

September 5, 2007

The Honorable George Miller, Chairman  
Education and Labor Committee  
United States House of Representatives  
Washington, DC 20515

The Honorable Howard McKeon  
Education and Labor Committee  
United States House of Representatives  
Washington, DC 20515

RE: SIIA Comments on Miller-McKeon Title I Discussion Draft

Dear Chairman Miller and Representative McKeon:

On behalf of the Software & Information Industry Association (SIIA) and our member high-tech companies, we write with comments on the Miller-McKeon Title I Discussion Draft for the reauthorization of ESEA. SIIA is the principal trade association for the software and digital content industry, serving more than 800 leading companies. SIIA members depend on the nation's schools for a skilled, high-tech workforce with academic proficiency in the core subject areas as well as technology literacy and related 21<sup>st</sup> century skills.

In submitting ESEA/NCLB recommendations on April 12, SIIA focused on school improvement through modernization of educational practices, including through the use of education technology. SIIA and our member companies have long worked to improve education through the use of innovative learning technologies as necessary to prepare students for the knowledge-based, digital, global economy. SIIA's principles for reauthorization include differentiated instruction, ongoing professional development, leveraging technology and e-learning, data-driven decision making, college and workplace readiness, and alternative AYP models that measure year-to-year growth.

SIIA commends you for making important strides toward responding to these opportunities, including through enhancements to school improvement, data systems, allowance of growth models, expanded learning time, targeting of assistance to those of highest priority, core curriculum development, and postsecondary and workplace readiness. SIIA looks forward to further discussion aimed at finding the appropriate balance between a clear and focused accountability system and the teaching (and robust assessment) of a broad and rigorous 21<sup>st</sup> century curriculum, which includes higher order skills such as problem solving, technology literacy, and critical thinking.

SIIA provides a number of recommendations aimed at further improving the draft (see attached). We thank you for your leadership and for inviting public comment. SIIA looks forward to working further with you to strengthened ESEA/NCLB. Please do not hesitate to contact me or Mark Schneiderman, SIIA's director of education policy, at 202-789-4444 or [marks@siiia.net](mailto:marks@siiia.net).

Sincerely,

A handwritten signature in black ink that reads 'Ken Wasch'.

Kenneth A. Wasch  
President

Attachment

## SIIA Comments on Miller-McKeon Title I Discussion Draft

**DIFFERENTIATED INSTRUCTION:** The draft takes important steps to provide further support for students and schools in need of improvement. Core to this strategy must be support for differentiated instruction to help more efficiently assess, identify and address individual student learning needs, including for low-performing students. As one component, SIIA encourages more explicit support for timely and ongoing local formative assessments and diagnostic reports during the course of the academic year. State assessments as required under NCLB are necessary, but not sufficient, for meeting these needs to regularly benchmark student achievement and enable educators to address those needs with individualized interventions. The use of technology- and Internet-based assessments provides real-time feedback to teachers (and students) and supports management and analysis of that information across time and among students.

- In Section 1111(b), insert at the end, *“(14) Additional Academic Assessment Results to Improve Student Academic Achievements. –Each state plan shall describe how the state will support local educational agencies in implementing and using formative assessments pursuant to Section 1112(b)(1)(A) and Section 1116(b)(3)(A), including technology-based and Internet-based assessments, local data systems, and related diagnostic reports and professional development to provide teachers and administrators with more timely and useful information on student achievement as necessary to identify and address the specific personalized academic needs of each student.”*
- In Section 1112(b)(1)(A), delete “, if any,” and insert *“to be administered on an on-going and timely basis, such as through the use of technology- and Internet-based assessments”*
- In Section 1112(b)(1)(A)(i), insert *“on an ongoing basis”* after “to determine” AND insert *“on a timely basis”* after “information”
- In Section 1116(c)(2)(A), delete “and other examples of student course work” and insert *“and in implementing local timely formative assessments and data systems”*
- In Section 1116(b)(3), insert at the end, *“(G) a description of how the school will implement, update or otherwise improve its use of formative assessment and data systems to ensure availability of ongoing, timely information for each student not meeting proficiency goals in order that both teachers may better target instructional strategies to individual student and student subgroup needs and principals may better benchmark student achievement to ensure progress toward the objectives as required under paragraph (v)”*

**COLLEGE AND WORKFORCE READINESS:** There is growing national concern that students are graduating without the necessary skills to be competitive in the 21<sup>st</sup> century knowledge-based, digital, global economy. The draft takes some important steps. SIIA proposes further guidance to states and connection to Title II-D, while still leaving the details to states.

- In Section 1006(i)(5)(B), after “literacy” insert *“and technology literacy”*

- In Section 1111(b)(1)(D)(i)(III), insert at the end, “*such as problem-solving, information literacy, communication and other skills included in the state’s definition of technology literacy as defined in Title II-D*” after “encourage the teaching of advanced skills.”

Note: SIIA proposes separately to amend Title II-D through the ATTAIN Act, including adding the following definition of technology literacy: “The term 'student technology literacy' means -- student knowledge and skills in using contemporary information, communication, and learning technologies in a manner necessary for successful employment, life-long learning and citizenship in the knowledge-based, digital and global 21st century, which includes, at a minimum, the ability: to effectively communicate and collaborate; to analyze and solve problems; to access, evaluate, manage, and create information and otherwise gain information literacy; to demonstrate creative thinking, construct knowledge, and develop innovative products and processes; and to do so in a safe and ethical manner.

DATA-DRIVEN DECISION MAKING: SIIA supports the addition of Section 1123, Data Systems, as well as references throughout to the importance of data for decision making. SIIA recommends two technical edits to Section 1123, as well as further local enhancements to provide educators with the data and data tools needed to manage accountability and inform instruction.

- Increase support for Local Data Systems. As with state assessments, state data systems are necessary but are generally designed for reporting and high-level decision making, and so are not sufficient to address ongoing local needs to collect and manage information for use in informing instruction to meet individual student learning needs. SIIA encourages the more explicit allowance of Title I funding for Local Data Systems and related educator training.
- In Section 1123(e), strike paragraphs (4), (5) and (6). SIIA supports interoperability and works to support development and adoption of interoperability standards among technology providers. However, interoperability is a technical term open to interpretation, while necessary standards and practices are not yet fully developed and adopted. SIIA is therefore concerned with the unintended consequences of federal law dictating a technical specification, including the possibility that states and localities may be forced to exclude certain applications and systems, including those they are currently dependent upon, in order to comply with these requirements. Instead, SIIA recommends a focus on the functional and educational goals, leaving it to states and their contractors to determine the best technical means for achieving those ends. Because these goals are well represented elsewhere in this Section, paragraphs (4), (5) and (6) are not necessary.
- In Section 1123(l)(2), strike “A nonprofit entity” and insert “An entity” in line 5. SIIA recommends that Congress not limit the Secretary’s ability to award State Education Data Center grants to the most qualified applicant, whether a nonprofit or for-profit entity. For-profit entities may have the most expertise and capacity to address this need, while the Secretary can take steps as necessary to ensure full compliance with related concerns.

LEVERAGING TECHNOLOGY AND E-LEARNING: SIIA recommends more explicit reference to technology in the Title I draft. Technology is critical to meeting many NCLB goals and requirements, but it can not be assumed that it will be leveraged by states and localities without

more explicit reference. A 2003 US Department of Commerce report indicates that, of 55 sectors of our economy, education is last in the intensity of technology use. Federal support for technology through NCLB is necessary to modernize our educational practices and create a learning environment that both reflects and prepares our students for the world beyond the classroom.

- In Section 1111(b)(11), insert at the end “*(L) how the state educational agency will use education technology to meet the purposes and activities of this Title, including assisting local educational agencies in the use of education technology to carry out the activities and purposes of this Title, including professional development and assessing and individually addressing the academic needs of each student through appropriate curriculum and instruction, with a priority for those identified for school improvement under Section 1116.*”
- In Section 1112(b)(1) Local Educational Agency Plans, insert at the end “*(V) a description of how the local educational agency will integrate the use of education technology to carry out its activities and responsibilities under this part, including for professional development, curricula and instruction, data collection and assessment, parental involvement, to provide additional educational assistance to individual students assessed as needing help in meeting the State’s academic achievement standards, and to support schools identified under section 1116.*”
- In Section 1114(b)(2)(A) Schoolwide Programs, insert at the end “*(v) describes how the school will use education technologies to implement the components described in paragraph (1), including, as appropriate, in the areas of assessment, identification, instructional strategies, learning time, professional development and parental involvement.*”
- In Section 1115(c)(1) Targeted Assistance Schools, insert at the end “*(I) integrates, as appropriate, education technologies to help participating children meet student academic achievement standards, including in the areas of assessment, identification, instructional strategies, extended learning time, professional development and parental involvement.*”
- In Section 1116(b)(3) School Improvement Plans, insert at the end “*(G) a description of how the school will use education technologies to implement the measures identified by the school under paragraph (E) and as described in paragraph (d)(2), including, as appropriate, in the areas of assessment, identification, instructional strategies, learning time, professional development and parental involvement.*”
- In Section 1851(e)(3), insert “, software and digital content,” after “essential materials”