be down to 6.7 percent of annual spending.

CPBB recommends that the Federal government provide assistance similar to -- but earlier in the recession cycle than -- the \$20 billion fiscal relief package enacted in 2003. That package included \$10 billion as a temporary increase in the Federal share of the Medicaid program and \$10 billion in general grants to the states.

The CBPP report is available at: [www.cbpp.org/1-15-08sfp.pdf](http://www.cbpp.org/1-15-08sfp.pdf).

### **NCES Releases its Condition of Education for 2008**

The National Center for Education Statistics (NCES) has published the 2008 edition of The Condition of Education covering data collected primarily during the 2004-05 school year. Among the interesting components in this 2008 volume are analyses of public elementary and secondary expenditures by district poverty, high school graduation rates, and students with disabilities exiting school with a regular high school diploma.

Among the analyses included in The Condition of Education is a table showing current per-pupil expenditures in public school districts by district wealth (Table 37-1). NCES data show that, from 1997-09 and 2004-05, high poverty school districts have seen a 46.0 percent increase in per-pupil current expenditures compared with 42.0 percent for low-poverty districts and 37.0

percent for middle-poverty districts. Current expenditures include instructional, administrative, and operations/maintenance expenditures.

NCES data on public high school graduation rates highlight the need -- as forcefully expressed by U.S. Secretary of Education Margaret Spellings -- for a uniform method of measuring such rates. For its analysis, NCES uses an algorithm that divides the number of graduates with regular or advanced diplomas (as defined by the state or district) by an average of the number of eighth-graders five years earlier, the number of ninth-graders four years earlier, and the number of tenth-graders three years earlier. The national average graduation rate in 2004-05 was 74.7 percent. Not all states are able to provide accurate counts for each year so the rates vary considerably from state to state. According to NCES, in 2004-05, six states -- Iowa, Minnesota, New Jersey, North Dakota, Vermont, and Wisconsin -- reported graduation rates in excess of 85 percent. Conversely, seven states -- Alaska, Florida, Georgia, Louisiana, Mississippi, Nevada, and South Carolina -- reported rates below 65 percent. It is noteworthy that, between the 2000-01 and 2004-05 school years, six states -- Alaska, Massachusetts, Michigan, Nevada, New Jersey, and New Mexico -- actually showed declines in their average graduation rates.

NCES also analyzed the number of students with disabilities -- served under IDEA -- who exited school with a regular high school diploma. Nationally, in 2005-06, 56.5 percent of exiting students with disabilities received regular diplomas in 2004-05; this represents a steady upward trend from 43.1 percent in 1996-97. Six states reported graduation rates for students with disabilities

of 75 percent or higher -- Arkansas, Connecticut, D.C., Hawaii, North Dakota, and Pennsylvania. None of these states offer significant number of alternative diplomas (certificates of attendance). Five states had reported graduation rates for such students of 35 percent or lower -- Alabama, Georgia, Louisiana, Mississippi, and Nevada. Each of these states awarded certificates of attendance to large percentages of students with disabilities -- as high as 54 percent in Mississippi.

A print copy of the 250-page The Condition of Education: 2008 (NCES 2008031) can be ordered from <http://edpubs.ed.gov> or (877) 4ED-PUBS. It can also be viewed online at: <http://nces.ed.gov/pubs2008/2008031.pdf>.

## SES Update

Several states which have conducted evaluations of the effectiveness of SES tutoring have reported no significant differences in math and reading scores on state assessments. As reported in the June 13<sup>th</sup> Washington Post, evaluations conducted by the Center for Research in Educational Policy (CREP), University of Memphis, have found that students participating in SES programs in Maryland and Virginia in 2006 did no better than comparison groups in either reading or math. The Washington Post article also noted that studies in Tennessee, Alabama, Georgia, Michigan and Kentucky also showed that “mandated tutoring” did not increase student test scores. The article did note that SES tutoring is making a difference in Chicago Public Schools and that SES tutoring in Hawaii and Colorado has been linked to gains in math. The major provider of SES in Chicago is the school district which is part of the four-

district national pilot to allow districts identified for improvement to provide their own SES. I asked Dr. Steven Ross, who heads CREP whether the evaluations his group conducted have found any differences in student gains in district-operated programs versus those operated by third parties. He indicated that his contract did not call for such an analysis, at least in Maryland and Virginia. However, he volunteered that he does not know whether any of the programs included in the respective state samples were district-operated programs. After his review of the Chicago program results over the last several years, he agreed that the district-operated program was much more cost-effective and less disruptive compared to most of the third-party tutoring programs. He also confirmed what was reported in the Washington Post article -- that one could not expect significant differences to show up on state assessments for most students who receive a limited amount of time in SES tutoring programs each year.

The Post article reported that, in 2006-07, 530,000 students participated in SES -- or 14 percent of those eligible -- and that almost \$600 million went to third-party SES providers referred to as a “fast-growing industry of for-profit and non-profit tutoring providers.” During the recent SIIA Forum, Steven Pines, Executive Director of the Education Industry Association, reported that more than \$600 million was spent on district-operated SES programs, such as the one in Chicago and three other urban districts. We also estimate that a similar amount of the 20 percent set-aside for SES was unspent and most of that was reallocated and spent by the end of the fiscal year for other purposes including staff development and supplemental materials.

As noted in the June TechMIS issue, under the proposed regulations, it would be much more difficult for districts to reallocate unspent SES set-asides; most set-asides would have to be carried over to the next year, again earmarked as part of the set-aside for SES that year. Virtually all of the

education associations with whom we have talked have strongly opposed this proposed new regulation and feel that USED does not have the authority to impose such restrictions on districts.

# Arizona Update

## July 2008

---

In 2005, Arizona approved an initiative to develop and expand the use of digitally delivered curricula to Arizona schools. As reported in Education Week, the State hopes to invest heavily in its “E-Learning” activities, particularly for rural schools, and is implementing an “integrated data Web portal” to provide teachers with advice on lesson planning and videos about formative assessment. This year, the State will spend \$3 million on a pilot program to provide a digital math curriculum and laptop computers to middle school teachers and students in ten school districts; the State has narrowed the list of curriculum vendors to two.

According to The Arizona Republic, by 2011, Arizona will administer a State-created, online exam to all students in all 72 career/technical education (CTE) courses, including aircraft mechanics, bioscience, engineering, and fashion design. The first phase of the CTE tests is expected to begin next Spring with about 10,000 students in 30 vocational courses. Each year thereafter, approximately 20,000 students will take the tests as CTE enrollment grows. Students who pass the exams would earn a State credential; those who don’t pass could still earn credits toward graduation.

A State audit of the East Valley Institute of Technology has determined that the school, which operates career and technical education programs for ten Maricopa County school districts, mistakenly received more than \$1 million in State teacher incentive funds in 2005 and 2006. According to the East Valley Tribune, the State has told the school the money must be returned. If it is required to return the funds -- the Institute is appealing -- the school would have no teacher incentive funds for next year.

# California Update

## July 2008

---

A report from the California Charter Schools Association has found that charter schools tend to perform better academically than neighboring regular public schools and that they tend to improve with age. As cited in Education Daily, the report found that, by some measures, California charter schools do better than regular schools while, on other measures, regular schools do better. The study also found that charters that were at least six years old scored significantly better than newer charter schools.

A study by the Public Policy Institute of California has determined that it is possible to predict, as early as the fourth grade, which students will fail the California High School Exit Exam (CAHSEE). The study tracked individual students over time using data -- including test scores, class grades, and academic environment -- from the San Diego school district. The study concludes that targeting struggling students in their early grades would be more effective in reducing the CAHSEE failure rate than waiting until they are in high school.

As reported by Education Week, California's desperate budget situation has forced many districts to eliminate summer programs. Most districts are reserving summer classes primarily for high school students who have yet to pass the CAHSEE. As of June, about 110,000 California students have not yet passed the English/language art section of the CAHSEE and 115,000 have not passed math.

In a report entitled "Back to Basics: Improving College Readiness of Community College Students," the California Legislative Analyst's Office has found that students who are behind in basic skills are not overcoming these deficiencies in the State's 109 community colleges. According to The Sacramento Bee, the study found that students not being assessed adequately or early enough in basic reading, writing, and mathematics and are not receiving appropriate remediation. More than a third of community college students who are assessed as in need of remediation do not enroll in remedial courses. And of those who do enroll in basic skills classes,

half do not return to college the next year. The report can be accessed at: [www.lao.ca.gov](http://www.lao.ca.gov).

As reported in The San Diego Union-Tribune, the San Diego school district is planning to eliminate social promotions for students in first, third, and eighth grades who fail to meet grade-level standards. The new “anti-retention” plan will go into effect next school year. Students will be assessed several times during the school year and those at risk of failing will get extra help. First- and third-graders who still fail to meet grade-level standards in literacy and mathematics will go to summer school. Eighth-graders who have failed two or more core subjects -- English, math, history, social studies, or science -- will be required to attend summer school and can go on to ninth-grade classes that include extra support. Those who skip summer school will be retained.

An online vocabulary tutoring program, the nonprofit eSpindle Learning, is giving free licenses to third-grade classrooms in the San Francisco Bay area. Covering the 2008-09 school year, the eSpindle licenses will address the inability of fourth-graders to read and write at grade level. State data show that 40 percent of California’s fourth-graders (and 65 percent of inner-city fourth-graders) cannot meet fourth-grade literacy standards and 75 percent of students who struggle with reading at the end of fourth grade drop out of high school.

# Delaware Update

## July 2008

---

As reported in Education Week, Delaware is implementing an evaluation system for school administrators known as the Delaware Performance Appraisal System (DPAS II). DPAS II has been pilot tested in two districts since 2005 and, beginning in the 2007-08 school year, four other districts and two charter schools have been using the system. The system will be adopted in every Delaware school district and charter school next Fall. The system rates principals and other administrators on five national standards: vision and goals; culture of learning; management; professional responsibilities; and student improvement.



# Florida Update

## July 2008

---

Education Week reports Florida's former Governor, Jeb Bush, more than a year and a half out of office, still exerts considerable influence over the State's education policy. The former Governor fronts two organizations: the Foundation for Florida's Future which focuses on advocacy and the Foundation for Excellence in Education which implements programs. With many of his appointees still in place, Bush has supported two private school voucher proposals being considered in the State. The first is a proposed State Constitutional amendment that would undo a Florida Supreme Court decision that struck down Bush's Opportunity Scholarship program which would allow students in low-performing public schools go to private schools at State expense. The second voucher-related amendment would repeal a Constitutional ban on using public funds to help religious organizations. Both of these amendments will be on the ballot on November 4.

Also reported in the Miami Herald, Florida has combined a private-school voucher initiative with a proposal to require that school districts spend 65 percent of their revenues in the classroom as part of a Constitutional amendment to appear on the November ballot. So popular is the "65 percent solution" that it is estimated that 63 percent of voters will approve the amendment even though only 38 percent favor the voucher plan. It is also estimated that 50 percent of Florida voters approve of the State's proposal to eliminate the State-directed portion of school property taxes in favor of budget cuts and increases in sales and other taxes.

Under recently passed legislation (SB1908), Florida will reduce the emphasis on the FCAT (Florida's Comprehensive Assessment Test) in determining high schools' State grades. As reported by tampabay.com, by the 2010-11 school year, the FCAT testing schedule will be moved back so that the writing exam is given at the end of February each year and the other subjects (reading and math) are administered in mid-April at the earliest. Moreover, FCAT scores will represent only 50 percent of a school's grade. The other half will be determined by such factors as graduation rates and student performance on Advanced Placement and

International Baccalaureate exams.

As reported in the Orlando Sentinel, State officials estimate that about 72 percent of students who enroll in ninth grade in Florida public schools graduate four years later. Other estimates put the State's graduation rate considerably lower than that. Federal (NCES) estimates put the rate at 64.6 percent in 2005, the most recent year with nationwide data. In any event, at least 37,000 Florida students failed to graduate on time. And the rates varied widely from school to school. For example, 98 percent of students graduated from Professional and Technical High School in Osceola, while only 51 percent did so at Evans High School in Orange County.

According to the Miami Herald, the Florida legislature has approved a measure that would require that, by 2009, every school district in the State be able to offer some form of online learning for students as early as age 5. Currently, the State's \$60-million Florida Virtual School offers supplementary coursework primarily at the high school level. Critics of the legislation argue that it will disrupt the State's existing online programs and will attract private online providers. However, the bill was written so as to allow local school districts to earn profits from their online programs because districts would receive full funding for online students.

Florida is one of five states -- along with Idaho, New York, Oregon, and Utah -- to receive competitive grants through the U.S. Department of Education's Charter Schools Program. Intended to support State efforts to plan and implement charter schools, the Florida grant of \$33.6 million will help in the establishment of more charter schools in the State. Currently, Florida has 358 public charter schools serving more than 100,000 students.

Brevard County has approved an approach that would award special diplomas emphasizing performance on Advanced Placement exams. To be in place next school year, the new diploma would be given to students who take at least six full-year AP classes and earn scores of at least 3 out of 5. To be eligible to award these AP diplomas, schools must offer at least 12 full-credit AP courses and ensure that their AP teachers receive training at least every three years. The district hopes the plan will encourage more students to take AP exams; last year, 2,591 Brevard students

took at least one AP exam.

Data from the National Center for Culturally Responsive Educational Systems show that Florida has the highest rate of overrepresentation of Black students in mentally handicapped and emotionally/behaviorally disabled programs. In St. Johns County, for example, Black students were more than five times more likely than other students to be classified as mentally handicapped and students with disabilities were disciplined three times as often as other students. The district will divert 15 percent of its Federal funding -- \$714,000 -- for early intervention including the use of teams of educators, psychologists, and behavioral specialists to help at-risk students. Nearby Clay County has had more success, focusing on early intervention by placing more resources in schools with high poverty rates.

# Georgia Update

## July 2008

---

Georgia's \$21.1 billion budget for FY 2009 includes \$8.19 billion for education -- a 4.9 percent increase over FY 2008. The legislature also approved and the Governor signed a number of measures that would help charter schools. As reported in Education Week, one bill establishes a Statewide commission to approve requests for charters even if local school districts denied the applications (except in districts that are operating as charter districts). An accompanying bill provides matching funds to charter schools for capital construction and improvements. Another bill allows all school systems -- including charter schools -- to contract with the State for greater flexibility in their program operation in return for increased performance accountability.

As reported in The Atlanta Journal-Constitution, Georgia has no central tracking system for students who fail the State's high-stakes assessment, the Criterion-Referenced Competency Tests (CRCT). For example, 50,000 eighth-graders (40 percent of the eighth-graders in the State) failed the math portion of the CRCT this Spring, twice as many as in recent years. Each of the State's 180 local school districts make decisions about whether such students should be promoted to high school, despite the fact that passing the CRCT is supposed to be a requirement for promotion to ninth grade. Some school districts acknowledge that they do not track what happens to these students. The poor student performance on the CRCT has led to large summer school enrollments, particularly of fifth- and eighth-graders who must pass the exam in order to be promoted.

In 2006, Georgia created the High School Graduation Coach program designed to identify at-risk students and keep them on track academically for graduation. As reported in Education Daily, graduation coaches have been placed in 369 of Georgia's high schools. The State's graduation rate in 2002-03 was about 60 percent; in 2006-07 it exceeded 70 percent. State officials give the program much of the credit for the improvement.

As reported in The Atlanta Journal-Constitution, Georgia has received a waiver from the U.S.

Department of Education (USED) that will allow the State to use a lower-than-planned pass rate for determining whether schools meet performance standards under the No Child Left Behind Act. The waiver was justified on the grounds that the State has been phasing in a new curriculum and 2007-08 was the first year teachers taught the new eighth-grade lesson. The original passing goal in math was 66.7 percent of students; the new target is 59.5 percent (still higher than the 58.3 percent target last year). Statewide, 62.2 percent of eighth-graders passed.

# Hawaii Update

## July 2008

---

In its recently completed session, the Hawaii legislature has approved a State budget for FY 2009 of \$10.4 billion including \$2.3 billion for K-12 education -- a 1.4 percent increase over FY 2008. Education Week reports that the legislature also asked the State education department to implement a three-year pilot project through which a school complex (a high school and its feeder schools) would receive greater freedom from restrictive administrative policies and regulations. Another resolution calls for greater coordination among State agencies in the provision of education and mental health services to children with emotional and behavioral problems.

The Hawaii legislature has passed a measure (HB 2972) that calls for an independent Facilities Realignment Commission to recommend the closure or consolidation of small and under-used schools. The State's current weighted funding formula provides extra money -- often more than 30 percent more -- for the operation of smaller schools. State officials believe the higher per-pupil costs for smaller schools are not justified and that schools in declining enrollment areas should be eliminated. The Commission's consolidation plan is expected to be implemented over a two-year period.

# Idaho Update

## July 2008

---

Idaho has asked the U.S. Department of Education to give the State a fresh start under the Federal No Child Left Behind Act (NCLB) on the grounds that, prior to 2006, Idaho had poor written standards and Statewide exams that were not well aligned with the curriculum. As reported in the Idaho Statesman, under the State's proposal, the NCLB clock would restart with the spring 2007 State assessments, meaning many schools would be relieved of immediate sanctions. But a new round of sanctions would kick in if school performance does not improve with this Spring's exams. Some State legislators oppose the plan saying it defeats the purpose of accountability. It is questionable whether USED will consider the State's proposal.

# Illinois Update

## July 2008

---

The Illinois legislature has approved a budget for FY 2009 that would increase K-12 school spending from \$7.1 billion last year to \$7.6 billion. According to Education Week, it would raise per-pupil expenditures by four percent to \$5,959. However, the approved budget leaves Illinois with a \$2 billion shortfall, a factor which could lead to reductions in the K-12 funding increase.

As we reported last month, Governor Rod Blagojevich has proposed a \$150 million program, called Community Investment Works, to reduce teen violence. The Chicago Sun-Times reports that the plan allocates \$30 million for a youth jobs program for 20,000 young adults and \$20 million for before-school, after-school, and summer programs. About \$100 million would be used to target high-crime areas through grants to community-based organizations, seed money for job-producing businesses and community groups, and grants for equipment purchases by police departments.

According to Education Week, the Chicago school district has, for five years, operated a department of post-secondary education and student development intended to increase the number of Chicago high school graduates who go on to higher education. Each high school has a “post-secondary coach” who works with students and guidance counselors to enhance college readiness. Since the department was created, the district’s college attendance rate has increased from 43.5 percent for the Class of 2004 to 50 percent for the Class of 2007.



# Louisiana Update

## July 2008

---

The Baton Rouge Advocate reports that the Louisiana legislature is considering a bill -- S.B. 733 -- that would allow the State's science teachers to use materials that promote "critical thinking skills, logical analysis and open and objective discussions of scientific theories." Critics of the bill argue it could lead to the teaching of "creationism" in the public schools. The D.C.-based Americans United for Separation of Church and State has vowed legal action if the new law is "used to promote religion in Louisiana public schools."

Louisiana has embarked on a \$10 million plan that would allow as many as 1,500 New Orleans students from low-performing schools to receive vouchers to attend private (including faith-based) schools next school year. Education Week reports that, to be eligible, students must come from families making less than 2.5 times the Federal poverty level (\$53,000 for a family of four). The plan would provide up to \$6,300 in tuition assistance for students in K-3. As these children age, their voucher aid would continue. Many of these students will go to one of the 39 Catholic schools overseen by the Archdiocese of New Orleans which currently serve about 15,000 students (down from 19,000 prior to Hurricane Katrina). The Archdiocese has said it will create 500 new slots for students next year.

The New Orleans Times-Picayune reports that Louisiana has approved a \$194 million operating budget for the New Orleans Recovery School District, a total which includes \$44 million in one-time Federal "Restart" funds. The budget would reallocate \$6 million of the "Restart" funding to charter schools. In August, the Recovery district is expected to submit a master plan for the City's public schools. The current total of 130 schools is likely to be reduced to about 80 because of lower post-Katrina enrollments.

# Maryland Update

## July 2008

---

Next school year, high school seniors will, for the first time, be required to pass four end-of-course exams -- English II, algebra, biology, and American government -- in order to graduate. According to the Baltimore Sun, State officials estimate that 88 percent of the Class of 2009 has passed all four of the Maryland High School Assessments. There are an estimated 10,000 seniors who have failed one or more of the tests. Many of them retook exams in May (results will not be available for a number of months) and others will retake the tests in October or January. Some districts will allow students to do a senior project in lieu of one or more of the State exams.

As reported in Education Daily, the Maryland Education Department, in partnership with The Johns Hopkins University Center for Technology in Education, has developed a Statewide education database designed to provide State educators with a clear understanding of Maryland students' academic achievement. The database includes:

- Unique student identifiers;
- School improvement plan tutorials for administrators;
- Data courses for teachers addressing formative analysis and data-driven decision-making;
- Online professional development modules.

The database can be accessed at: [www.mdk12.org](http://www.mdk12.org).

# Michigan Update

## July 2008

---

According to Education Daily, Michigan is one of two additional states (along with Missouri) to receive approval from the U.S. Department of Education (USED) to use a “growth model” for determining the schools that meet academic standards under the No Child Left Behind Act. The State met USED core principles, including an approved assessment system, closing achievement gaps, and alignment of growth targets with grade-level proficiency goals. Michigan will be able to use its growth model for 2007-08 adequate yearly progress (AYP) calculations.

Among the most rigorous in the nation, Michigan’s new high school graduation requirements, beginning with the Class of 2011, include: four years each of English and math (including Algebra I and II and Geometry); three years each of science and social studies; and one year each of physical education and the arts. However, as reported in Education Week, some local educators believe the new standards will cause more students to drop out and cause the State’s high school graduation -- currently at 70 percent -- to drop. Some districts have addressed the issue by teaching Algebra I in middle school or spreading Algebra II over more than one year. Special education students who do not meet all graduation requirements could still earn diplomas if they complete as much of the curriculum as is practical for the students, as determined by their individualized education plans.

Under Governor Jennifer Granholm’s 21<sup>st</sup> Century Schools program, school districts could receive State funds to help downsize their high schools to enrollments of 400-450, if approved by the legislature. As reported in the Detroit News, it was originally expected that grants would go to approximately 100 schools serving 40,000 students. Districts receiving the grants to operate small high schools must show graduation rates of at least 80 percent or they would be required to return half of their grant to the State. The graduation rate requirement would become effective starting with the third graduating class after establishment of the new school. High schools that already have enrollments of fewer than 450 students may apply for grants for staff training and instructional innovations.

The Detroit News reports that the Regional Educational Service Agency (RESA), Wayne County's intermediate school district, has proposed to change the staffing arrangements for children with severe multiple impairments from one teacher and two aides for nine students to one teacher and three aides for 30 students. The economy measure has been met with protests from parents who are concerned about children's safety and the amount of teaching time to be provided. The change, which would not be implemented until the Fall of 2009, requires State approval.

The Detroit News also reports that the Detroit school district is facing a \$63 million shortfall in its \$1.2 billion budget for FY 2008. Moreover, this year's 12,000-student drop in enrollment will result in a \$90 million cut in State aid for next year. To address the current deficit, the district has proposed transferring some special education, Title I, half-day kindergarten costs to the general fund (which is probably illegal). Among the cuts planned for next year are layoffs of nearly 800 teachers (\$74 million), reduced discretionary spending (\$30 million), and outsourcing social workers and psychologists (\$9 million). Even with these cuts, the shortfall for next year is still projected to be \$131 million.

# Minnesota Update

## July 2008

---

The Minnesota legislature has passed a measure that would raise the State's high school dropout age to 18 beginning in the 2011-12 school year. The current dropout age is 16. According to Education Daily, Minnesota would become the 18<sup>th</sup> state to require school attendance through age 18. Although accurate dropout rates are difficult to determine, State data show that 4,928 students out of a total of 78,721 in the Class of 2007 dropped out and at least 5,000 more are in "unknown" status.

As reported in the St. Paul Pioneer Press, this year, 75 percent of Minnesota's high school sophomores passed the State's high-stakes reading exam. This group of students is the first class to be required to pass the Minnesota Comprehensive Assessments in writing (given in ninth grade), reading (given in tenth grade), and math (given in eleventh grade). School districts have been devoting more resources toward remediation. State officials note that racial gaps continue, with 82 percent of White students passing the reading test compared with only 48 percent of Hispanic students and 41 percent of Black students.

# Mississippi Update

## July 2008

---

According to Education Week, Mississippi has passed a \$5.7 billion budget for FY 2009 which includes \$2.5 billion for K-12 education. Among the programs approved are:

- A \$3.4 million program to give experienced teachers an additional \$1,000 a year for serving as mentors to new teachers;
- A \$3 million effort to strengthen early-childhood programs operated by nonprofit organizations and others; and
- A \$1.5 million program to help screen students in kindergarten through second grade for dyslexia.

According to the Mississippi Department of Education, Mississippi's graduation and dropout rates have improved over the last year. The graduation rate for the Class of 2007 was 73.8 percent with a 15.9 percent dropout rate. The Class of 2006 showed rates of 70.8 percent and 17.6 percent, respectively. As reported by the Jackson Clarion Ledger, the State tracks individual students to determine whether they graduate or drop out. The rates do not count special education students who earned completion certificates, students who earned GEDs, or those who were held back and are still in school. Because the data are self-reported by school districts, the State expects to audit the numbers. Among the issues raised by the data are: (1) many more ninth-graders transfer out of Mississippi schools than any other grade; and (2) 1,500 students are held back in early grades compared with 5,100 in ninth grade.

# Missouri Update

## July 2008

---

According to Education Daily, Missouri is one of two additional states (along with Michigan) to receive approval from the U.S. Department of Education (USED) to use a “growth model” for determining the schools that meet academic standards under the No Child Left Behind Act. The State met USED core principles, including an approved assessment system, closing achievement gaps, and alignment of growth targets with grade-level proficiency goals. Before it can implement its growth model, Missouri must adopt a uniform “N-size” -- the minimum number of students in a subgroup for calculations of adequate yearly progress (AYP).

During the 2007-08 school year, approximately 1,800 students completed online courses through Missouri’s Virtual Instruction Program (MoVIP). As reported by STLtoday.com, 42 school districts in the State offered advanced courses through MoVIP in the program’s first year. Approved by the legislature in 2006, MoVIP expects to see significant growth next year; 1,600 students have already signed up for online classes.

# New Jersey Update

## July 2008

---

A review by the U.S. Department of Education has found that New Jersey -- and many other states -- are not meeting the requirements of the No Child Left Behind Act (NCLB) that allow students in low-performing schools to transfer to another school or to receive free tutoring. Only 15 percent of eligible students (about 17,000 students) are getting the free after-school tutoring called for under NCLB. According to [The Newark Star-Ledger](#), last year, more than 400 New Jersey public schools failed to meet the achievement benchmarks specified by NCLB.

New Jersey's latest *KIDSCount* report indicates that, between 2002 and 2006, 12 percent of the State's children consistently lived in poverty and more than a quarter were raised by parents without a full-time job. On the other hand, there has been considerable progress in the academic performance of students from poor school districts over the past five years. Enrollment in preschool programs has grown by ten percent in five years to 50,000 children. Last year, three quarters of third-graders from poor districts passed the State math assessment -- up from 58 percent in 2004.



# New Mexico Update

## July 2008

---

For the past six years, New Mexico has operated a lottery-supported college scholarship program which received an average of 24 percent of lottery revenues over that period. A new law implemented last year -- along with moderating college tuition increases -- has improved the program's financial health. Under the 2007 law, 27 percent of lottery revenues must go to the scholarship program beginning in July 2007 and 30 percent starting in January 2009. During the first ten months of FY 2008 (July 2007 to April 2008), the lottery has generated \$34.6 million for the scholarship fund, up 19 percent from the same period the previous year; by the end of the fiscal year, the total is expected to reach \$38.3 million. To be eligible for scholarships, New Mexico students must enroll full-time in a public college or university in the State and maintain a 2.5 grade point average. About 17,500 students are expected to receive lottery tuition scholarships this year.

# North Carolina Update

## July 2008

---

As reported by The Raleigh News & Observer, North Carolina has made a number of dramatic changes to the State's accountability and testing program. Among the expected changes are:

- elimination of fourth-, seventh-, and tenth-grade writing tests, to be replaced by district writing assignments (fourth- and seventh-grade exams will be dropped immediately; tenth-grade test may be continued for one more year to meet NCLB requirements);
- releasing a version of every State test so that the public can see the types of questions included; and
- counting retests when calculating the percentage of students who pass exams at each school.

Also according to The Raleigh News & Observer, shortages of math and science across much of North Carolina have limited student access to accelerated courses. Data from the State's teacher training system indicate that only 12 percent of the 4,003 new teachers graduated last year were in math or science. In an attempt to address this issue, the State is enrolling its second class of 100 students in the online component of the State-funded North Carolina School of Science and Mathematics (NCSSM). NCSSM Online students can take courses as part of their regular schedule or after school and can, in some cases, earn college credit. To participate, students must have access to a computer, but NCSSM will provide textbooks and software.

# Ohio Update

## July 2008

---

As reported in The Cleveland Plain Dealer, Ohio is in the process of studying alternatives to the Ohio Graduation Test, the five-part exam students must pass by the end of their senior year to earn a diploma. Starting next Fall, Ohio educators will explore a range of alternative assessments and field test them during the 2008-09 school year.

# Oregon Update

## July 2008

---

Education Week reports that Oregon's November ballot will contain an initiative that would put a two-year limit on the amount of time English language learners (ELLs) can spend in "English-immersion" programs or receive instruction in their native language. The initiative, which received enough signatures for it to appear on the ballot, is intended to see that ELLs are "mainstreamed with English-speaking students in the shortest time possible." If approved, the initiative would sharply curtail bilingual education in Oregon (similar measures have been approved by voters in Arizona, California, and Massachusetts).

# Pennsylvania Update

## July 2008

---

As we have noted in previous State Profile Updates for Pennsylvania, the State's Costing-Out Study found that Pennsylvania spends \$4.6 billion less than it should to provide adequate education funding. According to the Study, the State spends an average of \$9,512 per student in 2005-06 when the annual investment per student should be \$12,057. Government, school, and business leaders from across the State are calling on the Pennsylvania legislature to allocate at least \$2.6 billion in additional funds over the next six years. The Study also urged the creation of a new State funding formula to reduce the disparities between rich and poor school districts. However, in mid-June, the State Senate cut \$118 million out of the basic education subsidy for FY 2009. Lawmakers backing the cut say that every school district in Pennsylvania will still receive a substantial funding increase.

The Pennsylvania State Board of Education has approved a plan that would require students, beginning with the Class of 2014, to pass exit exams in English, math, science, and social studies in order to receive a high school diploma. The Governor's proposed budget for FY 2009 includes \$15 million to begin development of the tests. Opponents of the exit exam requirement argue that the exams are expensive and unfair to student who have test anxiety and that school districts should be allowed to determine their own graduation requirements.

The Pennsylvania Department of Education reports that the first year of the State's Pennsylvania Pre-K Counts program has resulted in a 58 percent increase in the number of preschoolers who met language and literacy goals. During the 2007-08 school year, 11,000 three- and four-year-olds participated in Pennsylvania Pre-K Counts. Information on the program is available at: [www.pde.state.pa.us/early\\_childhood/site/default.asp](http://www.pde.state.pa.us/early_childhood/site/default.asp).

# Rhode Island Update

## July 2008

---

As reported in The Providence Journal, Rhode Island has adopted a new set of graduation requirements that has gone into effect for this year's graduating class. The State uses three measures for graduation: (1) grades from four years of classes; (2) results of standardized tests taken in October of the eleventh grade; and (3) "performance-based assessment," including end-of-course exams, portfolios, and senior projects. Many national education experts consider the Rhode Island system to be the wave of the future for graduation requirements.

The Rhode Island legislature is considering a measure that would permit the establishment of a new class of public schools called "mayoral academies." Like the State's 11 charter schools, the mayoral academies would draw students from a number of communities and could utilize non-traditional teaching methods. The Providence Journal reports that, unlike other public schools, the academies would be free from union structures. They would not be required to follow rigid wage, seniority, and retirement rules and could offer merit-pay systems for their teachers as well as longer school days and school year. The legislative proposal does not include any funding for the academies which would have to be supported by local district funds and private donations.

According to Education Daily a State audit has found that the Providence school district overbilled the State of Rhode Island for school construction projects by \$12.7 million over the last decade or so. Already facing a \$6.7 million deficit for the 2008-09 school year, the district may be required to reimburse the State.

# South Carolina Update

## July 2008

---

According to The Charleston Post and Courier, the South Carolina legislature has approved a plan that overhauls the State's accountability system and, as of 2009, replaces the Palmetto Achievement Challenge Test (PACT) as the State assessment for grades 3 through 8. A new, more diagnostic, test would be developed covering English, mathematics, science, and social studies. The new test would help teachers identify areas of difficulty for students and would deliver results two months earlier than the PACT.

MyrtleBeachOnline reports that the South Carolina legislature has approved applications for three tuition-free, online charter schools -- two K-12 programs and one high school -- for the 2008-09 school year. The two K-12 schools -- Connection Academy and K12's S.C. Virtual Charter School -- have enrollment caps of about 1,500 students in their pilot year. Both have received many more applications than they have available slots. InSight Schools high school program has received more than 1,700 applications for its 500 slots. InSight gives each of its students a computer, printer, and scanner, as well as subsidized Internet access.

The Greenville Sun reports that the South Carolina legislature has approved the Virtual Education Program designed to encourage the expansion of technology in South Carolina schools. Participation in the program is voluntary on the part of local school districts as is the decision as to what online coursework to offer. Local school systems can use the State's Basic Education Program (BEP) funding to pay for local implementation of virtual education. Moreover, school districts can partner with foundations or other charitable groups to help fund program operations.

# South Dakota Update

## July 2008

---

In 2007, the South Dakota legislature approved a teacher incentive pay program -- the Teacher Compensation Assistance Program (TCAP) -- that would provide funds to school districts to compensate teachers for such things as professional improvement and training. At the end of May, however, the program was “suspended for review,” according to The Argus Leader. Originally, the review was scheduled for 2012, so many districts have been caught off guard by the suspension. They are unsure as to the guidelines that will be used to allocate the TCAP money. Moreover, second year plans have been approved and the new State budget includes \$4 million in matching funds.



# Tennessee Update

## July 2008

---

Tennessee's State-funded prekindergarten program currently serves 17,000 children at a cost of \$80 million, giving priority to children from low-income families. The State had planned to expand the program by \$25 million to provide 250 more classrooms to serve an additional 5,000 children. But with the State's revenues falling well short of projections, The Tennessean reports, a freeze has been placed on the expansion and parents are being notified that the new slots will not be available.

As reported in the Memphis Commercial Appeal, in early June, the Memphis City Council, planning to reduce property tax rates by 18 cents, cut the City allocation to the Memphis school district from \$93.5 million to \$20.2 million. The State is expected to provide \$423 million of the district's operating budget for the 2008-09 school year. The State has threatened to withhold its total contribution unless the City restores the school district's funds.

# Texas Update

## July 2008

---

As reported in The Dallas Morning News, Texas has allocated \$6 million for dropout recovery programs to be distributed to school districts, charter schools, colleges, and private/non-profit schools. The dropout recovery program is targeted at students who have withdrawn from a public high school or who have not attended a public high school for at least 30 consecutive days. Public education groups have voiced opposition to the inclusion of private schools, arguing the plan is intended to open the door to private school vouchers.

As reported in Education Daily, Texas plans to open eight new “early college high schools” next school year -- bringing the State’s total to 29. These programs allow students to earn up to two years of college credits while getting their high school diplomas. The State plans to spend \$5.2 million for the new schools and for the expansion of 10-15 existing schools for middle school students. The program in Texas is part of the nationwide Early College High School Initiative, a public-private partnership that has established 160 such schools in 25 states.

The San Antonio Express-News reports that the number of Texas high school students taking dual credit courses has grown to nearly 65,000, up from fewer than 12,000 enrolled in 1999. The Texas legislature has encouraged dual credit programs by reimbursing school districts and colleges for dual credit students. State law now requires every school district to offer at least 12 hours of dual credit courses by the beginning of the next school year. Some educators note the gaps between white and minority enrollments in dual credit classes. Hispanics constitute 47 percent of public school students, but only 38 percent of dual credit enrollees; blacks represent 14 percent of all students, but only five percent of dual credit students.

According to Education Week, 93 percent of the third-graders in Texas have passed the State assessment, leaving more than 24,000 students who will not be promoted to fourth grade unless they pass the exam. A number of summer remediation programs specifically for struggling elementary students have been implemented. Retests are scheduled for late July.

As reported in the Houston Chronicle, Texas has elected to redesign failing schools in Austin and Houston rather than close them or turn them over to outside operators. The schools have failed to meet the State's minimum academic standards for the past five years. The redesigned schools must have at least 50 percent new students, at least 75 percent new staff, a new principal, a different academic curriculum, and a new name. Sam Houston High School in Houston, for example, would be divided into two schools. Ninth-graders would have their own school and an additional hour a day of instruction. The upperclassmen's school would focus on careers in information technology, engineering, and the automotive industry.

# Utah Update

## July 2008

---

In May, Utah approved the State's second online charter school according to Education Week. Based in Cache Valley, the Open High School of Utah is scheduled to open in the Fall of 2009 with 125 ninth-graders, adding more students in subsequent years. The new online school will provide instructional resources particularly to rural students whose home school does not offer the classes they need. Utah's first online school, Utah Virtual Academy, will open for the 2008-09 school year for students in kindergarten through eleventh grade. It already has a waiting list of 2,000 students.

# Virginia Update

## July 2008

---

According to [eSchoolNews](#), all 134 Virginia school districts are preparing to incorporate Internet safety lessons into their curricula in compliance with a 2006 State law. A pilot program conducted in a number of districts during the 2007-08 school year found that students -- even very young ones -- were Internet-literate, but did not understand the basics of online identity protection. The State has not mandated a specific curriculum and school systems can integrate the lessons in their own way. Many districts will use the curriculum from the non-profit *i-SAFE*. Many educators will take a series of *i-SAFE* courses to become certified before the start of school in September.

# Washington Update

## July 2008

---

The Seattle Times reports that 91 percent of Washington's high school seniors have met the State's reading and writing standards -- 88 percent passed the Washington Assessment of Student Learning (WASL) and three percent completed an approved alternative. State officials are pleased with the pass rates for minorities (93 percent for Caucasians and Asian-Americans, 86 percent for African-Americans) and for students from low-income families (87 percent), all of which exceeded dire predictions a few years ago. The math situation is less clear, however, with only 72 percent of seniors having passed the math WASL. But the new math requirement allows students to pass a full year of senior math in lieu of the WASL and still graduate.

As reported in the Seattle Post-Intelligencer, the Washington State legislature has established the Education Ombudsman's Office within the Governor's office. The agency is responsible for informing families about the public school system, helping them communicate with school officials, and mediating conflicts between families and schools. Located on the web at [www.waparentslearn.org](http://www.waparentslearn.org), the agency has benefited all kinds of parents in the last year and a half, particularly by providing translation services for immigrant parents.

# Wisconsin Update

## July 2008

---

According to the Milwaukee Journal Sentinel, analysis of graduation data for the Milwaukee school district shows that graduation rates are higher for students in the districts' private school voucher program than for public school students. A total of 19,000 students attend 120 private schools in Milwaukee with the schools receiving up to \$6,501 in public funds. Data indicate that, for 2007, voucher graduates were 85 percent of the number of incoming voucher freshmen in the Fall of 2003; the equivalent mark for public school students was 58 percent.

The Milwaukee Journal Sentinel reports that a recent Federal court settlement is likely to have a significant impact on the operations of the Milwaukee school district. Under the settlement, schools must evaluate all students suspected of having a disability and to provide early intervening services to 95 percent of all students who have been retained in grade or who have been suspended more than a specified number of school days. District officials have argued that the ruling would cause large increases in spending and lower educational standards. In November, the court will hear arguments about whether the district must provide compensatory education to students who did not receive appropriate special education services.