

January 8, 2004

The Honorable Rod Paige
United States Department of Education
400 Maryland Avenue, SW
FOB-6; Room 7W301
Washington, DC 20202

Dear Secretary Paige:

On behalf of the Software & Information Industry Association (SIIA), I write to express our continued commitment to working with the U.S. Department of Education and other stakeholders toward successful implementation of the *No Child Left Behind Act* (NCLB). On its second anniversary, we recognize NCLB as an important effort to close the achievement gap and ensure a high quality education for all our nation's students. SIIA members are deeply engaged in promoting and implementing the necessary reforms, investments and public-private partnerships to enhance technology's integration into teaching and learning, make NCLB a success, and prepare students and schools for the 21st century.

SIIA is the principal trade association of the software and digital content industries, representing more than 600 leading high-tech companies that produce software and electronic information for business, education, consumers and the Internet. Many SIIA member companies provide education software, digital curriculum, assessment and other technology tools, while all depend on the nation's schools for a skilled high-tech workforce. We view continued federal leadership as essential to the nation's progress in effectively integrating technology into school instructional and management practices.

NCLB recognized technology's educational importance and the need for federal support by: requiring technology integration into the curriculum and instruction; holding schools accountable for student technology literacy; emphasizing teacher technology proficiency; including technology as a use of funds in the core titles; and targeting investment to technology. These are important steps, but continued federal efforts and public-private partnership are needed to ensure effective NCLB implementation.

Role of Technology in NCLB

SIIA and our member companies believe technology is critical to effective education and student success, and believe many NCLB goals and requirements can not be adequately achieved without technology tools. From remediation to accountability to parental involvement, technology is helping transform the way we teach and learn and increasing educational productivity and student achievement:

- Educators are utilizing software that helps diagnoses student needs, prescribe appropriate curriculum interventions, and tracks progress, thus ensuring each student receives instruction customized to their learning needs, style and pace to improve student achievement.
- Districts are helping ensure their educators are "highly qualified" through web-based training and peer networks that provide real-time, relevant professional development.
- To "produce individual student interpretive, descriptive, and diagnostic reports," educators are using instructional software embedded with assessment, analytical and reporting functions.
- Education leaders are employing information management technologies to accurately and efficiently disaggregate and report student test scores and track adequate yearly progress.

We are pleased with NCLB's recognition, and the U.S. Department of Education's support, of education technology as an integral tool necessary to achieve NCLB goals and improve education.

SIIA Efforts to Support NCLB

SIIA and our member companies have been active stakeholders in the crafting, dissemination, implementation and achievement of the *No Child Left Behind Act* legislation, requirements and goals. SIIA member developers of educational software, distance learning, digital curriculum and related technologies are integral to the educational process and NCLB. These educational providers work on a daily basis as partners with students, parents and educators to identify and address educational needs.

To help this process, SIIA has engaged in numerous efforts to build awareness of NCLB in order to help companies support NCLB requirements and goals. Following are a few examples of SIIA's work:

- NCLB Reports and Training – helps education publishers better understand NCLB and meet education needs. (e.g., review forum at http://www.sii.net/divisions/education/events_flyin03.asp)
- Educator-Publisher Feedback Forums – discussions promote understanding of education needs, technology solutions and opportunities for collaboration. (e.g., visit <http://www.sii.net/sharedcontent/press/2003/10-24-03.html>)
- Scientifically Based Research – work with education officials and researchers to bring a pragmatic understanding of research, including through reports and discussions. (e.g., review SIIA Guide at <http://www.sii.net/sharedcontent/press/2003/6-30-03.html>)
- Comments on Regulations – work with federal officials to ensure NCLB implementation meets Congressional intent, including with regard to effective technology integration. (e.g., review SIIA letter on Title I at <http://www.sii.net/sharedcontent/govt/issues/edu/letter9-5-02.html>)

In this way, SIIA member education publishers are partners in the process of NCLB implementation and educational improvement. Led and staffed by former educators, these companies work as a change agent with their fellow educators to help them both understand and implement NCLB.

Recommendations for Enhanced Federal Leadership

SIIA looks forward to continued partnership with the U.S. Department of Education, as well as state and local education leaders, to ensure NCLB implementation appropriately addresses this legislative intent to target technology as both a goal and a means to improving teaching and learning. While SIIA supports the need for flexibility in exchange for accountability, we urge that this balance not come at the exclusion of such NCLB goals as “supplement not supplant”, the targeting of grant resources to technology, and the outcome goals of technology access, integration and literacy.

- Technology Integration. NCLB provisions around assessment, accountability, teacher quality and instruction require reliance on software and related education technologies. In addition, Title II, Part D requires “that technology will be fully integrated into the curricula and instruction of the schools by December 31, 2006.” To help ensure that technology is integrated in a holistic manner, SIIA recommends that state and local Title I and consolidated plans describe their use of technology. Current federal reporting requirements are inappropriately excluding accountability for this important goal. Such a review is necessary to meet Congressional intent, and will encourage more thoughtful – and thus more efficient and effective – technology use under NCLB. Federal leadership, along with SIIA and other stakeholders, is needed to provide models and assistance.
- Technology Literacy. NCLB includes a goal of “ensuring that every student is technologically literate by the time the student finishes the eighth grade.” However, current reporting procedures inappropriately deemphasize accountability for this important goal. State and local consolidated plans and accountability should report progress on this goal to meet Congressional intent.
- Title I Supplemental Services. Educational software and distance learning provide an important, and sometimes the only, option for students under NCLB's Supplemental Educational Services provisions. However, federal strategies are needed to improve the program's efficiency and effectiveness, and to better leverage the use of technology. These efforts should include: (1) building of parent/student awareness; (2) support for partnership models such as between after-school programs and software publishers; and (3) and guidance to ensure local officials understand that distance learning options must be exhausted before they seek a “reasonable distance” waiver.

- Targeted Technology Investment While technology's importance is growing to both meet student expectations for 21st century schools and address NCLB requirements and goals, federal investment is falling. Several technology programs are being eliminated, and the core state and local grant program is being slowly eroded with yearly cuts. More advanced districts are using their NCLB flexibility to address technology needs, but most require dedicated federal funding as a baseline of support from which to build. A significant increase in Title II, Part D is needed to ensure small- and mid-size districts have the resources to modernize their instructional and management practices. Enforcement of supplement not supplant provisions is also critical to effective federal investment.

In addition to these several NCLB issues, SIIA calls your attention to two other broader reforms needed to best leverage technology's impact on improving education and student achievement:

- First, we ask that you closely examine policies related to private-sector competition. We appreciate the Department's recognition of technology through several national initiatives that have either selected existing technologies or have helped fund development of new technologies. However, many of these initiatives could have the effect of either picking winners and losers in the marketplace, or of unfairly competing with existing products or services by promoting publicly-funded solutions. We therefore encourage enhanced public-private partnerships that better address long-term educational needs through principles of innovation, market forces and sustainability.
- Second, we encourage additional regulatory reforms across the range of federal (as well as state and local) legislation and policies. Many outdated rules remain in place that are impeding the development and integration of various innovations in learning through technology and distance education. Most were instituted for sound reasons, but too many have outlived their purpose or require adjustment in light of unintended consequences. Most rely on seat-time and geography and include such areas as federal student aid rules, teacher certification, school accreditation and education funding allocations. In cases where the regulation is not federal, we encourage the Department to enhance its efforts to drive change through leadership and incentives.

On behalf of the Software & Information Industry Association and our member companies, we thank you for your leadership on this second anniversary of the *No Child Left Behind Act*. We will continue to facilitate the partnerships needed to achieve the successful implementation of NCLB, and therefore to improve education and student achievement. We look forward to working with you on these and related issues to ensure the new law meets its promise of increased student achievement, including through the integration of effective technology solutions. If we can be of further assistance, please contact Mark Schneiderman, SIIA's Director of Education Policy, at (202) 789-4444 or marks@siia.net.

Sincerely,



Kenneth A. Wasch
President

cc: Assistant Secretary for Elementary and Secondary Education
John Bailey, Director of the Office of Educational Technology