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MEMORANDUM

DATE: October 30, 2008
TO: TechMIS Subscribers
FROM: Charles Blaschke and Blair Curry
SUBJ: Reading First Implementation Findings; Perceived Teacher Needs for Diagnostic Training; New Center on RTI Solicitation; Final Title III English Language Acquisition “Interpretations”

As this TechMIS issue was being finalized on October 28th, Secretary Spellings held a news conference announcing final Title I regulations. Based on a cursory review of the over 400-page document and subsequent teleconferences with Deputy Secretary Ray Simon and other high-level USED officials, one bottom-line implication for most TechMIS subscribers is that, in most states, there will likely be fewer unspent SES set-asides reallocated for purchasing other allowable instructional products and services by June 30th. Last year, we estimate that more than \$500 million was so reallocated. Before a district can reallocate unspent SES set-asides, the district has to demonstrate and document that it:

- partnered with community groups, including faith-based organizations, to provide outreach to parents;
- provided timely notices (at least 14 days before the start of the school year) and accurate information to parents regarding availability of SES and choice;
- provided sign-up and related forms via Internet, mail, and other means to parents about the availability of services for their children;
- scheduled and provided at least two enrollment periods for SES to begin (this differs from the draft regulations which would allow open enrollment throughout the year); and
- ensured that SES providers have fair and open access to school facilities similar to access that other community groups have.

Having met these criteria, a district must notify the SEA of its intent to reallocate its set-aside and include the amount of unspent SES/choice funding that are to be reallocated for other allowable products and activities. It would appear that, if the district spends the unspent SES but is found to not have met the criteria, the district must replace the amount adding it to the 20% set-aside next year. If it wants to reallocate unspent funds next year,

it must be approved by the SEA. One USED official noted that this is a change from the draft document and would appear to be somewhat “confusing.”

As with the draft, the final Title I regulations continue to favor SES providers at the expense of districts’ Title I operating budgets. The opportunities for firms to partner with districts who wish to provide their own SES tutoring would also likely diminish because, under the final regulations, more districts will be identified for improvement. Under USED policy (not in the Law) reflected in Non-Regulatory Guidance, such districts would not be allowed to operate their own SES programs, even though at least one state (Illinois) has been approved to do so under the “differentiated accountability model” (see July 21st TechMIS special report). In its recent open letter to the next President, the Council of the Great City Schools has called for nullifying any and all USED regulations and guidance that go beyond the letter of the law in NCLB. Some observers feel that education groups are likely to take legal action to make most of these Title I final regulations null and void, especially under an Obama administration and a more Democratic Congress. If not delayed by litigation, the final regulations would become effective 30 days after the October 29th publication in the Federal Register. USED officials have said that non-regulatory guidance on SES would be published “by the end of the year.” We will prepare more detailed analysis of the new regs with implications for TechMIS subscribers shortly, along with developments on the part of education groups which oppose many of the provisions in the final regulations (see May 29th TechMIS Washington Update).

In the shadow of government activity focusing on the financial crisis, some other new USED regulations were finalized. In a number of new reports, findings suggest implications for firms with professional development products and services for teachers, for supplemental publishers that target Title I, and for firms with products and services which could be used by districts implementing early intervening services/RTI.

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A new SRI study identifies growing trends in the use of data-driven decision-making tools and identifies teachers’ perceived needs for additional professional development, including “conducting diagnostic assessments” and “adjusting instruction based on diagnostic data.” Demand should be growing, especially in schools identified for improvement or in corrective action/restructuring.

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The final Reading First Implementation Evaluation has identified trends which suggest supplemental publishers target non-Reading First Title I schools, particularly the lowest performing ones, with different types of instructional products and services. The highest perceived needs for professional development for both Reading First and non-Reading First teachers were “interpreting assessment results” and “assisting struggling readers.” While most decisions regarding selection of instructional programs and interventions were made at the district level in non-Reading First schools, principals and reading coaches were the most “influential” staff.

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The new National Center on Response-to-Intervention (RTI) initiative to review RTI-related tools uses evidence gathered through rigorous research and also takes into account cost and training requirements to help practitioners make decisions; this approach differs from the WhatWorks Clearinghouse (WWC) which emphasizes improving the rigor of research and evaluation. Based on a review of the RTI Center’s first solicitation for “screening tools” for reading, the review process is more open than WWC and includes the names of the Technical Review Committee.
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USED finalizes new “interpretation” guidance for Title III English Language Acquisition, while another notice clarifies what types of instructional products and assessments can and cannot be purchased by districts using Title III funds. The final “interpretation” guidance, published on October 17th in the Federal Register, “provides greater flexibility” for SEAs than the May draft document; most state officials feel they remain “confusing,” with several states threatening to file lawsuits. Title III funds can be used , in most cases, to purchase supplemental materials (versus core instructional programs) without violating Title III supplement not supplant provisions.
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Included in the over \$800 billion, so-called Bailout Act (HR 1424), the Secure Rural Schools Act is reauthorized for four years with authorized funding slightly more than \$3 billion which will help rural districts in counties with national forests, particularly in California, Oregon, and Washington; also included was a one-year extension of the Quality Zone Academy Bonding (QZAB) program which can provide no-interest multi-year loans to districts which can be used to upgrade curriculum in high-poverty schools and purchase instructional technology. A two-year extension of the teacher income tax credit up to \$250 will continue for teachers who purchase materials for classroom use.
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Beginning in 2012, the National Assessment of Education Progress (NAEP) will include technology literacy tests which will likely spur the expansion of technology literacy instruction with a likely greater focus on the development of 21st Century skills. This decision, made by the National Assessment Governing Board, reverses previous Bush Administration policy which did not require SEAs to report on the progress being made to develop technology literacy skills for eighth-grade students, as required under NCLB.
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A new report from the Southern Regional Education Board (SREB) praises the success of Reading First in its member states, describes state initiatives beyond Reading First to provide reading interventions to reduce student retentions, and

recommends what states need to do in light of pending further reductions in Federal Reading First funding. It recommends SEAs help schools to identify appropriate instructional materials and strategies, and provide professional development for regular teachers, along with hiring reading coaches.

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Pressures mount to expand E-Rate funding as aggregate demand for E-Rate discounts greatly exceeds the current \$2.25 billion cap. The number of school districts and other E-Rate applicants who use the BEAR process to receive credits or refunds on appeals found meritorious has declined from over 80 percent during the initial years to about 50 percent which has reduced the use of E-Rate refunds to purchase non-eligible E-Rate products and services.

Washington Update

Vol. 13, No. 11, October 30, 2008

New Study Identifies Growth Trends in the Use of Data-Driven Decision-Making Tools and Identifies Teachers' Perceived Needs for Additional Professional Development

A new USED report, conducted by an SRI International team headed by Dr. Barbara Means, identifies trends in the use of student data systems and data-driven decision-making tools used in districts and schools, how school staff use such data and tools, and the perceived needs of teachers for additional professional development. Released without much fanfare, this study is part of the National Education Technology Trends study (NETTS), is one of the first large-scale surveys to focus specifically on the current use of data-driven decision-making tools and the types of district and school support teachers need, along with their perceived needs for different types of professional development. The survey focused on more than 1,000 district technology coordinators in 2005 and 2007, as well as over 6,000 teachers in 2005 and 1,800 teachers in 2007. Response rates were well over 80 percent from the national representative sample of about 1,000 schools. Because the study did not include teachers who do not teach core academic subjects, the findings most likely underestimate the use of data-driven decision-making tools, such as in special education programs used by pullout/resource room teachers.

In the introduction, SRI notes, "Data informed decision-making goes beyond the

use of an electronic data system; it includes the adoption of a continuous improvement strategy that includes a set of expectations and practices for the ongoing examination of student data to ascertain the effectiveness of educational activities and, subsequently, to refine programs and practices to improve outcomes for students." Overall, the use of student data systems remained relatively static between 2004 and 2006, with over 90 percent of respondents saying they used such data systems for attendance, student demographics, special education information, and student grades. The areas in which use of student achievement data has increased in 2006-07 over the previous three years are for student grades, students' scores on state tests, and students' scores on district tests. Only eight percent of districts reported that their teachers had access to all of the system's data on all of their students, while another 38 percent said teachers had access to most of their students' data. Teachers reported greater access to student achievement data than that reported by districts official because many teachers use other sources as well as the district data system, including state school databases and those provided by commercial vendors.

In terms of general access, the study found that teachers in high-poverty elementary schools had greater access to a student data system than teachers in lower-poverty schools, a fact which could be explained by the greater use of instructional management systems with such data-driven decision-making tools in Title I solutions at the elementary level. Almost 50 percent of

teachers with data systems access reported they could access data on their students' current achievement. On the other hand, the percentage of teachers with access to how their school was progressing toward meeting AYP in 2005 dropped from 18 percent to only 11 percent in 2007. Teacher access to certain types of tools did increase over that time. For example, the percentage of teachers with access to databases increased between 2005 and 2007 in the areas of online assessment (14 percent compared with 8 percent), software for analysis (14 percent compared to 8 percent), online instruction (13 percent versus 6 percent) and supplemental services (6 percent up from 3 percent).

In perhaps the most important findings, the proportion of teachers with data system access who also had tools for making instructional decisions informed by data was slightly below 20 percent even though almost three-fourths of teachers reported having access to student data systems in 2007. Among the areas in which all teachers reported use of a student data system at least "a few times a year," the greatest increases between 2005 and 2007 were to inform parents (51 percent up from 33 percent), track individual test scores (48 percent up from 30 percent), monitor student academic progress (48 percent up from 30 percent), track other measures (44 percent up from 28 percent), and identify skills gaps (41 percent up from 26 percent).

Between 2005 and 2007, the greatest "functional use" increase occurred in "monitoring student progress at the elementary level and in English, history, math, and science at the middle high school level. Another large increase, from 37 percent to 52 percent of respondents,

indicated that the use to track test scores by grade occurred in math at the middle/high school level, as did the use to assess test-taking needs (from 27 percent to 38 percent).

Regarding district and school support for teachers, less than ten percent of those with access to data systems had taken formal coursework on the use of student data systems, while 60 percent received professional development at their school. About 25 percent of teachers who had access to data systems received support from a consultant or mentor teacher with only about 12 percent of these teachers reporting having paid-time set-aside for examining student data and using data to make decisions about practice -- this paid-time set-aside declined from 16 percent in 2005.

While about 13 percent of professional development was paid for out of E²T² grants, 73 percent of respondents indicated that professional development in data-informed decision-making in 2006-07 was supported by the district. This most likely included a large amount of Title I and IDEA funds, particularly under the EIS/response-to-intervention set-aside which began to be required in many districts in 2006.

The survey also attempted to identify the "confidence levels" teachers had in their skills to use student data systems. About 39 percent felt the professional development they received prepared them adequately for data-driven decision-making. In terms of support, almost 60 percent of the teachers agreed with the statement, "If I use student data systems, it has to be on my own time." On the other hand, over 70 percent agreed with the statement that, "I can turn to someone for help," and they were

“comfortable having colleagues with me.”

And finally, teachers expressed their perceived needs and the potential benefits of different forms of professional development that would help them in their jobs. As the report stated, “The most common forms of professional development sought were developing diagnostic assessments and adjusting instruction based on diagnostic data.” Over 50 percent of the teachers with access to student data systems also expressed the needs and potential benefits of training in these two areas. The perceived needs for these types of training were greater among teachers in schools not meeting AYP, particularly those teachers with low levels of confidence in their existing skills to use student data systems for decision-making. These teachers also reported greater needs for training in how to interpret test scores, techniques for collaborating with colleagues, and identifying the types of data to collect for progress monitoring.

For a copy of the report go to:

www.ed.gov/rschstat/eval/tech/teachers-data-use-2005-2007/teachers-data-use-2005-2007.pdf

Trends Identified in “Reading First Implementation Evaluation Final Report” (October 2008) Suggests Significant Implications for Firms Targeting Non-Reading First Title I Schools, Particularly the Lowest-Performing Ones, With Different Types of Instructional Products and Services

The final report of “Reading First Implementation and Evaluation,” conducted by Abt Associates for USED, has identified trends which have occurred in non-Reading First schools as they adopt “principles” implemented in Reading First (RF) schools. These trends could have significant implications for firms that are targeting the Title I market niche, particularly schools which are making significant changes and are receiving additional Title I non-formula funds this year and most likely next year. Most of these schools are entering “corrective action” or “restructuring.”

One of the key findings in the report states emphatically, “In general we find reading practices in RF schools and non-RF schools are similar in many ways, and have changed similarly over time in ways that are consistent with RF principles.” Based on our discussions with knowledgeable observers and state officials, we feel this trend will continue in spite of the 60 percent cut in Reading First funding this school year. This trend could continue this school year as many state and district officials at the “grassroots level” support Reading First principles and are finding alternative funding sources, such as the 15 percent set-aside for early intervening services/RTI under IDEA and School Improvement Grant funding under Title I, to make up for RF shortfalls. Indeed, virtually all of Indiana’s

approved “Differentiated Accountability model” is based on the adoption and expansion of Reading First principles and programs to schools in corrective action and restructuring, an initiative which additional states are expected to adopt. To extent these trends continue and expand within Title I, particularly Title I schoolwide programs, there are a number of implications for firms who position and sell instructional products, professional development, and related services to the Title I market niche.

Perhaps one of the most important patterns was found in the use of instructional materials in both Reading First and non-Reading First schools. In 2004-05, the first year most districts received Reading First funding, almost 40 percent of Reading First schools adopted new core instructional programs, compared to only 16 percent of non-Reading First schools. However, by 2006-07, the percentage of non-Reading First schools that adopted a new core program remained about the same, but only three percent of Reading First schools adopted a different core program. In 2004-05, almost 70 percent of Reading First schools adopted new supplemental materials, compared to 58 percent of non-Reading First schools; two years later, almost about the same percentage of non-Reading First schools adopted new supplemental materials compared to only about 40 percent of Reading First schools. The report also notes, “Similarly, 33 percent of RF and 38 percent of non-RF Title I schools added new supplementary materials to their reading programs in both years.” It seems clear that, having made significant changes to their programs in the early years, fewer Reading First schools will be doing so in coming years. Non-Reading First schools, on the other hand, continue to make

curriculum changes. By 2006-07, as the report notes, “At least 10 percent of both RF and non-RF Title I schools reported using *Harcourt Trophies*, *McGraw-Hill Open Court*, *Scott Foresman Reading*, and *Houghton Mifflin Reading*.”

The report confirms that, in 2004-05, SEAs had a much greater responsibility in selecting reading materials in Reading First schools, a trend which continued through 2006-07, while in non-Reading First schools this responsibility was largely relegated to the district level with principals and reading coaches having 70 percent of the major responsibility for selecting reading materials. In both years, more than 40 percent of non-Reading First schools added new interventions for struggling readers with the primary responsibility for selecting interventions resting with school principals and reading coaches. While Reading First schools are more likely to use a single core reading program for K-3, non-Reading First schools are more likely to report multiple core programs either within or across grade levels.

“Providing support for struggling readers,” according to the report, was perhaps the most important variable contributing to statistically significant gains in reading for students. Almost 30 percent of K-3 students in both types of schools were provided interventions to improve reading skills; over 90 percent of these schools used various reading assessments, such as diagnostic tests, tests built into core reading programs, and progress monitoring tests, along with teacher recommendations, to identify students for reading interventions. Over the two-year period, in schools with ELL students, the percentages of both Reading First and non-Reading First teachers who set

aside time to coordinate with ELL staff increased from approximately 40 percent to 70 percent. For students with disabilities who constituted about eight percent of the students in both Reading First and non-Reading First schools, the percentage of teachers who set aside time to coordinate reading activities with special education staff increased from about 65 percent to slightly over 70 percent.

Not surprisingly, district survey respondents reported that SEAs shared the responsibility for selecting assessments (52 percent in Reading First versus 26 percent in non-Reading First schools) and interpreting results (31 percent versus 12 percent). Principals reported sharing responsibility with reading coaches much more heavily in Reading First versus non-Reading First schools. While only a small proportion of Reading First schools adopted new reading assessments in 2006-07, almost a third of non-Reading First schools did so. Reading First teachers were more likely to use DIBELS and the Texas Primary Reading Inventory (TPRI), while non-Reading First schools reported they used the DRA more than DIBELS.

Even though Reading First funds could be used by the district to provide professional development to all K-3 teachers, a greater percentage of Reading First teachers reported participating in reading-related professional development activities than did teachers in non-Reading First schools (90 percent versus 73 percent); however, the amount of time in which teachers from both types of schools participated in professional development declined from 2004-05. Beyond receiving training in the five dimensions of reading, a greater proportion of teachers in Reading First schools than in

non-Reading First schools participated in professional development addressing other features such as providing assistance to struggling readers (85 versus 71 percent), and how to use assessments to inform instruction (91 versus 81 percent).

In terms of the five Reading First dimensions -- comprehension, vocabulary, phonics, fluency, and phonemic awareness - - in 2006-07, non-Reading First teachers reported greater perceived needs for additional training in all dimensions except vocabulary, with a much greater perceived need for professional development in phonemic awareness. Between 2004-05 and 2006-07, reading coaches in non-Reading First schools reported increased participation on several topics related to teaching strategies including using data to form instructional groups (from 68 percent to 77 percent), planning instructional interventions (from 57 percent to 68 percent), and helping teachers identify appropriate instructional materials (from 43 percent to 55 percent). Perhaps the highest professional development perceived needs for both Reading First and non-Reading First teachers were interpreting assessment results and assisting struggling readers.

For a copy of the report go to: www.ed.gov/rschstat/eval/other/readingfirst-final/readingfrist-final/pdf

The National Center on Response-to-Intervention New Initiative to Review RTI-Related Tools Uses Evidence Based Upon Rigorous Research and Takes Into Account Cost and Training Requirements to Help Practitioners; This Differs From the WhatWorks Clearinghouse, Which Emphasizes Improving the Rigor of Research

The National Center on Response-to-Intervention (RTI Center), funded to the tune of \$15 million over five years almost a year ago, is launching its initiative to provide reviews of products and tools which can help practitioners implement early intervening services/response-to-intervention called for in the new IDEA. Unlike the WhatWorks Clearinghouse, which many observers felt was designed to improve the quality of research by implementing designs such as random trial controls, the National RTI Center initiative will focus more upon providing evidence designed to help practitioners and those providing technical assistance to practitioners (e.g., regional resource centers and professional organizations). It will not only include evidence, but also provide critical information about the cost and other conditions associated with effective implementation of specific tools and practices. Patterned after the review model and procedures used by the National Center on Student Progress Monitoring (www.studentprogress.org), which is being merged into the National RTI Center, the RTI Center will list tools and products that have been “fully approved” in Consumer Reports formats, as noted by the National RTI Center Director Maurice McInerney in Education Daily (October 1st).

The review of Progress Monitoring tools conducted by the RTI Center, updated in December 2007, includes a number of tools such as Accelerated Math and Reader, AIMS Web, DIBELS, Ed Checkup, ISTEOP, STEAR, among other monitoring tools (data presented in the form of Consumer Reports charts). The WhatWorks Clearinghouse has been criticized by many in the education publishing and R&D business for listing products whose evidence on effectiveness was based on study designs which failed to meet the rigorous criteria used by WhatWorks Clearinghouse evaluators. As a result, many practitioners inferred that a “program” was ineffective when, in fact, the study design/evaluation did not meet the rigorous standards, regardless of the outcomes reported in the specific studies.

The first Call for Submissions of the National RTI Center will be for “screening” tools which the Center conceives as involving, “brief assessments that are valid, reliable and evidence-based. They are conducted with all students or targeted groups of students to identify students who are at risk of academic failure and, therefore, likely to need additional or alternative forms of instruction to supplement the conventional general education approach.” Some of the criteria which will be used include:

- “Documentation of the tool’s effectiveness (which) must be based on direct evidence rather than indirect evidence;” and
- “The tool must have at least three months between screening and the outcome measure.”

The application also describes the review process including the names of the members

of the Technical Review Committee which will review submissions of intervention tools for screening reading. Moreover, the application notes that, if the presented documents are found to be insufficient, the submitters may resubmit their tools for reconsideration as part of the 2008 review process. Unlike the WhatWorks Clearinghouse, which initially merely posted reports on its website, the RTI Center, as its application guidance notes, will require that “Final TRC decisions as to the technical adequacy of submitted tools will be disseminated through the Center to states, districts, schools, and the Center’s partners for implementation.”

One can anticipate that the demand for such information to assist practitioners in the area of RTI will be much greater than the demand by practitioners for information from the WhatWorks Clearinghouse, if for no other reason, than that the RTI movement has a momentum of its own far exceeding the acceptance and adoption of many of the NCLB principles when the WhatWorks Clearinghouse became operational. While the submissions for intervention assessment tools for screening reading were due October 17, firms with appropriate products and services related to the implementation of early intervening services/RTI should be aware of this new initiative by the National Center on RTI and review their submission “calls” and newsletters and other information by going to www.rti4success.org.

USED Issues New “Clarification” Guidance and “Interpretation” Guidance on Use of Title III English Language Acquisition Funds and Assessment Requirements for English Language Learners in Title I and Title III to Ensure All LEP Students Are Included in States’ Accountability Systems for Calculating AYP

In the closing days of the Bush Administration, USED has issued “clarification” guidance (October 2, 2008) and final “interpretation” guidance (posted on October 17 in the Federal Register) to ensure that Title III funds are used in such a way as to supplement not supplant Federal, state, and local funds.

Based on recent USED monitoring and auditing visage, the final “interpretation” guidance is designed to ensure that more English language learners (ELLs) are included in states’ accountability systems. As staff writer Sarah Sparks noted in Education Daily, “Problems calculating growth for students with fewer than two data points (in testing) had caused 21 states to omit more than a third of their LEP students from portions of their accountability calculations in 2007.”

The USED October 2nd “clarification” guidance stated, “During our recent monitoring of Title III programs, the U.S. Department of Education (Department) has encountered several State and local practices that suggest a need to clarify for States some general principles of the Title III non-supplanting provision.” Noting that the supplement not supplant provision in Title III differs from that in Title I because Title III applies not only to supplanting state and

local funds, but also other Federal funds, the guidance cites Title VI of the Civil Rights Act of 1964 and several interpretations by the Supreme Court including *Lau v. Nichols* which require states, districts and schools to provide “core language instruction” for LEP students. As a result, the use of Title III funds “to provide core language instruction educational programs, including providing for the salaries of teachers who provide those core services for LEP students, would violate the supplement not supplant provision,” because such services are required to be provided by states and districts, regardless of the availability of Federal Title III funds.

Using a similar argument, the guidance states, “Because Title I requires States to administer annual ELP assessments, in general it would be a violation of Title III supplement not supplant provisions to use Title III funds to develop such assessments.” However, the guidance says, “A state may use Title III State Activity funds it receives under section 3111(b)(2) to either: (1) pay for the costs of developing an ELP assessment, separate from the ELP assessment required under Title I, that is aligned to State’s ELP standards; or (2) pay for the costs of enhancing an existing ELP assessment required under Title I in order to align it with the State’s ELP standards required under Title III. Moreover, the guidance also noted, “that States and LEAs are responsible for identifying LEP students who may need language education services, regardless of their receipt of Federal funds.” Hence, the cost of developing and administering such “screening and placement” assessments cannot be paid for out of Title III or Title I.

It appears, therefore, that “core instructional

language development” programs cannot be purchased with Title III funds, although supplemental materials would appear to be allowed. And because states and districts are required to provide assessments of students to determine if they need language development except under certain conditions, Title III funds cannot be used to fund the cost of developing, or even purchasing such instruments.

On October 15-16, during the 2008 LEP Partnership Meeting in D.C. which included state Title I and Title III directors, USED released its final “interpretations” (which it considers regulations to be monitored by USED as such), following the May 2nd draft proposed “interpretations” (see June TechMIS Washington Update). According to Education Week (October 17th), 24 states submitted comments on the draft requesting the regulations be “softened”. The May 2nd draft interpretations specified that the criteria which would have to be met to allow an LEP student to exit from Title I and Title III programs must be the same. The final “interpretation,” published October 17th in the Federal Register, “strongly encourages” states to use the same criteria. Under the May 2nd draft, the number of ELL students identified to be served in Title I would have increased by an estimated 20 percent or more. The May 2nd draft would also have required states to report student progress in learning English for students who had not been tested twice by the states’ English language proficiency test; this was changed in the final “interpretation” allowing states not to include students who have not taken the test twice. On the other hand, the final interpretation follows closely the May 2nd draft in requiring schools to test ELLs annually in all four language domains (i.e., reading, writing, speaking, and listening).

In terms of allowable uses of Title III funds, the final interpretations are proscriptive in describing the conditions under which certain uses of Title III funds are not allowable, usually due to supplement not supplant provisions and state interpretations of the Lau decision. So, the operational question is: what products or services can Title III funds be used to purchase. There seems to be a consensus among knowledgeable analysts who follow the Title III program that the key is what the state determines are the “minimal requirements” under the state’s interpretation of the Lau decision. These individuals also feel that many states which have made such determinations on issues such as “core instructional language program” will likely tighten such definitions in the future to minimize conflicts with other provisions and provide increased opportunities for using Title III funds for their perceived allowable uses. It appears that, in most instances, Title III funds can be used to:

- reduce class size which could require hiring more English language development teachers or specialists;
- provide professional development to regular teachers who provide instruction to English language learners during their regular class periods;
- provide enrichment and challenging supplemental instructional and other materials and products as long as the supplement not supplant provisions are not violated (such as in Title I schoolwide programs); and
- administer formative and benchmark assessments to determine how well ELL students are mastering subject content.

Most of the knowledgeable individuals,

including some state officials with whom we talked, feel that there is still moderate confusion over the assessment and related “interpretations” for Title III, and perhaps even more confusion as to how they relate to Title I regulations which have been proposed and are supposed to be released shortly. According to Jeanne Sweeney, of Title I Reports, there appears to be some tension on the part of Title III state directors over an ongoing reorganization that would give the responsibility of Title III oversight to the Title I office. Some state directors feel that Title III will become a stepchild of Title I, while others believe that Title III will “gain influence” because most high-level state officials attend Title I meetings, but not Title III meetings. The real question, however, will be whether final Title I regulations will drive the Title III “interpretations,” which we will address when the final Title I regulations are published.

Comments made by individuals attending the LEP partnership conference, most by Title I directors and some Title III state directors, suggest that SEAs will take an immediate lead role in providing clarification and guidance based on their interpretation; however, if groups such as the Council of Great City Schools are successful, the new administration may decide, in one of its initial actions, to suspend all USED regulations and non-regulatory guidance policies which do not reflect the letter of NCLB.

For a copy of the guidance go to: www.ed.gov/programs/sfgp/supplefinalletter2.pdf

So-Called \$700 Billion Bailout Act (HR 1424) Reauthorizes the Secure Rule Schools Act for Four Years With Authorized Funding at Slightly More Than \$3 Billion; Quality Zone Academy Bonding is Also Extended for One Year Which Can Be Used to Purchase Technology and Replace Curriculum Through No-Interest Multi-Year Loans

Even though the Secure Rule School Act was not extended in the Disaster and Continuing Resolution Act, the so-called \$700 Billion Bailout Act did reauthorize the Secure Rule Schools Act for four years with slightly more funding -- pegged at \$500 million during the first year and ratcheted down the following years -- and with funds allocated under a revised formula. The states which have benefited most from this Act in the past (California, Oregon, Washington, South Dakota, Texas, Pennsylvania, Louisiana, and South Carolina) will receive some reductions as a result of the new formula which takes into account poverty rates and per capita income amounts; however, school districts are guaranteed to receive at least 90 percent of the amount they received last year because of a 90 percent "hold harmless" clause. Some states, such as New Mexico, will receive a substantial increase due largely to the influence of the state's two Senators' leadership positions. Over time, funds allocated to the states under the Act would be reduced; however, as reported in Education Daily, in many districts, the reauthorization headed off a major disaster.

Also included in HR 1424 was a two-year extension of the Quality Zone Academy Bonding (QZAB) no interest, multi-year loan program; districts that apply for such

loans can use funding for technology purchases, including one-on-one computing and replacing eligible schools' curricula. In most states, the fiscal agent is not the state education agency, but an office responsible for taxation and state finance, usually the treasurer's office. In the past, districts in some states, including California, have used QZAB loans primarily for technology purchases, particularly in technical and vocational education. Several years ago, the Ysleta Independent School District in Texas used funding to provide laptop computers for students in six high-poverty schools. In other states, such as Maryland, higher priorities have been placed on using such funds for school renovation. The bill also included a two-year extension of a teacher income tax credit up to \$250 for teachers who purchase materials for classroom use; this feature which induced the National Education Association to lobby hard for the bailout bill.

Beginning in 2012, Technology Literacy Tests Will Be Made Part of the National Assessment of Education Progress Which Will Likely Spur the Expansion of Technology Literacy Programs in K-12 and a Greater Focus on the Development of 21st Century Skills

The National Assessment Governing Board recently announced that "technology literacy" will become an integral part of the National Assessment of Education Progress (NAEP) beginning in 2012; it will be the first assessment of technology literacy skills nationwide. Passed in 2002, NCLB included a requirement that students at the eighth-grade level be assessed in the area of technology literacy skills and that student

annual progress be reported to USED and Congress. Shortly after passage, in 2003, USED guidance to states explicitly stated that SEAs would not be required to report annually the progress of eighth-grade students developing technology literacy skills. As many technology leaders have stated, and as we have emphasized in numerous TechMIS reports, if states are not required to report progress, then the provision has few accountability teeth, as there is no incentive to administer assessments in technology literacy. As a result, fewer than five states have implemented some form of technology literacy assessments at the middle school level. This announcement by the NAGB will likely increase significantly the number of state initiatives to assess technology literacy in the immediate future; moreover, such state assessments in many states will likely reflect skill domains such as problem-solving, teamwork, etc. recommended by groups such as the Partnership for 21st Century Skills.

To begin the implementation process, NAGB has awarded a \$1.8 million contract to WestEd in San Francisco to develop the technology literacy framework for the test and to recommend the likely grade levels (e.g., 4, 8, and 12) at which the test will initially be administered. The National Education Technology Standards for Students (NETSS), developed over the last decade by ISTE and which has been adopted by more than 40 states, will likely form the nucleus for many of the skill domains to be included and the types of measures. In addition to ISTE, other groups assisting WestEd on the 18-month project include the CCSSO, Partnership for 21st Century Skills, and the State Education Technology Directors Association. WestEd plans to

form at least two committees made up of technology experts, teachers, engineers and scientists, business and state and local policy makers. The WestEd project will be directed by Steve Schneider who directs the math, science and technology program at WestEd.

For further information and perhaps opportunities for participation, contact WestEd at: www.wested.org or toll-free (1.877) 4-WestEd.

New Report from Southern Regional Education Board (SREB) Praises Success of Reading First in Selected States, Describes State Initiatives to Provide Reading Interventions to Reduce Student Retentions and Recommends What States Need to Do In Light of Pending Further Reductions in Reading First Funding

In its new report “Set for Success: Improving Reading and Math Achievement in the Early Grades,” SREB describes the success of Reading First in most member states in terms of the percentage of students meeting state academic standards in 2007 and the narrowing of achievement gaps in both reading and math using NAEP assessment data. It also describes state student retention policies and the nature of interventions used to increase student promotion rates and recommends state action to be undertaken to make up for the anticipated reduction in Federal Reading First funding.

While SREB does not attribute student reading improvement solely to the Reading First program, it does echo what many state and district Reading First officials have been

reporting: “Reading First leaders in SREB states told SREB that they believe the interim report overlooked important gains in reading comprehension while focusing primarily on the program’s goal of *grade level achievement* after only a few years of program implementation.” The reference is to the interim Reading First Impact report; we and others have argued that the study design was flawed from the beginning (see October [Washington Update](#)). The SREB report also strongly suggests that state initiatives which complemented Reading First programs contributed to success in improving student reading scores in a number of states, including:

- **Alabama**

Created in 1998, the Alabama Reading Initiative (ARI) in 2008 was expanded to all 794 public schools serving K-3 in the State, with the Legislature appropriating \$64 million. Between 2005 and 2007, the percent of fourth-grade students scoring at or above the NAEP basic level of reading increased nine percentage points.

- **Florida**

In 2001, Just Read Florida was initiated. In 2008, \$115 million in State funds was allocated to schools and districts, while the State allocated another \$18 million to Statewide efforts focusing on education support, parental involvement, corporate engagement. More than 4,000 principals, reading coaches and administrators attended the annual Just Read Florida leadership conference last year.

- **Kentucky**

In 2005, the Legislature appropriated \$7 million under the Read to

Achieve Act in the form of grants to schools which, by 2008, had grown to \$24 million to allow every elementary school to provide assessments and interventions for students who have not achieved proficiency, as well as for professional development for all teachers.

- **Texas**

The Texas Reading Initiative, begun in 1997, provides leadership academies for K-1 teachers, assessments using the Texas Primary Reading Inventory (PRI) and individualized instruction for identified students by specialized reading teachers.

SREB also recommends activities which states should conduct to continue improving their reading programs, especially if Reading First funds are further reduced. The report notes that many Reading First officials feel that the activities most vulnerable to budget cuts would be professional development, use of reading coaches, and summer academies. Some of the recommended Statewide activities include:

- providing professional development for regular teachers, hiring reading coaches, and offering leadership academies for administrators;
- providing assistance to help schools identify appropriate instructional materials and strategies; and
- funding programs to help at-risk students in all schools.

Noting “Research shows that retention has a negative affect on student completion of high school,” the SREB report also

emphasizes that research-based intervention strategies are needed for students who are retained. As a model, SREB points to the Florida response-to-intervention instructional model, legislated in 2002, which is designed to keep students on grade level and also is a remediation strategy for students repeating a grade. In 2006, several large studies found that third graders in Florida who were retained and received interventions made “significant gains in reading two years after repeating the grade, compared with similar students who were promoted.” The report also includes a chart highlighting the retention and intervention policies for students who do not meet state standards in all of the SREB member states.

For a copy of the report go to: www.sreb.org/publications/2008/08E05_Set_for_Success.pdf

Pressures Mount to Expand E-Rate Funding as Aggregate Demand for E-Rate Discounts Greatly Exceeds the \$2.25 Billion Cap

During the October National Coalition for Technology in Education and Training (NCTET) meeting, a number of presentations pointed to the need to expand funding for the E-Rate discount program. As the aggregate demand begins to exceed the \$2.25 billion cap, Alec Johnson, Vice President of EdTech Strategies (which assists districts in technology planning for E-Rate implementation), projected that by 2011 there would be only enough E-Rate funding to cover Priority 1 discounts (i.e., telecommunications and Internet), with no remaining funds to fund Priority 2 products and services. Tom Greaves, Chairman of the Greaves Group, who co-authored

“America’s Digital School Survey” reported that in the last survey of district officials that 54 percent of the respondents felt funding was a problem and 42 percent felt there are currently problems in E-Rate funding. His survey also found that, without additional resources, existing bandwidth capacity will not allow schools to use its full potential, with two-thirds of district respondents saying they already restrict the use of certain applications, such as streaming media or music file sharing, to leverage the existing capacity of their bandwidth. Such bandwidth capacity constraints will likely impact the expansion of online assessments which are currently growing at approximately 30 percent annually.

Not only has the \$2.25 billion E-Rate cap constrained the use of broadband, but at least two knowledgeable experts agreed that only about half of the district refunds are currently being requested through the so-called BEAR (Billed Entity Applicant Reimbursement) process. During the early implementation of E-Rate through 2002, the amount of refunds distributed through the BEAR process was as high as 80 percent. This provided significant leverage to districts who were initially turned down in their request for eligible E-Rate products and services but who went ahead and paid the full pre-discount price and filed an appeal. Once the appeal was found to be meritorious, the district could request a refund through the BEAR process and could use such funds to purchase non-E-Rate eligible products and services such as staff development or instructional materials. With only 50 percent of refunds going through the BEAR process, the “leverage” that could be used by districts to purchase additional services has been significantly reduced. Ironically, as the Schools and

Library division of USAC (which administers the E-Rate program) streamlined its processes, the number of appeals has declined, as has the time needed to determine whether an appeal is meritorious, which has also resulted in a decline in districts having the opportunity to use the BEAR process. According to knowledgeable observers and key committee staff members, there has been opposition to the use of the BEAR process such that some would like to remove that option. However, long-time supporters of the E-Rate program wish to continue allowing the BEAR process as an option.

Another important potential trend which could erode funding for the E-Rate was posed to NCTET panelists and the audience in the form of a question -- whether the reduction in the use of landline telephone calls -- on which E-Rate fees are primarily based -- would create a problem as more and more use of wireless phones is occurring. Most agreed this trend would have to be addressed.

All of the key legislative committee staffers

in attendance agreed that the passage of the new "broadband mapping bill" (S.1492) would be helpful in determining where the demand for broadband is currently not being met, creating critical problems such as in sparsely populated, rural school districts. They agreed that the need to "see where we are" with regard to broadband capacity is important to determine in what directions the Congress and agencies such as the FCC should focus their efforts and resources. Several other areas of policy changes which are likely to be addressed under a new administration would include telecommuting (which is dependent on expansion of broadband), the use of wireless and other spectrum issues, and policies being developed in other countries whose broadband strategy is more comprehensive than in the U.S. Other policies related to the use of tax incentives to encourage broadband expansion were also noted.

For a copy of America's Digital Schools 2008 go to: www.schooldata.com which is being distributed in partnership with MDR.

Alabama Update

November 2008

As reported in Education Week, Alabama's budget shortfall in FY 2008 has caused the State to spend all \$400 million from its "rainy day" savings fund. According to State officials, income tax revenues were up three percent from the year before, but sales tax revenues were down one percent. The lack of carry-over funds call into question the State's ability to pay the \$6.3 billion budgeted for K-12 schools and colleges. It is possible the Governor could call for a proration which would require schools to cut spending.

Arizona Update

November 2008

Based upon the State's *Arizona Learns* report, 20 Arizona schools face the possibility of State takeover because they have failed to meet State standards for at least three consecutive years and are rated as "failing." A year ago, 55 schools had missed standards for two years in a row, but 20 of them are now meeting standards. A total of 158 schools in the State are rated as "underperforming" and one district -- Creighton Elementary in Phoenix -- is rated as "failing."

The Arizona Republic reports that eight Arizona school districts are participating in a pilot project under which all 14,500 eleventh-graders will take a college-entrance exam this Spring even if they do not intend to go to college. As part of the national movement toward preparing all high school students for college, the pilot test will give the ACT in April with the results expected in September. The legislature will use the results as it considers changes to the State's testing structure. Districts participating in the pilot project are: Phoenix Union High, Mesa, Round Valley, Peoria, Globe, Window Rock, Lake Havasu, and Flagstaff.

Arkansas Update

November 2008

This November's election is expected to contain a proposed constitutional amendment that would authorize a State lottery to fund college scholarships. It is estimated that the lottery could generate \$100 million annually for scholarships to State institutions of higher education. Opponents of the plan believe lottery revenues would be no more than \$60 million.

Earlier this year, Arkansas decided to require all eighth-grade teachers of Algebra I to obtain a specific State credential unlike any other in the country. As reported in [Education Week](#), the credential, not required of teachers certified in high school math, is intended to strengthen the qualifications of middle school math teachers, many of whom have elementary school certification. To earn the certification teachers must take, in addition to basic middle school math coursework, classes covering advanced math or calculus concepts. They must also pass the middle school math Praxis test.

In the Spring of 2007, the Sheridan School District began implementing the Aspirnaut Initiative that gives students laptop computers and allows them to take online tests while traveling to and from school on school buses. Developed at Vanderbilt University, the Aspirnaut Initiative makes use of otherwise idle student time and addresses the growing need for skills in the STEM subjects -- science, technology, engineering, and mathematics. Pleased with the Sheridan pilot program, State officials will ask the State legislature next year to fund its expansion by 2,000 students per year at an estimated cost of \$2 million in the first year and \$1.5 million in each of the second and third years.

California Update

November 2008

As we reported last month, California's new budget includes \$58.1 billion in Proposition 98 for public schools and community colleges -- two percent more than last year. In late September, two other bills were passed, one that gives school districts more flexibility to use professional development funds to pay math, science, and special education teachers, and the second that allocates \$100 million over the next five years for charter school facilities. According to Education Week, the Governor is considering two more bills that would establish an "early-learning quality-improvement system" and consolidate the State's five different early childhood education programs.

A study published in the journal, Science, has determined that the goals of the Federal No Child Left Behind Act -- that all students will achieve academic proficiency by the 2013-14 school year -- are unattainable. Focusing only on California schools, the study concluded that all of the State's elementary schools will fail to meet the target, largely because of the numbers of English language learners and economically disadvantaged students that must be brought to proficiency. Although based on California data, the study has determined that other states will have similar difficulty meeting Federal targets.

Colorado Update

November 2008

The Denver Post reports that, this year, 60 percent of Colorado's public schools met targets under the Federal No Child Left Behind Act -- down from 75 percent in 2007. State education officials, citing stable student academic performance, attribute the decline in the number of schools meeting standards to higher benchmarks. Statewide, three schools improved enough over the past two years to be taken off the "improvement" list. None of the 14 school districts in the Denver metropolitan area made adequate yearly progress under the Federal law.

Connecticut Update

November 2008

Facing an overall State budget shortfall of \$300 million, Connecticut has cut back on its plan to restructure the State's high schools. According to the Hartford Courant, the revised plan allocates \$183.9 million over the next eight years to increase the State's high school graduation requirements from 20 to 25 courses, implement end-of-course exams, and require a "capstone" project. Five courses -- English 2, Algebra 1, Geometry, Biology, and U.S. History -- would require students to pass State-developed final exams. Starting in the sixth grade, students will have individualized graduation plans and be assigned advisors to help them meet their goals. The anticipated changes will be phased in for the Fall of 2009 in 25 to 30 school districts and Statewide by 2013.

As reported in The New York Times, 40 percent (408) of Connecticut's public schools failed to make adequate yearly progress (AYP) under the Federal No Child Left Behind Act -- 100 more schools than last year. State officials have stated that the goals of NCLB are unrealistic in Connecticut, and nationwide. In 2005, the State sued the U.S. Department of Education, arguing that NCLB illegally requires states to spend their own funds to meet Federal standards. A Federal court threw out the case but the State's appeal is scheduled to be heard next Spring.

Also according to the Hartford Courant, the Urban Special Education Leadership Cooperative has recommended that the West Hartford school district overhaul its programs for students with disabilities. The district currently spends about \$8.4 million a year for pull-out classes serving special needs students. The Cooperative says that special education students -- including those with autism and behavioral disabilities -- should be taught in mainstream classrooms. The report from the Cooperative argued that the division between general education and special education strains resources, wastes administrative time, and does not focus on program improvement.

Delaware Update

November 2008

Delaware has received a six-year, \$9 million grant from the Federal Department of Health and Human Services to help parents of preschool children who have been identified as having serious emotional disturbances. Specifically, the grant will teach parents how to bond with their children through interaction therapy designed to improve relationships, improve parenting skills, and increase pro-social behavior. During the first year, \$1 million will be targeted on children in the welfare system and their families.

Florida Update

November 2008

Florida Governor Charlie Crist has imposed a four-percent across-the-board budget cut in an effort to deal with the State's \$1.5 billion deficit. In addition, the legislature allocated \$672 million from the State's reserve fund to this year's budget.

As reported in Education Daily, Florida's Statewide dual-enrollment program is attempting to increase the participation of low-income students. Currently serving 32,000 students, the program already offers free tuition and encourages student enrollment, but will rely heavily on student outreach. The program requires school districts and community colleges to implement what are called articulation agreements specifying what courses transfer and which apply to high school graduation requirements. Sometimes cumbersome, these agreements often deter participation because the funding is unclear. Generally, the community colleges pay for their offerings through a deduction plan that allows them to recover costs. The schools and school districts generally pay for such associated costs as textbooks, transportation, and support services.

As reported in the Palm Beach Post, a new Florida law requires school districts to establish virtual schools, either individually, collectively, or under contract. During the 2007-08 school year, more than 57,000 students took at least one course through the existing Florida Virtual School, but few used online classes as their full course load. The new law is expected to increase the number of students who take all of their classes online. Within a year, each district will have developed its virtual school including how to provide the necessary technology. The law also cites a number of private firms that are approved by the State, meaning the private sector could have a significant place in the State's online education system.

Education Week reports that a total of nine schools in the Miami-Dade County school district are participating in a program called P-SELL -- Promoting Science among English Language Learners. Focusing on grades 3-5, P-SELL uses hands-on activities to enable students to learn

both English and science in a variety of ways. Although the P-SELL schools were low rated under Florida's accountability system and have large numbers of disadvantaged students, the schools have made stronger gains on the State's science exam than a comparison group of schools that did not use P-SELL.

Georgia Update

November 2008

As reported in Education Week, nearly 40 percent of Georgia's eighth-grade students failed the new, more rigorous mathematics portion of the Criterion-Referenced Competency Tests. An independent review of the exams found them to be valid -- that is, the test questions matched elements in the State curriculum.

As reported in The Atlanta Journal-Constitution, the Georgia State Board of Education has approved a proposal that would permit the State to take over low-performing school districts. The proposal would allow the State to remove local school board members, limit local boards to five or seven members, and bar teachers from serving on local boards. The proposal must now be approved by the State legislature.

In 2006, Georgia passed the Truth in Class Size law which specified maximum class sizes in grades K- through 8 -- 20 students in kindergarten, 21 students in grades 1-3, and 28 students in grades 4-8. The State threatened to withhold State funds from school districts that did not comply. The recent struggling economy for the State and for the school districts has caused the State to yield on the issue, saying it will approve waivers of the class size requirements for the 2008-09 and 2009-10 school years.

Hawaii Update

November 2008

The Honolulu Advertiser reports that the State has imposed a \$46.5 million spending cut on its education programs reflective of Hawaii's slowing economy. Among the cuts are:

- teacher recruitment and retention programs (\$3 million);
- science textbooks and instructional materials (\$2 million);
- alternative learning centers (\$643,000); and
- speech pathologists and physical/occupational therapists (\$1.6 million).

The Star Bulletin reports that Hawaii's severe budget crunch is likely to cause huge budget cuts for the State's charter schools. Despite an 11 percent increase in charter school enrollment, charter schools receive only \$7,100 per student, down \$1,000 from last year. And the charters could see a \$3.5 million cut next year, including a \$1.7 million cut as part of the State's across-the-board spending reductions and \$1.8 million the State now pays for 28 student service coordinators who oversee special education programs and other activities.

Idaho Update

November 2008

During October, educators and parents have had the opportunity to comment on the State's proposed new teacher evaluation standards, according to the [Idaho Statesman](#). Recommended by a task force of educators, legislators, parents, and representatives of the private sector, the new standards establish guidelines in four areas: planning/preparation; learning environment; instruction/use of assessment; and professional responsibilities. The task force will finalize the proposal in November and present it to the legislature in January.

Illinois Update

November 2008

As reported in the Chicago Tribune, nearly a third of Illinois public schools -- 1,200 of them -- failed to make adequate yearly progress (AYP) under the Federal No Child Left Behind Act. State officials attribute the disappointing test results to a sharp increase in NCLB's required passing rates. This year 62.5 percent of all students -- as well as subgroups -- must score at grade level in reading and math -- up 7.5 percentage points from the previous year. In addition, high schools had to graduate 75 percent of all seniors -- up from 72 percent in previous years. A total of 813 schools are on the State warning list for missing AYP targets for two consecutive years. Moreover, 18 school districts and 66 schools missed AYP solely because of the performance of their English language learners.

The Chicago Tribune also reports that the Chicago school district is considering a proposal that would require its middle school teachers to earn at least 24 college credits in the subjects they teach. Currently, Chicago teachers must meet a lesser State standard; as many as 5,000 teachers could be affected. The district and the teachers' union are working on a plan that would give teachers sufficient time to take the needed coursework.

Also according to the Chicago Tribune, a total of 1,650 Chicago ninth-grade students have earned a total of more than \$265,000 for getting good grades in their core subjects over the last five weeks. Under the program, students receive \$50 for each A, \$35 for each B, and \$20 for each C, with half the money paid immediately and the other half held until they graduate from high school. Funding for the program comes from a Harvard University education research laboratory and private donations.

Indiana Update

November 2008

The Indianapolis Star reports that a new property tax law is likely to bar Indiana's public schools from charging tuition to out-of-district students. In the past, parents have paid as much as \$5,000 a year to cover the difference between the State's contribution and what local taxpayers contribute. Next year, unless the legislature reconsiders the law, the State will pay the entire cost. Education officials are concerned that the change will lead to recruiting of talented students and cause unequal access for poor and minority students.

Kansas Update

November 2008

Based on results from last Spring's standardized testing, 84.1 percent of students scored in the top three performance categories in reading -- up from 59.2 percent in 2000 -- and 81 percent did so in math -- up from 50.3 percent in 2000. Moreover, eighth-grade English language learners improved from 12 percent scoring in the top three categories in 2000 to 53.1 percent this year. State officials indicate that 92 percent of the State's school districts and 90 percent of the schools made adequate yearly progress this year, compared with 89 percent of districts and schools the previous year. State officials, however, acknowledge that the goal of the No Child Left Behind Act of 100 percent proficiency is unlikely to be met, primarily because of low scores by students with disabilities and English language learners.

Kentucky Update

November 2008

A study by the Kentucky School Boards Association has found that Kentucky school districts cut 1,169 jobs this year in response to the State's economic downturn. Among the cuts were 594 certified positions -- teacher, counselors, or administrators. The State's budget shortfall also caused the State to cut \$43 million originally slated for professional development programs and after-school services, as well as funds for textbooks.

Louisiana Update

November 2008

According to the Baton Rouge Advocate, the East Baton Rouge Parish school district wants to change the way school performance scores are used to determine whether schools meet State standards. Under the district's plan, the test scores of (typically high-performing) magnet school students would be shifted to the local public schools the students would have attended. District officials argue the shifts are allowed under State rules and that other Louisiana districts had been allowed similar maneuvers. But the State counters that it had made a mistake in allowing such shifts and that the plan was an attempt to hide poorly performing schools.

Maine Update

November 2008

As reported in the Sun Journal, in response to the nation's economic crisis, Maine Governor John Baldacci has asked all State agencies to submit budgets with ten-percent reductions. The State's education department has countered with a budget for next year that freezes funding at this year's level. Even with level funding for education, the State would not meet its goal of covering 55 percent of K-12 education costs by July 1 of next year, leaving the State's contribution at 53 percent. This two-percent difference would represent a \$170 million loss to schools over the next two years.

The Kennebec Journal reports that Maine, in an effort to cut costs, will eliminate standardized testing for fifth- and eighth-graders next March, yielding an estimated savings of \$120,000 to \$140,000. State education officials invalidated last year's writing test because more than three-quarters of the students failed; but they say the elimination of tests is unrelated. The State is also considering participation in the New England Common Assessment Program, a multi-state testing program that could save Maine as much as \$2 million.

Maryland Update

November 2008

Looking at projected budget deficit of \$1 billion in 2010, Maryland has asked all State agencies to make budget cuts of five percent. The State is also anticipating that the November ballot measure to legalize slot machines will be approved, yielding a hoped-for \$500 million in additional State revenue.

A new report from a Maryland task force has outlined 26 actions that should be taken in the coming years to produce more teachers and to keep more teachers in the classroom. Among the general suggestions, according to the Baltimore Sun, are: higher pay for teachers, changes in certification standards, and tuition reimbursement for college students who go into teaching. The task force also recommended that the State's university system fund a program that requires students to spend at least a semester in the classroom with a mentor teacher. Federal funding for a similar program has been cut.

The Baltimore Sun reports that an internal audit by the Baltimore City school district has found the security of student records to be lax. The audit report found that there are inadequate controls on the district's computer system making it too easy for a hacker to change student grades. The audit was spurred by widespread problems a year ago with missing and incomplete student records.

Superintendent of the Prince George's County School system, John E. Deasy, will leave that position to become Deputy Director of the U.S. Education Division of the Bill & Melinda Gates Foundation. During Deasy's tenure, Prince George's County showed large achievement gains across all grade levels and ethnic groups, including special education students and English language learners.

Massachusetts Update

November 2008

The Boston Herald reports that, faced with a \$1.4 billion budget shortfall, Governor Deval Patrick has proposed to furlough more than 1,000 State employees, make cuts in most State programs, and tap into the State's "rainy day fund." The education programs looking at possible cuts are:

- Early Education and Care Provider Rate Increase program (\$3 million);
- Low-Income Childcare program (\$3.5 million);
- Kindergarten Expansion Grants (\$3 million);
- Head Start (\$1 Million);
- Targeted Intervention in Underperforming Schools (\$1 million).

As reported in the Boston Globe, a new State rule says that high school students who pass the State assessment do not automatically qualify to graduate. Under the new rule, students who fall into the "needs improvement" category (barely passing) in English or math on the Massachusetts Comprehensive Assessment System (MCAS) tests will have to take additional coursework and take another State-approved exam in order to graduate. This Spring, 80 percent of the Class of 2010 passed the MCAS on their first try, but only 60 percent scored at "proficient" or higher. State officials believe the new rule will better prepare students for college or the workforce by improving their mastery of basic English and math skills.

The Boston Globe also reports that the new superintendent of the Boston school district, Carol Johnson, has proposed a school restructuring plan intended to save \$13.5 million over five years. The plan calls for closing five schools and establishing more K-8 and 6-12 schools, an approach that runs counter to the current trend toward smaller high schools. The new superintendent may also have to deal with the \$70 million a year cost for transportation including reconsideration of using policies adopted in the 1970s. Moreover, the district received a \$10 million infusion of funds from the City this year -- funds that will probably not be available next year.

Michigan Update

November 2008

The Detroit school district is looking at the possibility of losing at least \$40 million in State aid as a result of sharply declining enrollment. Already facing a \$400 million budget shortfall, the district expects its enrollment to drop from about 104,000 last school year to as low as 96,000 this year. If its enrollment drops below 100,000, the district would lose its first-class status which would allow community colleges to open charter schools in the City, further decreasing enrollment and State funding.

Minnesota Update

November 2008

As reported in Education Week, Minnesota is considering a school improvement plan focusing on teacher quality, including the linkage of pay increases to student performance and more rigorous admission requirements for teacher preparation programs. Known as the Teaching Transformation Act, the plan also intends to attract mid-career professionals from other fields into teaching, particularly math and science. The plan is expected to be introduced into the legislature during the Fall and voted on when the legislature convenes in January.

Nevada Update

November 2008

As reported in the Las Vegas Sun, Nevada's struggling economy is expected to cause significant cuts in services for the State's school students. Governor Jim Gibbons has called for each State agency to prepare spending plans for the next two years that are 14 percent lower than FY 2007. Many observers believe the final cuts will be even higher -- as much as 20 percent. The expected tight budget is expected to:

- reduce per-pupil State aid to school districts from the current average of \$5,231 to \$5,093, saving \$51 million, but eliminating any new programs or innovations;
- eliminate the \$2,000 teacher recruitment bonuses;
- eliminate bonuses for teachers working in at-risk schools or hard-to-fill subjects, saving \$26.1 million;
- reduce the budget for new textbooks and instructional supplies by half, saving \$67 million; and
- increase class sizes in primary grades.

The Nevada legislature is considering a bill to create a new State agency to oversee charter schools. According to the Las Vegas Review Journal, last year the State imposed a moratorium on new charter schools and many school districts declined to approve new charter programs because the districts do not have enough staff to supervise the independent schools. To be called the Nevada Charter School Institute, the new agency could begin operations by 2010 at a cost of \$326,000 the first year and \$390,000 the second year. It is expected that the agency could, within five years, become self-supporting by charging administrative fees to charter schools.

New Jersey Update

November 2008

New Jersey is embarking on a plan to reduce the State's 20 percent high school dropout rate while, at the same time, increasing the rigor of high school classes. The plan calls for higher academic requirements and more rigorous testing -- including in advanced algebra and biology -- to be phased in over the next eight years. The State is planning a year-long New Jersey High School Graduation Campaign which will include regional conferences to address dropout prevention strategies and gather feedback on the issue, as well as a Statewide summit on the topic in the Fall of 2009. New Jersey's approach is similar to a nationwide campaign being planned by the America's Promise Alliance.

Changes made this summer to New Jersey's proficiency tests for elementary and middle school students have greatly increased the test's rigor and, thus, sharply decreased passing rates. Although the full impact of the changes won't be known until school-by-school results are released this Winter, State officials estimate that grade 5-7 language arts passing rates could drop more than 20 percent. Analysis of scores in some districts indicate large drops in passing rates under the new system; a majority of schools would have shown gains under the old scoring.

As reported in Education Week, last Spring, a number of national philanthropic organizations set forth plans to establish a \$20 million Newark Charter School Fund. Currently, the Newark school district has 12 of New Jersey's 56 charter schools, enrolling 4,000 students (about nine percent of the City's public school population). Newark is one of New Jersey's so-called "Abbott" districts that receive additional State funding; last school year, the district received nearly \$18,000 per-pupil in local and State funding. Participants in the Newark Charter School Fund believe the district has a number of fundamentals that make it "fertile" ground for the development of an effective local charter school sector.

New York Update

November 2008

According to The New York Times, the New York City school district will begin measuring the performance of elementary and middle school teachers based on student gains on reading and math assessments. At the insistence of the City's teachers union, teacher performance will not be made public nor will they be used for formal job evaluations or pay/promotion decisions. The reports are designed to help teachers improve their skills.

New York City teachers, administrators, and parents are frustrated with the non-availability of an \$80 million data and information system which is supposed to provide information on such issues as the courses students need to graduate or how student scores compare with citywide averages. The New York Times reports that the system -- called Achievement Reporting and Innovation System (ARIS) -- scheduled for delivery in September by IBM, is still not available. City officials argue that the money for the system -- \$48.5 million of which has already been paid to IBM -- is earmarked for technology and could not be redirected for other purposes.

Ohio Update

November 2008

According to the Dayton Daily News, Ohio currently has 335 charter schools serving approximately 80,000 students. A local court recently ruled that the State's Attorney General did not have the authority to close low-performing charter schools. According to the Akron Beacon Journal, a 2006 State law (House Bill 79) allows the State to shut down charters that fail to meet specific academic benchmarks. A total of 23 Ohio charter schools, serving 4,300 students, and receiving \$36 million in State funds, are at risk of being closed by the State for poor academic performance. The 23 charter schools in question represent nearly five percent of the State's charter school enrollment. Another seven charter high schools serving 1,700 students, having been in "academic emergency" for four consecutive years, are subject to similar closure but have been given waivers under House Bill 79 because they offer dropout prevention and recovery programs.

A recent survey by the KnowledgeWorks Foundation has found that almost 25 percent of Ohio citizens rank education issues as their top social concern. Twelve percent of those surveyed ranked "improving the quality of public education" highest and another 12 percent gave their highest ranking to "school funding reform." As reported in Education Daily, the State is planning new initiatives to address these two issues in the near future.

The Columbus Dispatch reports that Ohio's new State education superintendent will be Deborah Delisle, currently superintendent of the Cleveland Heights-University Heights school district. Expected to take office on or about December 1, Ms. Delisle has said that the State's Department of Education should be a service provider to local school districts, not a regulatory agency. In her current role, she has been applauded for her district's program to provide laptop computers to all middle- and high-school students over the next five years.

Oklahoma Update

November 2008

A group called HOPE -- Helping Oklahoma Public Education -- is collecting signatures on a petition for a ballot proposal that would amend the State constitution such that the State legislature would be required to provide per-pupil funding equal to the regional average. Currently, Oklahoma spends \$6,900 per student compared with the regional average of \$8,300. the proposal is expected to appear on the 2010 ballot as State Question 744 which would raise an additional \$850 million per year for public education. Opponents of the measure argue that it erodes the legislature's control of the budget.

Oregon Update

November 2008

A measure on the November ballot is intended to tie teachers' pay to classroom performance. The ballot is part of a long-running feud between the measures' sponsor, conservative Bill Sizemore, and Oregon teachers' unions. In 2000, a similar measure was defeated by a two-to-one margin.

Pennsylvania Update

November 2008

To address the State's financial emergency, Pennsylvania Governor Ed Rendell has required all State agencies to reduce spending by \$200 million from last year's budget.

Following the 2008-09 school year, two Pittsburgh-area school districts -- Center Area and Monaca -- will merge. According to the Washington Post, the consolidation, caused by declining district enrollments, will produce \$1.5 million in savings for the merged districts.

Rhode Island Update

November 2008

The Providence Journal reports that more than three-quarters of Rhode Island students scored less than “proficient” on the State’s new science assessment. Developed by teachers in the State and given this Spring to students in grades 4, 8, and 11, the exam included components covering earth science, life science, and physical science. Overall, only 24 percent of students scored at “proficient” or higher, including only 17 percent of eleventh-graders.

South Carolina Update

November 2008

According to State data, this year, 82 percent of South Carolina's elementary and middle schools failed to make adequate yearly progress (AYP) under the Federal No Child Left Behind Act. State education officials attribute the poor performance to sharp increases in the required proficiency targets. For the first time, this year, 59 percent of third- through eighth-grade students had to score "proficient" or higher on the English portion of the State assessment (PACT) -- up from 38 percent last year. And 58 percent of students had to score proficient in math compared with 37 percent last year. The new scores mean 257 schools face some form of sanctions including transfers, restructuring, or State intervention. High schools will see a sharply higher benchmark next year likely causing an increase in high schools missing AYP. Moreover, The Charleston Post and Courier reports that, last year, none of South Carolina's 85 school districts made AYP

The Post and Courier also reports that South Carolina Governor, Jim Rex, has set forth five proposals designed to cut \$240 million from the State budget. These proposals include:

- amending legislation to allow districts to change their school calendars by shifting to a four-day week, thus saving 20 percent of transportation costs;
- eliminating State testing for this year only, meaning only Federal assessments will be required;
- eliminating 2009 report cards for schools and districts, saving as much as \$3 million;
- allowing the spending of State money to be determined by local districts rather than mandated by legislation; and
- allowing districts to opt out of legislatively "mandated" programs such as character education.

The State's budget shortfall can be attributed to lower sales tax revenues costing the schools \$100 million.

Texas Update

November 2008

According to a report from the Texas Education Agency (TEA), in 2008, three-quarters of Texas' public schools and 66 percent of its school districts made adequate yearly progress (AYP) under the Federal No Child Left Behind Act. The AYP benchmarks included:

- schools and districts had to test 95 percent of their students;
- at least 60 percent of students tested had to pass the reading/English language arts State exam;
- at least 50 percent of students tested had to pass the math exam;
- districts and high schools had to show a graduation rate of at least 70 percent for the Class of 2007; and
- elementary and middle schools had to achieve at least a 90 percent attendance rate.

As we have reported, Texas is in the process of phasing out its high school Texas Assessment of Knowledge and Skills (TAKS) in favor of a series of 12 end-of-course tests in four subject areas. As [The Dallas Morning News](#) reports, the State legislature is considering a new school accountability plan that would base annual district and school performance ratings on three years of test scores rather than only the most recent year. The plan would also eliminate the mandate that students in grades 3, 5, and 8 must pass the TAKS in order to be promoted to the next grade. It would give districts the flexibility to use other measures as well as test scores to determine promotion. Some believe this change will bring back the trend of social promotion in Texas schools.

According to [The Dallas Morning News](#), the Texas Education Agency (TEA) has suggested that schools that publicly reward students for their performance on the Texas Assessment of Knowledge and Skills are, in effect, publicly identifying those who failed and that this could be a violation of the Family Educational Rights and Privacy Act (FERPA). In a letter to local school districts, the TEA stated that reward incentives for students to perform well on tests could also have negative effects on students who fail.

Education Week reports that the new draft of the Texas State science standards has deleted references, objected to by scientists, that the theory of evolution is not a fully accepted biological theory. The draft is to be considered by the State school board in November with a final vote scheduled for next March.

The new Texas Charter Schools Association (TCSA) will represent the 300 charter schools throughout Texas. Already supported by 100 of the State's charter schools, the TCSA will provide advocacy services, cooperative services to help schools operate better, and development of measurements of effectiveness. The TCSA will be headed by David Dunn, formerly chief of staff for the U.S. Secretary of Education.

According to the Houston Chronicle, as of September 30, an estimated 225,000 Texas K-12 school students were still out of school as a consequence of Hurricane Ike. As many as ten school districts were completely closed and many others have had to stagger schedules to allow for facilities repairs. Moreover, another 45,000 pre-K children were without child care. The disaster has placed many at-risk students in danger of falling further behind their counterparts across the nation.

According to the San Antonio Express-News, the Statewide dropout rate for Texas -- the percentage of starting freshmen in 2004 who did not graduate in 2008 -- is approximately 33 percent. Moreover, the rate has changed little over the past 20 years. In September, city mayors, in partnership with local school districts, went door-to-door in hopes of getting dropouts to return to school. In the San Antonio Independent School District, nearly 500 former students were contacted and 100 of them have returned to school.

Education Week reports that the Dallas school district, faced with an \$84 million budget shortfall, is planning to layoff 1,100 employees including 550 teachers. About 400 of the lost jobs are teachers in core subject areas -- English, math, science, and social studies. Another 500 school staff, including aides, will be laid off. The layoffs are expected to save the district \$30

million. This, combined with \$38 million cut from other areas, still leaves the district with a \$15 million gap yet to be covered.

Education Daily reports that the Brownsville school district has been awarded the 2008 Broad Prize for Urban Education from the Eli and Edythe Broad Foundation. The \$2 million award is given to the urban school district that best demonstrates the strongest student achievement while narrowing achievement gaps between income and ethnic groups. The district will also receive \$1 million in college scholarships for students graduating next Spring.

Utah Update

November 2008

The Salt Lake Tribune reports that Utah's charter schools have performed better than public schools when it comes to making adequate yearly progress (AYP) under the Federal No Child Left Behind Act. This year, approximately 30,000 students attend the State's 68 charter schools. Ninety-five percent of the charter schools made AYP for the 2007-08 school year compared with 80 percent of traditional public schools. State data show that Utah's charter schools have fewer disadvantaged, minority, and special needs students than do public schools.

The Salt Lake Tribune reports that Utah is initiating a pilot testing program under which as many as five school districts and five charter schools will start giving computer-adaptive tests -- tests that change in difficulty as students take them. The State will no longer administer the Utah Basic Skills Competency Test or the Iowa tests to high school students but rather will use college preparatory tests such as the ACT. The State has also asked the U.S. Department of Education for permission to drop the State's criterion-referenced tests given each Spring.

Virginia Update

November 2008

Starting next Spring, when Virginia sends scores on the State assessment -- the Standards of Learning (SOL) -- to elementary and middle school students, they will be accompanied by a “Lexile measure” designed to help parents choose books for their children. The State will also provide parents with Lexile charts containing sample book titles grouped by Lexile range and difficulty level, as well as information on how to select books using Lexile measures. The State also has available two Internet-based training modules for parents and educators on the use of Lexile measures.

The Virginia State Board of Education has revised the State’s regulations for special education students in response to complaints from parents and politicians. According to the Richmond Times-Dispatch, the new regulations maintain parental input for when a school terminates special education services and will retain the due process hearing system under the purview of the State Supreme Court.

Washington Update

November 2008

The Seattle Times reports that a State audit of Washington's ten largest school districts has identified ways by which the districts could save \$54 million over the next five years. Among the audit's recommendations are:

- school closings (Seattle);
- reduced administrative staff (Seattle);
- computer automation of bus routes (Edmonds, Puyallup, Vancouver);
- using credit cards offering rebates for district purchases (Edmonds, Evergreen, Lake Washington, Puyallup, Vancouver); and
- creating a central Statewide office for storing employment records.