

The Education Report

A weekly report of public policy issues in American Education from

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Department of Education Releases Guidance on Supplemental Services

On August 6th the Department of Education released draft non-regulatory guidance on supplemental service provisions in the No Child Left Behind Act. The guidance covers four general areas; general information, State (SEA) responsibilities, local education agency (LEA) responsibilities and funding.

General Information

The guidance defines supplemental services as programs that provide academic services to students in failing public schools. The services must occur outside regular school hours, be aligned with State curriculum guidelines and be “high quality” and “research based.” If all eligible students cannot receive supplemental services (for whatever reason), priority must be given to the lowest-achieving students.

The guidance clarifies when supplemental services are to be provided to students. To be eligible for the services, a student must be from a low-income family and attend a school in its second year of improvement, in corrective action or in restructuring. A school in its second year of improvement is one that has failed to make adequate yearly progress (AYP) for three or more years. The LEA must provide supplemental services after a school has failed to make AYP for three years, which is the same as one year after being designated as needing improvement. For example, if a school fails to make AYP in the 2002-03, 2003-04 and 2004-05 academic years, then the LEA must provide supplemental services to students at the beginning of the 2005-06 academic year. LEAs may stop offering supplemental services after the school is no longer identified as needing improvement, corrective action or restructuring. This is the same as stating that if a school makes AYP for two consecutive years.

SEA Responsibilities

SEAs are responsible for two main functions; to identify and maintain a list of supplemental service providers and to monitor the quality/efficacy of the providers. Specifically, these responsibilities entail:

- Consulting with parents, teachers, LEAs and other community members to identify supplemental service providers
- Annually constructing and disseminating a list of providers

- Developing criteria for entities to be named as providers (and to be removed from the list of providers)
- Developing, implementing and publicly reporting the standards and methods the SEA will use to monitor the providers

LEA Responsibilities

LEA's responsibilities, for the most part, concern parents of eligible students. Specifically, the LEA must:

- Annually notify parents on supplemental service availability in an easily understandable method
- If requested, aid parents in finding a provider
- If not all eligible students can receive supplemental services devise a method for determining which students can receive services
- "Enter into an agreement with a provider selected by parents"
- Aid the SEA in determining providers in the LEA's jurisdiction
- Provide any necessary information the SEA needs to effectively monitor providers
- "Protect the privacy of student who receive supplemental education services"

Funding

On average, supplemental services cost between \$600 and \$1,500 per student, per academic year. LEAs may pay the provider directly for services or issue parent "coupons" entitling their children to a specific amount of time with supplemental service providers.

Title I or any other Federal, State, local and/or private funds may be used to pay for supplemental services. LEAs must pay up to the equivalent of 20 percent of their Title I, Part A funds on a combination of choice-related transportation and supplemental services. This does not mean that the LEA must use 20 percent of Title I, Part A funds for these services, only an amount equivalent to it.

The complete guidance can be viewed at:

<http://www.ed.gov/offices/OESE/SASA/suppsvcsguid.pdf>

Department of Education Rejects California's Definition of "Highly Qualified" Teacher

The Department of Education has rejected California's definition of what a "highly qualified" teacher is. According to the No Child Left Behind (NCLB) Act, a "highly qualified teacher" cannot use emergency credentials or waivers in order to teach. All teachers are required to be highly qualified by the 2005-2006 academic year, but all newly hired teachers are required to be highly qualified by the start of the 2002-2003

academic year. If a new definition is not agreed upon, then California risks losing a portion of its Title I funding.

California would have to replace 58,000 out of a total of 307,000 teachers to comply with NCLB regulations. U.S. Representative George Miller (D-CA) said that California's definition "is an audacious and reckless action that suggest a lack of regard for students, parents and taxpayers." Spokesman for the California state board said, "if we could all waive [a] wand and get another 100,000 full certified teachers by this September, that would be wonderful...but we're just trying to work with reality."

Reading First Grants Awarded to Arizona, Michigan and Utah

On August 7th, Secretary of Education Rod Paige announced that Arizona, Michigan and Utah will receive Reading First grants under the No Child Left Behind Act. Arizona will receive \$17.7 million this year and a total of \$116 over the next six years. Michigan will receive \$28.5 million this year and \$186.5 over the next six years. Utah will receive \$4.6 million this year and \$30 million over the next six years. In the announcement, Secretary Paige said that the Reading First program "can ensure that *all* children will be given the tools and instruction they need to read well by the end of the third grade."

For information on Arizona's plan, visit: <http://www.ed.gov/PressReleases/08-2002/080702Arizona.doc>

For information on Michigan's plan, visit: <http://www.ed.gov/PressReleases/08-2002/080702Michigan.doc>

For information on Utah's plan, visit: <http://www.ed.gov/PressReleases/08-2002/080702Utah.doc>

Florida Circuit Court Rules Florida Voucher Program Unconstitutional

On August 5th the Leon County Circuit Court ruled that Florida's school voucher program is unconstitutional because it violates the State constitution's church and state separation clause. The specific clause in the Florida constitution reads that no revenue "shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect or religious denomination." Judge Davey ruled that the voucher program is a form of indirect aid to a religious institution.

The decision will stop 700 students who attend or were planning on attending a private or parochial school under the Opportunity Scholarship Program from using the vouchers this year. Governor of Florida, Jeb Bush, said that the state would appeal the decision. An appeal would allow the voucher program to continue until a final ruling is made.

The Florida voucher program was seen by voucher supporters as a model voucher program, especially after the recent U.S. Supreme Court ruling that cleared the way for voucher programs nationwide. Barry Lynn, president of Americans United for the

Separation of Church and State said, “I expect to see similar decisions (similar to the Florida decision) against vouchers in state courts around the country.”

USA Today Finds 19 Schools Both Blue-Ribbon and Failing

A recent USA Today study found that 19 schools are considered to be both simultaneously Blue-Ribbon Schools and failing schools. The possibility of more schools being on both lists exists since the USA Today only examined schools in the 10 states with the most failing schools. Director of the Brown Center on Education Policy Tom Loveless said that find findings represent “just the tip of the iceberg.” The findings call into question how prestigious a Blue-Ribbon school really is and how accurate methods of determining if a school is failing really are.

Department of Education officials claim that the study is not a valid comparison since the two indicators measure school progress differently. Laura DeVos, principle at Cannonsburg Elementary School in Rockford, Michigan said both measures “can be taken out of context.” Regardless of the actually validity of the measures, Blue-Ribbon awards have a powerful effect in the community. President of SchoolMatch, William Bainbridge said, “real estate values double based on the perceived quality of the schools.”

To view the entire USA Today article, visit:

http://www.usatoday.com/news/education/2002-08-04-schools-usat_x.htm

Secretary Paige and Rep. Morella Attend NICHD Roundtable on English as a Second Language Education

Secretary of Education Rod Paige and U.S. Representative Connie Morella (R-MD) attended a National Institute of Child Health and Human Development (NICHD) roundtable discussion on educating children who have limited understanding of English. Secretary Paige said, “reading, writing and speaking English are critical skills for living the American dream” and that discussions such as the roundtable discussion will aid educators in teaching students whose first language is not English.

A portion of the roundtable discussion focused on a joint research program between the Office of Educational Research and Improvement (OERI) and the NICHD that has begun to study 5,400 students in eight states to determine how students who’s first language is Spanish learn English, why some have difficulties learning it and which methods for teaching English are the most effective.

Spanish is seen as the primary target of study since in the last decade, the number of Spanish-speaking students has grown more than four times faster than the general student population rate. Currently, there are approximately 50,000 English as a second language (ESL) teachers in the US. This is approximately one teacher for every 100 ESL students.

If the ratio were to be brought down to the national average of one teacher for every 17 students, an additional 290,000 ESL teachers would be needed.

Darvin Winick has been named the Chairman of the National Assessment Governing Board

On August 2nd, Secretary of Education Rod Paige named Darvin Winick as the new chairman of the National Assessment Governing Board (NAGB). The NAGB develops policy guidance for the National Assessment of Education Progress. Winick is a senior research fellow at the College of Education at the University of Texas. Winick was also the founder, president and managing principal of the psychological and economic research and consulting firm LFWF. He will replace Mark Musick as chairman.

107th CONGRESS, 2nd SESSION

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

August 5 - September 2 *Senate not in session (August Recess)*

September 2 *Labor Day*

September 3 (Tues.) *Senate reconvenes*

September 16 (Mon.) *Yom Kippur (NO VOTES)*

October 4 *Target adjournment*