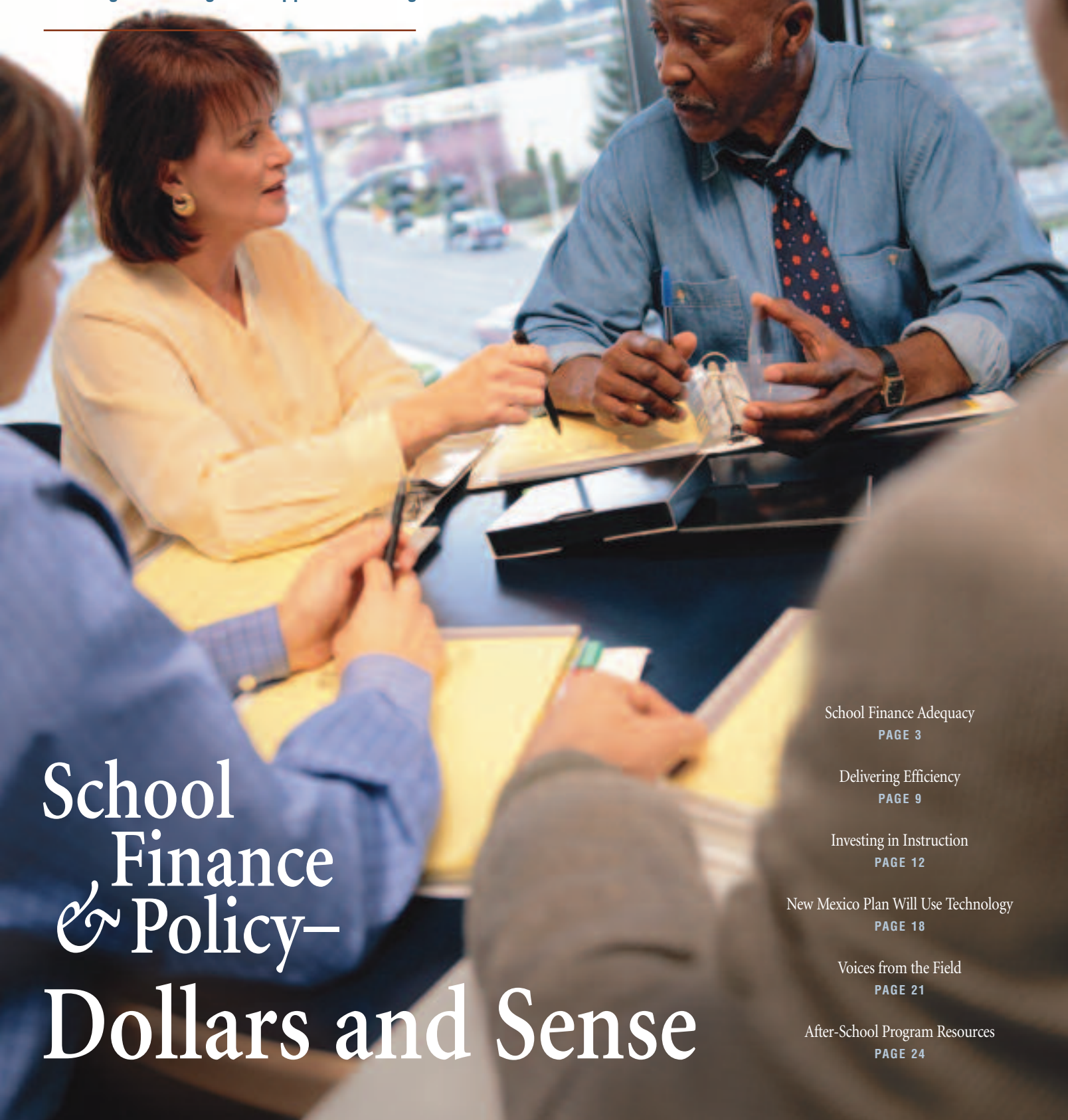


SEDL Letter

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Building Knowledge to Support Learning



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Wesley A. Hoover, Ph.D.
President and CEO

Joyce S. Pollard, Ed.D.
Director, Office of
Institutional
Communications

Leslie Asher Blair, M.A.
Editor

CREDITS

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Dollars and Sense

School Finance and Policy

By Leslie Blair,
Editor

The past several editions of *SEDL Letter* have been largely devoted to examining issues affecting student achievement. With this edition, we shift gears a bit as we turn our attention from instructional practices to school finance and policy, although each can play a role in student achievement. With state budget constraints increasingly common, this *SEDL Letter* should provide food for thought for our region's policymakers and administrators.

Nearly 50 years after the Supreme Court's desegregation decision in *Brown v. Board of Education*, policymakers and educators continue to grapple with equity issues. Large gaps still exist in achievement among children of color, children living in poverty, and children with disabilities. Schools that serve large populations of disadvantaged children are often those with the least adequate resources. As *Sacramento Bee* reporter Peter Schrag has observed, "What's numerically equal may not be adequate to meet the requirements of a high tech economy, the varying social and educational needs of different kinds of students or the complex social and civic demands of contemporary society." So we find

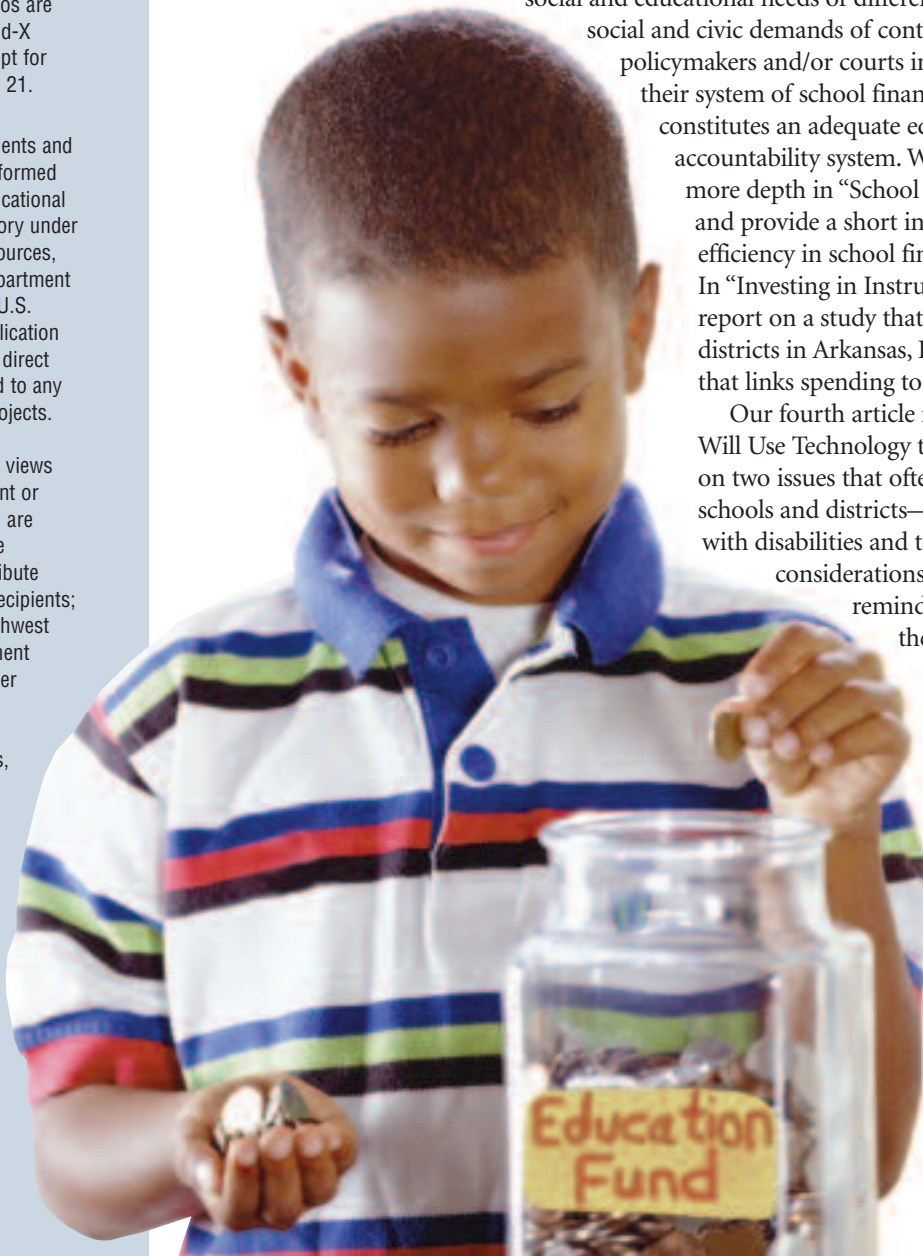
policymakers and/or courts in nearly every state reevaluating their system of school finance or trying to define what constitutes an adequate education given their state's accountability system. We discuss the adequacy issue in more depth in "School Finance Adequacy: The State Role" and provide a short introduction to the concept of efficiency in school finance in "Delivering Efficiency." In "Investing in Instruction for Higher Achievement," we report on a study that SEDL conducted in 1,500 school districts in Arkansas, Louisiana, New Mexico, and Texas that links spending to student achievement.

Our fourth article in this issue, "New Mexico Plan Will Use Technology to Leave No Child Behind," focuses on two issues that often pose special challenges for schools and districts—meeting the needs of students with disabilities and technology. We hope New Mexico's considerations of children with special needs will remind others to consider all children and their learning needs when developing technology plans. Rounding out

our issue is a "Voices from the Field" essay, written by a central Texas parent. This piece addresses the necessity of well-defined and fairly implemented discipline policies for the good of districts, parents, and students.

As always, we encourage *SEDL Letter* readers to send us their feedback via e-mail to lblair@sedl.org or by regular mail to Editor, *SEDL Letter*, 211 E. 7th St., Austin, TX 78701.

SEDL



School Finance Adequacy

The State Role

By Lawrence O. Picus and Leslie Blair

Perhaps the most visible school finance issue today is adequacy. Defined as the provision of adequate resources to enable all children to meet a state's proficiency standards, school finance adequacy is being addressed in some way in almost every state, especially since the No Child Left Behind (NCLB) Act has upped the ante with its Adequate Yearly Progress provisions. At the same time most states and districts are facing reduced revenue growth and tighter budgets. State governments in particular feel this pinch because in recent years they have assumed increased fiscal responsibility for funding education.

From Equity to Adequacy: The Growing Role of the State in School Finance

Education reformers relied on litigation as a way to equalize educational opportunities and correct funding disparities throughout the 1970s. Between 1971 and 1983, 17 state high courts ruled on the constitutionality of their state school finance systems, and a number of state finance systems were found unconstitutional, including those in Arkansas, California, Connecticut, New Jersey, Washington, West Virginia, and Wyoming. As a result of intense litigation during that 12-year period, almost every state attempted to redefine inputs into the educational system, and in doing so, many assumed a larger share of school funding (Augenblick, 2002).

The accountability movement has also expanded the state role in school finance and helped shift the focus of litigation from equity to adequacy (see sidebar at left and on page 4). The connection between accountability and adequacy is clear: If states are holding districts and schools accountable for what students should know and be able to do, then states must provide the resources to enable schools and districts to meet the state-set standards.

State vs. Local Funding in SEDL's Region

The move to a standards-based education system has resulted in an increased state role in school finance. By the 1990s, state and local governments largely shared the cost of financing education—in 2000–2001, states provided 49.9 percent of revenue for K–12 education, local governments provided 43 percent, and the federal government provided 7.1 percent. However, that share varies by state. According to 2000–2001 census data, two states in the SEDL region provided nearly three quarters of funding for their school systems: Arkansas provided 72 percent of funding for education and New Mexico provided 71.3 percent.

Table 1.

Percent Distribution of K–12 Revenues by Source, 2000–2001

State	Local	State	Federal
United States	43.0	49.9	7.1
Arkansas	18.7	72.0	9.3
Louisiana	39.7	48.7	11.6
New Mexico	14.9	71.3	13.8
Oklahoma	33.8	56.3	9.9
Texas	50.2	41.2	8.6

Source: U.S. Census Bureau, *Public Education Finances, 2001*

Determining the Cost of an Adequate Education

Given the growing sense of urgency to ensure adequacy, how do policymakers go about determining what an adequate education costs, based on state standards and context? A logical tool to link the accountability system to the education finance system is the foundation level, used by most states to determine education funding and theoretically implemented to help equalize education resources (see sidebar on page 5). To make the foundation level meaningful, state policymakers must walk the tightrope between “specifying adequacy at so low a level as to trivialize the concept as a meaningful criterion in setting finance policy, or at so high a level that it encourages unnecessary

spending,” as the National Research Council warns (1999, p. 265). The consequences of failing to set an appropriate level of adequacy include the difficulty of raising new taxes if the level is set too high and the risk of not achieving goals if it is set too low.

This all sounds logical; however, adequacy as a concept is still relatively new. Current data are insufficient to help policymakers be certain that the amount they determine will actually be adequate to fund education.

Four approaches have emerged for determining the cost of an adequate education:

- Professional judgment
- Successful school district
- Cost function
- Evidence based

All of the approaches link spending and performance. The professional judgment and evidence-based approaches may also provide a framework for educational strategies that will help states meet performance standards (Odden, 2003).

Kentucky Case Is First to Focus on Adequacy

The 1989 Kentucky Supreme Court decision in *Rose v. Council for Better Education* was the first to focus on the adequacy issue. The case began as an equity suit—the Council for Better Education (CBE) wanted a more equitable distribution of resources among districts and less reliance on inadequate local funding. The case ended up focusing on adequacy due to a combination of factors, including national attention on the deficient education that many American children were receiving, spurred by the 1983 *Nation at Risk* report and a group of high-profile civic and business leaders who filed an amicus brief in the CBE lawsuit against the state of Kentucky. Chief Justice Robert Stephens declared Kentucky’s entire school system unconstitutional and ruled a child’s right to an adequate education was fundamental under the state constitution. He then outlined what should be included in an adequate education. As a result, the Kentucky Education Reform Act was passed a year later, in essence revamping the state’s education system, including school financing and the amount of support school districts received from the state (Schrag, 2003, pp. 65–79).



Professional Judgment Approach

In the professional judgment approach, a group of professional educators are brought together to identify the resources needed in a prototype school that, in their professional judgment, will enable its students to meet the state’s proficiency standards. The educators are asked to describe the resources or inputs (e.g., the number of teachers and aides, the type of supplies) needed to achieve an adequate education. These experts are also asked to help identify the additional resources needed to provide an adequate education to special populations of students, such as English language learners or special education students. The costs of providing these resources for all schools in a state—including adjustments for different characteristics of schools and students—are then estimated to determine how much is needed to fund an adequate educational program statewide. Reliably estimating the costs of an adequate education depends on the composition of the team of experts and on the accuracy of their recommendations (Reschovsky & Imazeki, 2000, p. 4). A number of states, including Kentucky, Maine, Maryland, Montana, Nebraska, Oregon, South Carolina, Wisconsin, and Wyoming, have used the professional judgment approach.

The advantages to the professional judgment approach are that it is easily explained to the public and the resulting estimates are based on the judgments of professional educators with experience in educating students. The approach also makes it easy to adjust for local characteristics and issues such as special student needs and geographic price variations (Odden, 2003).

Without some parameters for the mix of resources to be established, however, the models generated by the professional judgment approach may be very expensive. Other disadvantages stem from the potential subjectiveness of the process. For example, it is impossible to ensure that each team member has no conflict of interest that would lead him or her to make decisions that could be beneficial in their own circumstances (National Research Council, 1999, p. 123).

Successful School District Approach

A second option is the successful school district approach, in which policymakers study districts that have fulfilled state expectations. Spending levels in those districts are used to calculate a base cost for adequate spending per pupil—the cost of serving a student with no special needs. Adjustments for student and district characteristics are then made. The key to using the successful district approach is being able to determine the differences in how unsuccessful schools and successful schools spend their money. This approach is easy to explain to the

public and makes intrinsic sense as a way to specify an adequate level of resources. However, problems can arise in setting the criteria for the sample schools identified as successful. School finance consultant John Augenblick noted that in Ohio, where he conducted a study using the successful school district approach, only 8 of the state's 612 districts met the established criteria of successful schools, which analyzed both inputs and outcomes to determine successful schools. However, when only the criteria for outcomes were applied, 100 districts met the criteria (Augenblick, 2002). According to Allan Odden (2003), because atypical districts are usually eliminated when using this approach, the result is often based on average-size nonmetropolitan districts that are demographically homogeneous and spend below the state average. Finally, the successful school district model does not specify a way to make adjustments for characteristics of individual school districts, leading to potential disagreements over how to meet the needs of many students.

Cost Function Approach

A third approach is the econometric or cost function approach, which relies on statistical analysis to determine what inputs are needed to meet a certain level of outcomes. In other words, in the cost function approach, how much money would be needed to attain a certain level of student performance is estimated while controlling for the characteristics of the district and its students. Although this approach appeals greatly to economists, it is difficult to explain to policymakers and the general public and becomes very complex mathematically due to the number of inputs. However, a number of important insights about relationships between inputs and outputs may be gleaned from cost function analyses. These insights can be used to inform policy and help determine the magnitude of adjustments for student and district characteristics.

Evidence-Based Approach

A fourth method is the evidence-based approach. Often referred to in the literature as the whole school reform approach, it has been used in Arkansas, Kentucky, and New Jersey. As used today, the evidence-based approach relies on current educational research to identify the resources needed for a prototypical school to meet a state's student performance benchmarks. Once identified, those specifications are subject to the "professional judgment" of officials in that state to validate the research-based recommendations. Thus modified, the costs of the prototypical school designs are estimated and applied to the actual schools in that state. Adjustments are made for children with disabilities, low income children, or those with limited English proficiency.

A Quick and Dirty Look at the Foundation Program for School Finance

During our nation's early years, education was usually locally or privately funded. By the early 1900s, disparities in per pupil revenues and expenditures became so noticeable that the foundation program was developed to ensure schools received adequate support without overburdening districts that had limited taxable resources. It is still used by most states today. Under the foundation program, states set a target resource level for each district that is theoretically adequate to provide a basic education. Using a uniform property tax rate, each district raises money to meet its share of that resource level. The state funds the balance, with the result that poorer districts receive more money to help meet the foundation level. States differ in the amount of foundation-level funding and how that amount is calculated. Adjustments and modifications to the foundation level to compensate for the costs of serving special populations of students, such as English language learners or special education students, also vary from state to state.

Despite the use of the foundation program to equalize resources, inequalities still result from the large role local funding plays in school finance. As *Sacramento Bee* reporter Peter Schrag writes in *Final Test: The Battle for Adequacy in America's Schools*, "People in poor districts could tax themselves to death without being able to generate as much per-pupil funding as affluent districts could with ease" (p. 74). Inequalities also exist because of differences in the ways states have established their foundation programs. In some states, districts may choose to levy tax rates above the required level. Also, certain wealthy districts may be able to generate the target per-pupil revenue at a tax rate below the required tax rate. In other states, districts are allowed to choose per-pupil revenue or tax levels that are below the foundation level (Augenblick, Myers, & Anderson, 1997, p. 65). Yet another concern with the foundation approach is that states often do not update the foundation level to keep up with inflation or with increased spending needs of districts as they try to meet current educational standards.



Adequacy models tend to become complex very quickly because of efforts to meet a wide range of special needs.

The major advantage of this model is its reliance on the growing research base about what programs and models have been successful in improving student learning. It uses what we know about successful schools to develop a model that can be applied to all schools and districts in a state. Its major drawback lies in the extent that research-based designs don't work in absolutely every situation. In other words, the evidence-based approach may not lead to models that will improve student performance in *all* situations—in reality a limitation that can be attributed to all four designs.

Recent Adequacy Studies

Without question school finance adequacy will drive funding decisions for schools in the foreseeable future. The questions facing policymakers in the five states in the Southwest Educational Development Laboratory's (SEDL's) region and across the United States involve how best to determine an adequate level of funding for each state and then how to pay for it.

The first state to address this issue head-on was Wyoming. Faced with a court order requiring the state to define a proper education and fund it, consultants developed the professional judgment model. They next estimated the resources needed to meet that state's mix of desired educational goods and services and devised a model to provide funding for each school district.

Maryland relied on a combination of approaches to determine adequacy. Several years ago Maryland policymakers decided to link funding to what they expected districts should accomplish. In order to determine adequate funding, they used the professional judgment and the successful school district models. Those approaches produced two different funding levels. Maryland policymakers used the lower of the two amounts for the foundation-level funding. They then created a second tier to give school districts the latitude to raise money to reach the second level. In 2002 the legislature voted to increase education spending by \$1.3 billion per year to provide an adequate education for all children, phasing in the increase over a six-year period. They also hiked the tax on cigarettes by 34 cents a package to help generate revenue to support increased spending. The cigarette tax hike largely funds the first two years of increased spending, but critics are asking how the state expects to pay for the increased spending beyond the first two years. For their part, Maryland policymakers—like so many others in the country—hope that a lack of money does not serve as an excuse for minimal improvement in student achievement. They also hope an improved economy will help fund the last four years of their plan.

The importance of looking at multiple approaches has become obvious. In Kentucky at least three adequacy studies have been conducted. All three recommended increased spending for education, with the evidence-based approach calling for the smallest increase and the professional judgment models recommending higher levels of spending. Arkansas has recently completed an evidence-based study of school funding adequacy. In this study, the consultants employed two large professional judgment panels to review and advise the legislature as to whether or not the model developed would enable students to meet adequately the state's proficiency standards. In addition to estimating the costs of providing an adequate education, the Arkansas study also addressed reform of the teacher compensation system. The initial recommendations of the Joint Legislative Committee on Education Adequacy include substantial increases in teacher salaries in exchange for movement to a knowledge- and skills-based compensation system for teachers.

In New York, a combination of the successful school district and professional judgment approaches is being used. The professional judgment panels have been populated with individuals from school districts that were determined to meet successful school/district criteria. Throughout the process, tremendous energy and time have been devoted to seeking public input in the hope that public involvement will help garner support for the model that emerges.

Facing a new school finance lawsuit, Texas has recently begun a major cost function study while at the same time a number of legislative committees, education interest groups, and other interested parties have established alternative studies or approaches. All of this is expected to come to a head early in 2004, when the studies are complete. Both Louisiana and New Mexico have begun discussions that also could lead to adequacy studies during 2004.

What Does All of This Mean for Policymakers?

One certain thing has emerged from all of the recent school finance adequacy work: The process is not easy. Moreover, adequacy models tend to become complex very quickly because of efforts to meet a wide range of special needs that are typically found when the adequacy measure is implemented in a school finance system. For that reason, policymakers should insist that adequacy models be straightforward and easy to understand. Although it is not easy to do, making sure the funding model is understandable to both policymakers and the general public is essential if their support for the new (and so far always) higher funding levels that lead to improved student performance is to be put in place.

How Do Policymakers Select a Model?

Given the nationwide accountability focus, policymakers will increasingly be forced to examine what constitutes an adequate education, what it costs to fund an adequate education for every child, and how to allocate resources to enhance student achievement. Because adequacy as a standard in school finance is still evolving, policymakers will face technical challenges in determining how much an adequate education costs—for an “average” child and for children with special needs or from disadvantaged backgrounds—and in effectively allocating resources. None of the four approaches discussed predominates (Odden, 2003), but no matter which approach is used, the likely outcome will be increased spending for education. Each approach leads to somewhat different results, and each is modified somewhat for each new study based on what researchers learn in earlier studies. As a result, any one of these is unlikely to provide a “definitive” answer. Rather, state policymakers probably should consider conducting multiple studies before settling on a new foundation level of funding for schools.

Implementing and Evaluating the Adequacy Model

No matter which adequacy model is used, policy makers must resolve how prescriptive these models should be and how a model should be implemented. Once a set of resources has been specified, do they represent the way all districts should allocate those resources? Or does that set of resources provide a basis for a funding model that leaves it up to individual districts to ascertain how best to use those resources for improved student achievement? This is a difficult question. On the one hand, policymakers want to provide local school officials with as much flexibility to meet individual needs as possible. On the other hand, what should be done when a district or school receives these funds, elects to establish programs that are vastly different from the model used to determine funding levels, and then does not succeed? How this question is resolved will affect the success of adequacy models in every state and needs to be addressed up front and early in the discussions if meaningful reform is to occur.

An important component of any adequacy system is continual evaluation, both to ensure that the level of funding remains adequate over time and that it is achieving its goal of raising student performance. Certainly improvements in student learning outcomes represent the most obvious way to evaluate the outcomes of school finance adequacy models, but knowing what schools and school



Ed Week Ranks the States

Education Week recently released its annual *Quality Counts* special report, where the adequacy and equity of state resources are discussed under a section titled “State of the States.” Visit <http://www.edweek.org/sreports/qc04/> to take a look at state summaries.

districts purchase with new resources and how they translate those funds into student learning is essential to gain confidence that the amounts specified as adequate truly are and remain adequate.

Despite the difficulties states face in determining adequate funding, accountability and adequacy hold great promise in making sure all children are given the opportunity and education to succeed. The challenges we must overcome to guarantee that every child receives an adequate education will be minor compared to the costs of not doing so.



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SEDL

Lawrence O. Picus is a professor in the Rossier School of Education at the University of Southern California and senior adviser for SEDL's Regional Educational Laboratory policy work.

Leslie Blair is editor of SEDL Letter. You may e-mail Leslie at lblair@sedl.org.

Delivering Efficiency

Focus on Bolstering School Finance and Accountability

By Geoff Camphire

Editor's Note: Information in this article was obtained through an interview with Bruce Baker, an associate professor in the Department of Teaching and Leadership at the University of Kansas. He recently coauthored with Preston Green and Craig E. Richards a forthcoming textbook on school finance to be published by Merrill/Prentice-Hall Publishing.

As public school funding has dwindled and accountability for student performance has escalated in recent years, many education leaders have identified *efficiency* as an increasingly important priority. But how can we get “bang for the buck”—that is, ensure that education dollars yield an appropriate return on investment? How can we determine what is a fair or reasonable standard of performance, given the varying levels of resources available to schools? And how can we gauge the relative efficiency of one educational approach against another?

These are difficult questions. Here we discuss the complexity of pursuing efficiency in education and steps that policymakers can take to advance efficiency-driven reform.



Bruce Baker is an associate professor in the Department of Teaching and Leadership at the University of Kansas.

What Does Efficiency Mean, and Why Is It Difficult to Measure?

Efficiency is a measure of the extent to which inputs are minimized while outcomes are maximized. School administrators routinely take efficiency into consideration when making decisions about replacing a roof, fixing a boiler, or outsourcing transportation or food service. Expectations are set for the quality and quantity of goods or services desired, and they are obtained at the lowest possible price. This approach is more difficult to apply to education financing, partly because expectations are harder to define and the resources needed to meet those expectations are harder to determine. But it is not impossible.

Nearly all states since the late 1980s have codified goals in standards of student academic achievement. Some states, such as Texas, have been commended for crafting standards that are specific and measurable, but others have adopted standards vague enough to encompass a considerable range of achievement. Even when expectations are linked to precisely quantified expectations, such as passing test scores, it must be remembered that these measures only provide indicators of the kinds of material students have mastered; they do not capture the totality of learning. Thus education leaders should take care once they have settled on concrete standards to create tests that are highly aligned with those standards—rather than, for example, purchasing off-the-shelf assessments used by school systems with markedly different standards.

The next hurdle is determining how monies can be allocated most efficiently to achieve standards. In addition to acknowledging that different children require different resources to meet standards, education leaders must take steps to determine with what resources various students from various backgrounds learning in various settings can reasonably be expected to meet such a uniform set of standards. This means, first and foremost, studying the performance of students from various economic, geographic, ethnic, and social backgrounds as they are given opportunities to learn given various kinds and levels of resources. Through this type of research, education leaders can ascertain how instruction dollars are most efficiently spent.

The approach is one of great complexity but also great promise. Rather than focusing solely on output, such as student test scores or indices of schoolwide gains, an efficiency orientation has us looking at

output per unit of input, as in just how much schools should expect student achievement to rise for every qualified teacher hired. The distinction is a highly relevant one in this era of accountability. No one denies that school financing—which can determine schools’ access to key commodities such as books, computer equipment, and whole-school reform programs—at least partly accounts for performance. But what can states and districts do about it?

Concerned about budget cutbacks and the daunting costs of ambitious reforms, some states have begun to take a sober look at issues related to the “adequacy” of school funding, occasionally prodded to do so by legal challenges. But examinations of adequacy usually seek only to determine whether schools receive enough support to do the job assigned to them. No state yet has

focused on efficiency in a way that would fine-tune this concept, developing a rigorous, empirically based system for achieving maximum outcomes with minimal waste. In some cases where states have modified funding formulas in attempts to deliver resources according to students’ varying needs, adjustments are based on political convenience or unproven assumptions about achievement; they are less often based on logical reasoning and empirical analysis.

Texas—a state with a long-standing and sophisticated system of standards, assessment, and accountability—offers perhaps the best example of a state that has explored empirical approaches to efficiency as a way to solve its problems. In April 2003, the Texas House Speaker announced that the state would undertake a \$1 million study of its education finance policies to ascertain what resources schools need to meet the state’s academic standards, which have been growing steadily more rigorous during the past decade. To ensure that the research focuses not just on adequacy but on efficiency, policymakers are partnering with academics in new ways. Directing the study is a senior economist from the Federal Reserve Bank in Dallas. Well-known economists and education researchers are conducting the study, which uses statistical methods to identify the costs of achieving outcomes and ways those costs vary.

What Can Policymakers Do?

From a top-down perspective, state lawmakers can determine what cost adjustments to funding formulas are necessary to accommodate proposed standards-based accountability initiatives. They also can provide data resources and training in efficiency analysis for school and district leaders. From a bottom-up perspective, administrators can use available resources to do their own analyses, weigh options, pursue efficient strategies, and discard what does not work. If education leaders combine these top-down and bottom-up strategies, efficiency can be improved without needing every decision maker from the statehouse to the classroom to become an expert in statistical methods. One strength of this approach is that existing expertise in the field can be leveraged.

Recommendations for state policymakers:

- Collect, organize, warehouse, and disseminate data on costs and effects of educational programs and provide training and assistance to administrators exploring options based on efficiency
- Train and support administrators in collecting data related to efficiency, linking costs to goals and analyzing strategies that get results without waste





No state has focused on efficiency in a way that would fine-tune this concept.

- Support research on ways efficiency can be measured and improved locally, such as by soliciting feedback from state education finance experts
- Before implementing any statewide education financing initiatives, determine its goals, components, requirements, assumptions and costs; its advantages and disadvantages; common pitfalls of implementation; what is known and not known about its potential impact on local resource allocation, efficiency, and performance; and factors affecting the success of other states using similar approaches
- When implementing financing initiatives or retooling funding formulas, provide school systems with adequate resources required to efficiently produce stated outcomes
- Determine what funding amounts produce the most efficient results for various programs or uses, such as the shares of total funding dedicated to instruction versus administration, and encourage school districts to allocate resources in the proportional amounts found most efficient while keeping in mind that one size does not fit all!

- Evaluate the impacts of policy initiatives by gathering feedback from stakeholders and analyzing changes in resource allocation, efficiency, and performance

Policymakers should also remember that currently efficiency is not very well defined or measured; therefore neither implementing accountability systems nor imposing sanctions based on efficiency is recommended.

When state policymakers and legislators use the best-available technologies and higher-education resources to design more empirically based funding formulas, the next step will be simply helping local administrators deliver education efficiently, the way they approach fixing a boiler or replacing a roof. The costs of implementing programs will be known, cost and budget data will be organized around educational goals, and student performance data compared with cost analysis will help administrators evaluate “output per dollar” across educational programs.

And then public schools will know how to get a good bang for their buck.

SEDL

Geoff Camphire is a freelance writer based in Virginia who specializes in writing about education issues.

Investing in Instruction for Higher Achievement

By Judy Bray

In 2001, our policy team at SEDL joined forces with the Charles A. Dana Center at The University of Texas at Austin. With the help of state officials in Arkansas, Louisiana, New Mexico, and Texas, we conducted a two-year finance study on spending patterns and performance in school districts throughout the Southwest.

Our results offer a powerful message to state and local policymakers: *In more than 1,500 southwestern school districts, student achievement is linked to spending patterns, and money matters when spent on instruction.* In this article, we highlight what we discovered and conclude with important tips about spending for higher student achievement (see “About SEDL’s Study” for a quick summary of our research).

About SEDL’s Study

Examination of Resource Allocation in Education: Connecting Spending to Student Performance

For a copy of the full research report, go to www.sedl.org/rel/pr-examination.html.

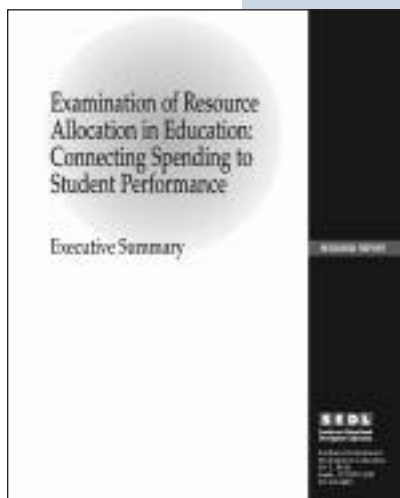
SEDL’s Regional Educational Laboratory policy team studied fiscal and staffing allocation patterns in 1,504 independent districts in four states: Arkansas, Louisiana, New Mexico, and Texas. Ranking districts based on state achievement test scores gave us three levels of performance for each state.

Five years of fiscal, staffing, and demographic data from the federal Common Core of Data (CCD) and the U.S. Census Bureau went into our study, along with three years of student performance data from each state department of education. For our analysis of spending and staffing patterns, we reviewed data on operating expenditures by function; teacher and administrator staffing; various district and student characteristics (district size, enrollment by race/ethnicity, percent of special education and economically disadvantaged students); and student achievement test scores.

We also studied spending in what we called improvement districts: districts with consistent improvements in student performance over time. We took a look at 12 improvement districts serving mostly minority and/or economically disadvantaged students to determine the practices and strategies they use to make spending and staffing decisions. Three districts in each state received this more in-depth look: one with an enrollment of 800 to 1,999 students, a second with 2,000 to 10,000 students, and a third with more than 10,000 students.

Using a variety of analysis tools and the wide array of data collected, we answered four research questions:

1. What are the expenditure patterns over time in school districts across varying levels of student performance?
2. How do improvement districts allocate their financial and human resources?
3. What allocation practices have improvement districts implemented that they identify as effective?
4. What barriers and challenges have improvement districts faced in allocation practices?



Allocating resources is one of the toughest tasks a policymaker faces. To make the most of the education dollars, state and local leaders want to concentrate spending where it will have the greatest impact on student achievement. Recent studies show that this is not as simple as it sounds due to several factors:

- Finance and budgeting practices are not well connected to student outcomes.
- Spending policies and practices can contribute to systematic and systemic improvement, but at times these policies are seen as a barrier or challenge.
- Questions about how spending practices can support broader education system reforms loom ahead in most states, especially as budgets tighten.

For the first time, research is beginning to shed light on these critical gaps, and our study helps illuminate resource allocation issues in southwestern school districts.

Southwestern Spending Practices Mirror National Trends

Total education dollars spent is an important basis from which to start any resource allocation study. This, along with an understanding of state and local context, helps to guide education policy decisions appropriate to a locale. SEDL was particularly interested in demographic and expenditure variations across the four states studied. The map below summarizes the basic context for these states. In 2000, average spending in the four study states ranged from a high of \$6,288 per student in Texas to a low of \$5,277 in Arkansas. Education spending in the four states was lower than the national average. With the exception of Texas, local districts in the Southwest paid a smaller share of their total education dollars than their counterparts in other regions; state and federal funds accounted for more than half of their total revenues. Federal funds are particularly important in SEDL's region, with every state receiving more than the national average.

We were not surprised to find that in the study, districts allocate resources along the lines of national averages (see "National Educational Expenditures"). About 80% of spending covers student services in schools: instruction, school leadership, counseling services, supplies, and educational materials.

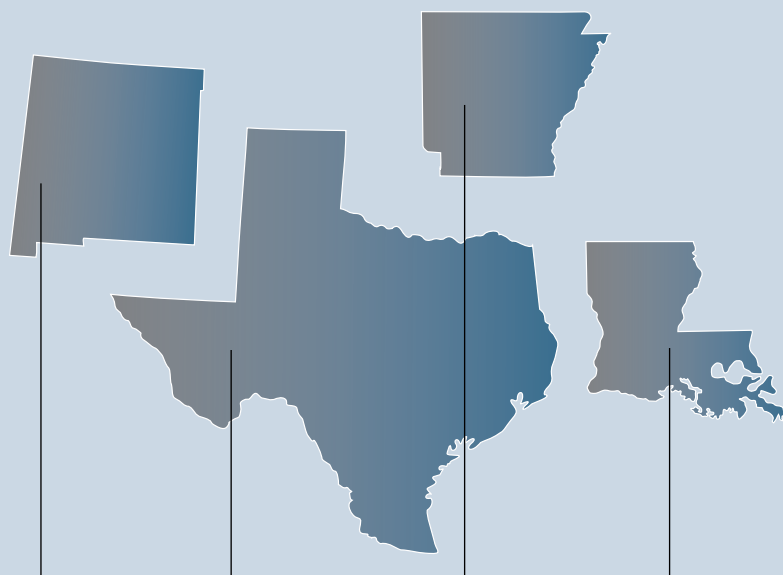
The other 20% is spent on transportation, food services, tax collection, and other business expenses. Instruction alone—that is, teachers, books, and instructional programming—consumes about 60% of available dollars. On average, the national data show spending for operations and maintenance to be just less than 10% of total dollars spent, while general administration weighs in at a mere 2.1% of education expenses.

Why Does the Link Between Spending and Performance Matter So Much?

1. Education spending has grown for the past 40 years, while student performance has not improved by many measures.
2. There are still genuine inequities across states, districts, and schools, yet all students are expected to meet high performance expectations.
3. Large-scale improvement efforts on the policy agenda in many states—reducing class size, adequately funding programs for the disadvantaged, or improving teacher pay—are costly, and over time the money to pay for them will have to come through reallocation rather than new dollars.

State Context and SEDL Study Results

Demographics from National Center for Education Statistics (2001)



New Mexico	Texas	Arkansas	Louisiana
89 districts	1,042 districts	307 districts	66 districts
\$5,825 per pupil	\$6,288 per pupil	\$5,277 per pupil	\$5,804 per pupil
57% minority students	54% minority students	25% minority students	51% minority students

Performance and Spending Patterns in Southwestern Districts

Broad spending patterns of the school districts in our study resembled the national figures, but we found important differences among school districts when we looked more closely. In all four study states, high-performing districts spent more on instruction than low-performing districts as a share of total expenditures. This is a key finding for policymakers. High-performing districts in three states also spent more on instruction per pupil and employed more teachers.

The table below describes characteristics of the high-performing districts in the four states SEDL studied. These findings tell us that where districts put their money is indeed important for student success. Similar to the findings on investing in instruction, we also discovered that high-performing districts spent more in a category called core expenditures (instruction plus student support and instructional staff support) in two of the states, Arkansas and Louisiana.

Spending Strategies in Improvement Districts

We wanted to take a closer look at the resource allocation practices in school districts with large minority and/or poverty student populations and where student performance is high or on the upswing. At the same time, we wanted to be sure that these

districts were reflective of their states in terms of geographic location and size. We selected 12 of these *improvement districts* and groups of *comparison districts* from the four study states to include in this part of the study. We surveyed teachers and talked with the improvement district and school leaders about their spending practices and policies to get a richer picture of local practice in light of the expenditure data in our analysis. They told us what works for them and what barriers

they face in making resource allocation decisions.

Core expenditures (instruction, student support, and instructional staff support) increased from 1994 to 1999 in all the districts. The improvement districts were more likely to have increased core spending than their comparison districts, a pattern that was especially evident among the small districts.

We found other characteristics of the improvement districts:

- Higher spending on instruction and lower spending on general administration and non-instructional services than comparison districts
- Disaggregated achievement test data used in budget and curriculum decisions
- Data-driven needs assessments regularly conducted
- Research on instructional programs used to make programmatic decisions
- Increased professional development and technology offered to all staff, especially teachers and other instructional staff
- Pooling of funds, flexibility in spending, and shared budget decisions to better allocate funds
- Needs-based reallocation of staff, including expanding roles for teachers, redirecting funds to increase instructional staff and decrease central administration, creating new positions, and evaluating and building staff capacity to reassign staff to areas of higher need

National Education Expenditures

Expenditure Categories

1. Instruction	61.8%
2. Operations/maintenance	9.8%
3. School administration	5.7%
4. Student support	5.0%
5. Instructional staff support	4.2%
6. Non-instructional services	4.1%
7. Student transportation	4.0%
8. Central and business support	3.3%
9. General administration	2.1%

Source: National Center for Education Statistics (2001)

Statewide Differences in High- and Low-Performing District Spending



	Compared to low-performing districts, the high-performing districts:
All four states	Spent a larger share on instruction
LA, NM, TX	Spent more per pupil on instruction; employed more teachers
AR and LA	Spent less on general administration
AR and TX	Employed fewer administrative staff

Staff in the improvement districts did not specifically say that insufficient funding was a major obstacle in resource allocation, but meeting many of the challenges they mentioned would be quite costly. Upgrading the low industrywide salary levels for teachers and finding adequate time for teachers to get away from class for training and individual planning were common examples.

We heard about a wide array of other challenges and barriers associated with resource allocation, including staff shortages and difficulty in finding quality teachers, enrollment changes and other factors that lead to fluctuating revenues, within-district inequities, inflexibility of categorical funds, and large class sizes.

The improvement districts put a range of reforms in place to boost the performance of their students and then actively reallocated resources to support those reform efforts. Creative and responsive to school-level needs, these districts used clear goals to allocate funding, staff, time, parent and community, and physical resources.

We also found a pervasive mind-set in the improvement districts that staff members are viewed as a resource that can be reallocated to meet priorities. These districts used professional development and time to increase the repertoire of teachers' skills, thus increasing the pool of teacher "resources" that could be applied to priority areas. The professional development dollars came from a variety of sources, including state budgets.

Some district leaders admitted to having grown hesitant about state mandates since requirements often change and each change involves a new local investment of resources. Mandates requiring new programs or services (e.g., limiting social promotion, increasing benefits for employees, disaggregating data) often arrive without guidance on implementation and without sufficient funding.

District leaders also acknowledged they lack the capacity to investigate, much less track over time, how their use of resources directly affects student performance. Cost-benefit or cost-effectiveness studies could help with this larger picture, or better yet, direct evaluations of how spending patterns and practices impact student performance. These strategies were not part of the improvement districts' usual practice, mostly because they have neither the data nor the skills to analyze them.

Recommendations

Reflecting on the various aspects of our study, we rarely saw fiscal and other resource allocation as an integral part of the school and system reform processes. Much is written about the alignment of goals, priorities, and activities, but marshaling the resources of a wide range of decisionmakers requires a common understanding of how to proceed.

Thus our overall recommendation is that state and local policymakers work toward a more systematic approach, a common frame of reference that provides help in rethinking how resources will be allocated. We believe all participants in the education system—from legislators and state education agency staff to district and school leaders, teachers, and parents—

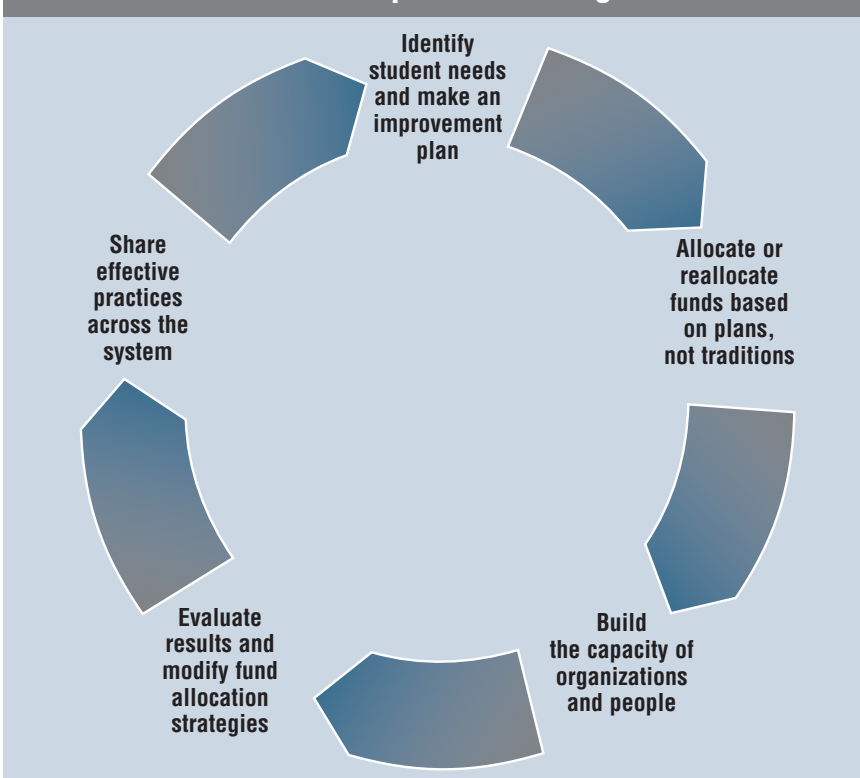
have a new role to play and much to gain by implementing such an approach.

What Is a "Systematic Approach"?

A systematic approach starts with an overall framework and includes training and ongoing help so that many more people in the system can

1. use student data for planning,
2. focus spending on identified needs and priorities,
3. develop leadership and decision-making structures that support goals,
4. evaluate improvement efforts credibly, and
5. communicate effectively with peers about what works.

A systematic approach connects the allocation of resources with student performance goals.



States and Districts Can Develop a More Systematic Approach

Most people would agree (at least in theory) that local decisions about spending could be enhanced by better data collection, analysis, and reporting strategies. In the spirit of finding common ground, we encourage state leaders to think carefully about the school district procedures we recommend and to consider whether statewide changes might be needed. And in turn, we urge district leaders to consider the potential benefits if the state procedures we suggest are carried out.

Although the improvement districts did not bring in more money over time, they did tend to use needs-based budgeting.

State Level

Although our study focused on school districts, some crucial suggestions for state-level policymakers emerged. The following ideas reflect a need for new system-wide tools and greater concern about how to help local leaders with implementation issues:

- Work with local policymakers to determine how to increase spending in priority areas and whether reallocation of existing resources is a viable option.
- Tie data about resources directly to specific educational programs, staffing configurations, and other improvement strategies so that cost-benefit and other analyses can be conducted.
- Ensure that districts have the data they need before the school year begins so that staff can use summer months to plan activities and budgets for the coming year.
- Give guidance to districts about prioritizing resources to provide professional development, realign staffing structures to accommodate the strengths and weaknesses of existing staff, and find ways to recruit and retain quality staff.
- Pay special attention to the staff and system capacity needs in low-performing districts to ensure that a critical mass of educators, leaders, and community members gain the skills needed to succeed in using a more systematic approach to school spending.

School District Level

Although the improvement districts did not bring in more money over time than the comparison districts, they did tend to use an approach that we term

needs-based budgeting. Needs-based budgeting focuses on the school faculty, staff, and community identifying their highest priorities and making a case for resource allocation. Several examples from our interviews illustrate this strategy.

In one district, each school was asked to submit a budget to the district detailing the resources needed to carry out an improvement plan. If an important instructional expense could not be paid by categorical funds or outside grants, then district operating funds were used, but only if the expense could be justified as critical to the school's improvement plan. In another site, district and campus leaders drew from a mix of available fund sources to support the goals that emerged from a needs assessment. In a small district, teachers and principals reported they were encouraged individually to submit requests for resources to the district, with the message that if the need could be justified, the money would be found to fund the requests.

Our study underscores the fact that aligning resources to improvement goals is a way of doing business and not simply a reflection of expenditure line items or intentions stated in an improvement plan. At the district level, several processes emerged as guides to local decision making:

- Recognize that one size does not fit all. In planning an approach to allocating resources, weigh heavily the specific circumstances of students and of each school in addition to those of the district as a whole.
- Seek and use input from parents, teachers, and administrators who have examined and discussed achievement data.
- Support school-level efforts to build parent and community support and develop districtwide programs that encourage the participation of these outside resources.
- Never cease communicating the importance of allocating or reallocating resources from across the district in support of improvement goals.
- Spell out the district's accomplishments and strategies for meeting goals, establishing strong ties to the local business community and partnering with local initiatives and agencies that serve the needs of children and families.

What Is "Needs-Based Budgeting"?

Needs-based budgeting is a strategy for resource allocation in which school faculty, staff, and community members identify their highest priorities and have opportunities to make a case for reallocating resources in support of those priorities.

- Become familiar with state and federal funding regulations and make sure financial managers are skilled in their trade and have a deep understanding of district improvement goals and strategies so that they can give educators the greatest financial flexibility in meeting priorities.
- Develop the grant-writing skills of staff and critically assess the potential distraction and time cost of seeking grants before applying.

Next Steps

Looking ahead, we know that student achievement must improve dramatically if all students are to have access to good jobs and secure futures. With little or no new money, most states and districts must struggle to achieve more with resources roughly at current or reduced levels. The challenge is to use current and future funds more effectively. To accomplish ambitious student achievement goals, we need a deeper understanding of how spending practices contribute to or impede reforms.

The relationship among fiscal resources and student success is very complex, and we do not yet have answers to many of the questions that states, districts, and schools ask about how to overcome financial challenges in implementing reform efforts. To shed light on the answers, researchers need opportunities to investigate spending patterns of successful and unsuccessful schools and districts. Investigators also need a clearer sense of the challenges and barriers states and districts face and the opportunities they have to make good use of resources.

The research we have reported here gives us a new understanding of district spending patterns, resource allocation practices, and resource allocation challenges in the SEDL region. To follow up on these findings, we are already at work to further untangle the connections between resources and performance. We will look again at the all-important instructional expense categories to see whether more fine-grained patterns of allocating funds and staff lead to increased student performance. And we will investigate how the allocation of instructional resources may be different or need to be different for students, teachers, schools, and communities with varying characteristics. As part of our regional mission, we will use the results of this series of studies to create research-based knowledge to help raise student achievement in the Southwest.

Additional Information Resources

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Judy Bray is an independent consultant, specializing in state policy issues. She is based in Denver, Colorado.

SEDL staff members Zena Rudo and Diane Pan, Dana Center staff members Lotte Smith-Hansen, Debra Hughes, and Rahel Kahlert, and SEDL senior adviser Lawrence O. Picus served as content editors for this article.

New Mexico Plan Will Use Technology to Leave No Child Behind

By Leslie Blair

Can we really leave no child behind? Right now states, districts, and schools are focusing on improving achievement for all students, or are they? What about students of diverse abilities, students with disabilities—students living with vision or hearing impairments, students with learning disabilities, students who use wheelchairs, students who have cerebral palsy or mental retardation, or students who are autistic? Children with exceptional needs are often overlooked when educators and policymakers talk about holding all children to high standards of learning.

We need not leave any child behind if we make use of available technologies. Steven Sánchez, the acting assistant superintendent for Learning Sciences at the New Mexico Public Education Department (NMPED), tells a story from his years as a public school teacher. Sánchez had a young man in his classroom who was paraplegic. An aide came along to class with Raymond, the student. “Of course Raymond was really happy because he didn’t have to do too much of his work. This adult who was traveling around with him did all of his work,” says Sánchez. At the student’s Individualized Education Program (IEP) meeting, Sánchez requested a computer, software that permits users to dictate to a computer with minimal keyboard manipulation, and other technologies so Raymond could begin doing his own work. “It never occurred to the IEP Committee that they could use technology to give this kid access to the rest of the world just like everybody else had,” Sánchez remembers. “He could write his own papers and he could do his own mathematics. He was really a bright kid—he won first place in the state’s science fair.”

Times have changed since Sánchez was a classroom teacher. Sánchez realized early on that technology is the key to providing children with diverse abilities the same education we offer other students; now many realize the power of technology for students of diverse abilities. No Child Left Behind provides support for improving technology, thus increasing achievement among students of diverse abilities through the Enhancing Education Through Technology Act of 2001. But many states aren’t using these resources to their fullest potential. Additionally, how states leverage technology and the federal



money to support their technology plans can make a world of difference in whether students with disabilities get left behind.

A major problem in using technology to meet the needs of all children is that state offices of technology and offices of special education don't coordinate efforts. A recent survey conducted under SEDL's subcontract with the Disability Law Resource Project (DLRP) showed that even though all state directors of special education in the SEDL region recognized the power of technology to help students with diverse abilities, local control over special education and technology decisions most often influenced whether special needs students were provided access to the technology and services needed to succeed academically. John Westbrook, program manager of SEDL's National Center for Dissemination of Disability Research, explains, "Our DLRP work at SEDL has shown us that quite often *school-based* information technologists are not integrated into general technology planning efforts or individualized education planning that occurs in special education. This disconnect does not facilitate making best use of expertise and resources needed to solve similar academic needs."

Wendy Wilkinson, director of the Disability Law Research Project, agrees. "As more and more schools use educational technology to deliver instruction, it is critical that all involved in procuring and implementing technology in the regular and special education classrooms come together to make technology purchasing decisions," she says. "Technology procurement decisions that impact children with disabilities must be a 'mainstream' issue and not thought of as just a special education issue."

The directors of special education surveyed also saw the lack of teacher development in using the technologies as another factor that hindered the use of technology for special needs students. Wilkinson says, "Teachers are an important factor in this equation. A critical component of professional development programs that instruct teachers on using technology in the classroom must include instruction on how to use the accessibility features extant in technology."

New Mexico is trying to overcome this chasm between technology and special education. The NMPED's Office of Curriculum, Instruction, and Learning Technologies is incorporating input from diverse stakeholders to build a sound technology plan that will serve all students. Sánchez explains the long-term goal of the plan: "At the risk of sounding trite," he says, "the technology plan in New Mexico truly will address all children and provide substantive enough information for folks that they won't in fact leave a child behind. It really is our responsibility now to think about those kids that are historically or traditionally not well served by public education."

Texas Tackles Technology Planning Online *with* e-Plan

SEDL program specialist Kim Hughes and Web administrator Brian Litke have been working with the Technology Planning and e-Rate Support Center at Region 12 under the direction of the Texas Education Agency to develop Texas e-Plan.

Texas e-Plan is an online system for developing, submitting, reviewing, and approving technology plans. Every district, charter school, and education service center in Texas—more than 1,400 entities—are required to submit their technology plans to TEA as of January 2004. The e-Plan Web site was first made available to Texas districts on January 9. Within a month 298 districts had logged on and initiated a district technology plan.

Litke says "With e-Plan, TEA and the 20 regional services centers can now monitor the status of plan development in any district and search and locate information on specific plan elements. which was very time consuming when the plans were submitted in paper format."

After a plan is submitted, the e-Plan system assigns the plan to two reviewers, who document their reviews online before the plan proceeds to TEA for final approval. If one or two reviewers decides the plan is not ready to recommend to TEA for final approval, a third review is done to decide whether the plan should be recommended for approval or sent back to the district for further development. Hughes reports that e-Plan offers advantages to both school districts and the TEA. "Districts get a uniform template that clarifies technology planning expectations for them," she says, "as well as automated integration of PEIMS (Public Education Information Management System) and STaR (School Technology and Readiness) Chart data into the plans and feedback that highlight the components of their plan that align to federal E-rate criteria, NCLB requirements, and the Texas Long Range Plan for Technology recommendations." The Texas STaR Chart is a tool for technology planning, budgeting for resources, and evaluation of progress in integrating technology into the school curriculum and infrastructure.





Sanchez says, “We made a conscious decision that we weren’t going to be talking about just technology. So the seed of that plan is really about teaching and, more importantly, learning.” He says the planning team has been very careful about using the term “integration of technology” and instead is trying to “address the learning process and the significant support that technology can provide in enhancing the process of learning, no matter at what level.” The planning committee has been examining research about the learning process and how technology tools can help kids further explore, adapt, and become engaged in the content more deeply.

Throughout the planning process, Sanchez has been working closely with New Mexico’s special education director, Sam Howarth. An RFP released by the Department of Education with funding through the Enhancing Education through Technology Act sparked substantive conversations between the NMPED’s technology and special education divisions. Howarth and Sánchez began by examining existing data. “The startling piece of information that spurred us along this track was our LRE (Least Restrictive Environment) data,” explains Sánchez. “New Mexico does not have a very good record for integrating kids with disabilities into the classroom experience.” The data led them to ask, “How can we craft an RFP that really encourages schools that access this money to actually create environments in the regular classroom, in the regular education environment that is very inviting and accommodating for kids who have special needs—so they can participate fully in whatever is going on?”

The New Mexico RFP included approximately \$2.5 million to seed programs where districts could design classroom space that would allow for the integration of students with many different needs. “Our hope is to increase district understanding of the need to not forget certain parts of the population and that as you design classroom infrastructures or as you design a new school, that classrooms then are ready for all kids. And when we say all, we want to underscore all.” The NMPED expects one or two innovative or highly successful model sites will emerge from this funding.

The work on the RFP encouraged Sánchez and Howarth to look at the old New Mexico technology plan. The plan included only conventional notions of technology. Sánchez says it looked at “what the student-to-computer ratio should be, what expenditures for professional development should be without really going into a substantive discussion about the purpose of technology and the opportunities that it provides to the learner and who that learner is.” Knowing this wasn’t good enough to meet the needs of all students, the two initiated the process for developing an updated technology plan.

A major concern in developing the plan has been getting input from all of the “right” people. Howarth and Sánchez contacted Bill Newroe, who is an assistive technologist with New Mexico’s Technology Assistance Program and the Computer-Based Accessibility Services Assistance Network, or CASA, to serve as a critical adviser and partner. They also brought in representatives from the division of vocational rehabilitation, the K–12 sector, and advocacy groups such as Parents Reaching Out.¹

The technology planners and the state’s Curriculum, Instruction, and Learning Technologies division struggle with evaluating the success of technology for all students. “I’m not sure we will be able to show how the plan impacts student achievement using traditional measures of students’ achievement, i.e., standardized tests. But we’ll be able to, in a much more qualitative sort of way, be able to address the opportunities that kids have and how that enhanced that opportunity.” To help districts and schools with the evaluation process, the NMPED is sponsoring regional technology assistance sessions that are focused on the evaluation of the technology infrastructure. Sánchez hopes that the regional sessions will also move forward the “collective thinking so as people start to evaluate programs of technology, they will look at the broad scope of student engagement across the board as opposed to what we traditionally look at—a very narrow piece called regular education.”

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Editor’s note: Since this article was written, in early December 2003, Steven Sánchez has retired from the New Mexico Public Education Department.

¹See “Parents Reach Out Beyond Their Own Families,” in *SEDL Letter*, Vol. XIV, No. 1 (February 2002).



By Elaine Maltzberger

Voices from the Field

Partner or Pugilist:

Walking the Tightrope of the Parent-School Relationship with Sound Policy

The unquestioned authority conferred upon schools for several generations no longer exists in the communities that the schools serve. Although the education legal code has regulated schools for many decades, public opinion tended to grant educational institutions a more absolute right in past years than these institutions presently experience. Today publicly funded education is answering to citizens as well. “When I started teaching in ’72, parents put the teacher up high on a pedestal. They didn’t question us,” says Sarah Riggs, a Texas elementary school teacher. “My parents just thought, ‘The teacher knows what they’re doing.’ A lot of parents don’t respect teachers like they used to.” Veteran superintendent Dr. Jim Howard, who began his career as an educator in California during the early 1950s, agrees. “[Back then] the parent never did get involved, except to support the teacher.” He cannot recall a single incident of parental criticism from the first few decades of his career. He finishes, “It’s not that way now.”

While parents and community members have become more assertive in voicing expectations and grievances, schools have had to reevaluate their position of license. Educational institutions now circle more and more tightly within the protective fence of law and process, and for veteran administrators this attitudinal shift can present great difficulty. In having to carefully follow disciplinary policy, educators may feel that their authority is being undermined. Examination would suggest, however, that a strong, developed process rather than corroding the power of the school actually strengthens and propels it forward in the accomplishment of its goals. A study by an international educator association asserts: “Policy can be defined in many different ways, but it is more than simply a statement of belief. . . . Its major purpose is to guide action. . . . In general, policy is philosophically based, implies intention, and suggests a pattern for taking action. . . . It creates a framework for action.”¹

Without the benefit of a clearly defined and consistently implemented policy, a school may be caught between the conflicting standards of enjoying “supreme authority” and the frustrated feeling that its “hands are tied.” It may find itself improvising rules and procedures as unforeseen situations evolve. Although a school district cannot prepare for all disciplinary possibilities, it cannot indulge in the luxury of extemporization. Guidelines should be clearly in place and educators must understand the importance of those guidelines; administrators must recognize their own subordination to policies that have been put into place for the protection of all parties concerned.

“Voices from the Field” is a regular *SEDL Letter* column that features essays written by educators or parents. These essays do not necessarily reflect the views of SEDL staff but serve as a touchstone for the challenges and successes of schools and districts around our region.

¹Retrieved from <http://www.slaq.org.au/subcommittees/murrumba/pd/whatispolicy.htm>

Clearly situations could arise for which there is no precedent or specific procedure.

The argument exists that accuracy, general acceptance, and consistent enforcement are necessary for effective procedure. This is evident in the case of Sean Roberts (a fictionalized name), who, along with several fellow students, inhaled nitrous oxide from a balloon while on a school trip. It was December 2001, and the teenagers were riding a school bus en route home from a debate event in Texas. Nitrous oxide, only weeks before designated an illegal inhalant, had in the past been treated with uncertainty by state law. It is to date sold freely in grocery stores. At that time nitrous oxide was not listed as a banned substance in the high school handbook that Sean and his parents read and signed when school began. Sean, a top student with no history of disciplinary problems, assumed that nitrous oxide was the legal and acceptable equivalent of helium.

When school authorities were alerted to the incident, administrators began to question the students one by one over the course of the following school day. Sean was eventually called to the office, and he chose to assert his involvement with the inhalant after being told by a vice principal that he had no right to “plead the fifth [amendment].” Over the course of two succeeding conferences, Sean was informed that any right to appeal would be useless, as the superintendent had already been consulted and had advised the high school to send Sean to the alternative campus. This information does not seem to comply with the Texas state legal code (§ 37.006.2.h). At no time did the school initiate contact with Sean’s parents as required by Texas state law (§ 37.001.3.b).

The student’s parents, Dr. and Mrs. Roberts, requested a meeting, in which they officially expressed their concerns. First they addressed the unclear issue of the nitrous oxide itself. If local law officials were unsure of the gas’s legality or illegality and if school officials shared this lack of awareness, how could the district assume the student did not share this lack of knowledge? Second, given the school’s assertions that a controlled substance might have been abused, how could administrators bypass both the appeals process and the parental involvement requirement? In the course of the meeting, the vice principal told Dr. and Mrs. Roberts that “the law is not important. It’s the right outcome that matters.” With these words, the administrator demarcated the philosophical gulf that separated him from the student and the student’s parents. In the administrator’s mind, the institution was not answerable, while to the parents’ way of thinking, the school must be held to fair and due process. In the mind of the vice principal, the group of students should be used to “set an example.” Sean’s parents felt that without an existing precedent and given nitrous oxide’s unclear status, strong punishment would actually send the wrong message. Given the school’s unsubstantiated and questionable position, Sean’s parents believed that administrators would actually undermine their own credibility rather than strengthen it. Dr. and Mrs. Roberts proposed that Sean be required to research the qualities and dangers of nitrous oxide through interviews with law enforcement, physicians, and dentists and that district policy be clarified to avoid future confusion. The vice principal listened without concession. The parents listened and angrily disagreed. In the end, having no established, published guidelines that applied to the situation at hand, the school made a discretionary choice and punished Sean with two weeks on the alternative campus.

Texas educational law states that parents are to be “full partners with educators in the education of their children.” This process clearly includes disciplinary issues. So that these issues may be addressed in a logical and orderly way, district policy must be reasonably specific. It must meet all the requirements of the state legal code. In order for this policy to be meaningful, it must be understood and acknowledged by all parties involved (educators, students, and parents) and its regulations enforced. State law is also clear in requiring parent notification and



participation. It plainly compels the school systems to have an appeals process in place. Regulation is equally for the protection of school districts, their administrators, and educators as it is for student and parents. Law intends not to confound and complicate, but to delineate, to safeguard, and to aid in the focused development of procedure that will treat all parties with fairness. Because complex relationships may be involved, law exists to channel emotional abstracts into clearly defined formulas of discipline and rectification. Procedure sets an objective pattern for behavior and documentation. When policy is accurate and clear-cut, its implementation will tend to follow a prescribed path.

What happens, however, when policy is incomplete or when it fails to anticipate a particular circumstance? Clearly situations could arise for which there is no precedent or specific procedure. What, then, will the role of school administrators be? How should the school define the role of the student? The parents? Dr. Howard counsels that the unfolding of events and discipline must involve conferences in which both parents and student are involved. He advises that if no specific “rule” exists to govern the situation, then concessions must be made. It seems plausible that in the event of unforeseen circumstance, the school must proceed with common sense, caution, and above all respect. The school must consult, advise, and document, assuming nothing until the dilemma is resolved.

Policy, always fluid, should be continually adjusted within the confines of state law to fit evolving circumstances. For example, in the case of nitrous oxide, not only should the school handbook have been amended to specify the substance, but possibly a letter should have been distributed advising students and parents of the change. Furthermore, it is incumbent upon public school districts to ensure that their employees are familiar with local policy updates and committed to their enforcement as well.

In the case of Sean Roberts, effective communication between family and school ceased, and Sean chose to finish high school by correspondence. The superintendent refused to acknowledge wrongdoing. However, during the next districtwide professional development day, all vice principals devoted several hours to the fine-tuning and implementation of disciplinary policy. The Robertses found this to be a satisfactory conclusion and made no further protests.

Educational law is not meant to be a restraint, but a tool. Regulation is designed not to obstruct, but to protect. In the same way, policy is not intended to hamper, but to propel all events, the common and the extraordinary, the foreseen and the unpredictable, toward a positive and productive conclusion.

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Elaine Maltsberger is the parent of four and a former teacher. She is a freelance writer and translator and lives in central Texas.

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