

# *The Education Report*

*A weekly report of public policy issues in American Education from*

*Washington Partners, LLC*

---

**July 2<sup>nd</sup>, 2002**

## **Supreme Court Allows Random Drug Testing for Students Participating in Extracurricular Activities**

On June 27<sup>th</sup>, the Supreme Court ruled that schools can conduct random drug tests on students participating in extracurricular activities. Justice Clarence Thomas wrote the opinion of the court stating that a random drug test “reasonably serves the school district’s important interest in detecting and preventing drug use among its students.” In siding with the majority, Justice Breyer said the ruling allows individuals to refuse the drug test if the student feels the test is overly invasive because students can “refuse testing while paying a price (nonparticipation) that is serious but less severe than expulsion from the school (if the student tests positive for drug use on multiple occasions).”

The specific case (Board of Education of Independent School District 92 of Pottawatomie County v. Earls) focuses on a student who challenged a Tecumseh, Oklahoma drug test policy on the grounds that it violates the 4<sup>th</sup> Amendment (unreasonable search and seizure). The decision expands a 1995 decision that allowed athletes to be subject to random drug tests out of safety concerns.

For more information, visit: <http://www.supremecourtus.gov/>

## **Department of Education to Award \$17 Million for Testing Requirements**

The Department of Education is seeking applications for \$17 million in competitive grants for expanding assessment requirements, especially for students with disabilities, as part of the No Child Left Behind Act. The \$17 million is to supplement the \$387 million already allocated to assist states in developing assessment programs.

The official solicitation for grant applications is not yet available. Applications will be due September 17<sup>th</sup> and the grants will be awarded by December 1<sup>st</sup>. The Department is also looking for reviewers for grant applications. Reviewers should have some experience with assessment programs, be advocates for students with disabilities and/or be advocates for students who have a limited understanding of English.

### **\$3.5 Million Grant Awarded to Education Leaders Council**

The Department of Education has awarded the Education Leaders Council (ELC) a \$3.5 million grant to develop models for implementing the No Child Left Behind Act (NCLB) on the state level. The ELC will identify states, school districts and individual schools that can be used as examples of successful NCLB implementation. The ELC will also develop best practice guidelines for implementing assessment and accountability measures.

The ELC will work in conjunction with several other groups as part of the "Following the Leaders Project." The project will make available to 15-50 schools in 20 states development tools created by Project Achieve. These tools will allow educators to more effectively use data gathered from student assessments. Nonprofit organization Accountability Works will aid education authorities in understanding policy issues concerning standards assessment, accountability and standards. The Teacher Advancement Program (TAP) that details a 5-pronged approach for retaining teachers will be made available to participating states under the Follow the Leaders Project.

### **Secretary Paige Releases Data on Schools in Need of Improvement**

Department of Education Secretary Rod Paige has released information detailing which schools are "in need of improvement" across the nation. Nationwide 8,600 schools have been identified as needing improvement as defined by the adequate yearly progress (AYP) report. If a school is considered failing two years in a row, then students are eligible to attend a higher performing school in the district. Parents of children in failing schools must be informed of their options by the 2002-2003 school year.

In terms of AYP report accountability requirements, each state must:

- Have one accountability system including proficiency levels, academic standards and assessment procedures for all students.
- Break down assessment data into racial, ethnic, disadvantaged, disabled and limited-English-proficiency subgroups.
- Attain 100 percent proficiency levels by the end of the 2013-2014 academic year.
- Make assessment data available to parents on a yearly basis.

More information on the schools that are "in need of improvement" can be found at: <http://www.ed.gov/PressReleases/07-2002/07012002a-scores.html> and <http://www.ed.gov/PressReleases/07-2002/07012002a.html>

### **107th CONGRESS, 2nd SESSION**

TENTATIVE SENATE CALENDAR 2002/ NON-LEGISLATIVE PERIODS  
**Tom Daschle**, Majority Leader

<b>July 1 – 5</b>	<b>Senate not in session</b>
<b>July 4</b>	<i>Independence Day</i>
<b>July 8 (Mon.)</b>	<b>Senate reconvenes</b>
<b>August 5 - September 2</b>	<b>Senate not in session (August Recess)</b>
<b>September 2</b>	<i>Labor Day</i>
<b>September 3 (Tues.)</b>	<b>Senate reconvenes</b>
<b>September 16 (Mon.)</b>	<b>Yom Kippur (NO VOTES)</b>
<b>October 4</b>	<b>Target adjournment</b>