

Software & Information Industry Association

July 27, 2001

Dear Conferee:

RE: Recommendations on H.R.1 Conference Report to Reauthorize ESEA

On behalf of the Software & Information Industry Association (SIIA), I write to provide our recommendations to the Conference Committee on H.R.1 to reauthorize the Elementary and Secondary Education Act (ESEA). SIIA commends the House and Senate for bipartisan passage of bills that provide the support and accountability necessary for all students to achieve to high standards. We look forward to working with you toward final passage of an ESEA reauthorization that supports technology integration into the classroom and prepares all students for the 21st Century.

SIIA is the principal trade association of the software code and digital content industries, representing more than 1,000 leading high-tech companies that develop and market software and electronic information for business, education, consumers and the Internet. SIIA member companies provide education software tools and digital curriculum, and depend on the nation's schools for a skilled high-tech workforce. We believe technology is critical to meeting these education goals, and that federal leadership is a key catalyst for improvement. Continued federal investment is absolutely essential to ensure that all students can access technology, teachers are proficient in its use, and technology is effectively integrated into the classroom to raise achievement.

SIIA and our member companies congratulate the House and Senate for a new federal compact around an aligned accountability system of state standards, regular student assessments and national benchmarking. We urge conferees to reconcile technical concerns and differences in ways which address goals of increased accountability, including the recommendations of the Business Coalition for Excellence in Education, of which SIIA is a member. We are also very supportive of focusing aid to enable low-performing students to meet increased expectations. This focus includes Title I and expansion of Title II for teacher training and math/science partnerships.

SIIA especially commends the House and Senate for supporting technology through a targeted program as well as integration throughout all programs. Improvements to better address local needs include consolidation of technology programs, emphasizing professional development, and underscoring technology integration. To emphasize these goals, SIIA makes several recommendations where House and Senate bills differ below and detailed in the attachment.

- Technology Integration Across ESEA Programs. The House and Senate include provisions throughout their bills to give educators the flexibility to address various program goals through technology. These provisions encourage technology integration and should be included in plans/applications and uses of funds sections in Title I, Title II, and all other titles as appropriate.
- Preparing Tomorrow's Teachers To Use Technology. Include the Senate Title II, Part B program to address the need for teacher training in technology, the primary barrier to effective technology integration. This program leverages partnerships between communities and schools of education to infuse technology into teacher preparation and professional development.
- Technology Within State Allocation. Include a state-to-local technology allocation that ensures grants are sufficient in terms of size, scope, quality, and targeting to the neediest districts. The House bill's Title V, Part B split (60% formula and 40% competitive) would leave states with a

pool of resources inadequate to ensure formula grants are sufficient. The recommended solution is the 100% competitive allocation in the Senate bill with provisions to target the neediest communities.

- Comprehensive Use of Technology, Including Software and Content. Include the various House and Senate technology grant provisions that support a comprehensive use of technology, including support for the goals of technology literacy, parental involvement, and accountability through instructional management systems. Include also the House and Senate emphasis on integration of technology, including software and other electronic learning materials, thus encouraging technology as a means to improve achievement through digital tools, curriculum and instruction.
- Student Information. Include the Senate Section 602 Guidelines for Student Privacy to strengthen current law protections of student information. There is no related provision in the House bill. This requirement for locally-developed policy will address the underlying concerns. In contrast, Senate Title VI, Part D should not be included, as it would interfere with appropriate commercial services and student activities, place onerous burdens on schools, and override local control of education.
- Eisenhower Clearinghouse for Mathematics and Science Education. If conferees reauthorize the Clearinghouse, do not include the Senate's Section 2221(b)(1)(F)(ii) expansion to "rank the effectiveness of the materials and programs on the basis of the evaluations." While the intent is sound, such a ranking raises serious questions about the federal role and capacity to carry out this function. If not effectively done, it would prove misleading to the educators it seeks to empower.
- Flexibility and Accountability. To the extent that additional flexibility beyond technology program consolidation is enacted, conferees should ensure such provisions are focused on empowering local districts and meeting national priorities. First, include the Senate waiver to empower districts to opt out of state performance agreements if the original federal program better meets their needs. Second, require grantees to demonstrate how significantly reprogramming federal grant funds would better address their needs. Third, include only local grant funds received by formula under the local provisions of transferability, performance agreements and rural flexibility.
- "Scientifically Based Research" Definition. Include the Senate provisions that education technology be "based on a review of relevant research." While the sound use of technology should be encouraged, the House definition of "scientifically based research" is prohibitively restrictive and may discourage the innovation necessary to take advantage of rapidly changing technologies.

Thank you again for considering SIIA's recommendations on H.R. 1 to reauthorize ESEA. We look forward to working with you on these issues to ensure final passage of legislation that increases achievement, including through technology. If we can be of further assistance, please contact me or Mark Schneiderman, SIIA's Director of Education Policy, at (202) 452-1600 x329 or marks@siia.net.

Sincerely,



Kenneth A. Wasch
President

Enclosure

Software Information Industry Association

Recommendations on H.R.1 Conference Report to Reauthorize the Elementary and Secondary Education Act (ESEA)

July 27, 2001

TITLE I

Part A Basic Program for Disadvantaged Students, Professional Development

Include House Section 1119A(10) provision that professional development shall "to the extent appropriate, provide training for teachers in the use of technology so that technology and its applications are effectively used in the classroom to improve teaching and learning in the curriculum and academic content areas in which the teachers provide instruction."

Part B Reading, Local Uses of Funds

Include the Senate Section 1222(c)(7)(C) provision that grant funds can be used to acquire "education technology such as software and other digital curricula." This provides flexibility to meet unique local needs through both traditional and technology-based materials and strategies.

TITLE II Teacher Training

With technology increasingly integrated into the classroom and teacher training a primary barrier to its effective use, the integration of technology into Title II Teacher Training is critical. The following recommendations encourage both the training of teachers in the use of technology and the use of technology such as distance learning to provide this professional development.

Part A, State Applications

- Include the House Section 2013(b)(3) provision that "The application shall also describe the comprehensive strategy that the state will take as part of such coordination effort to ensure that teachers are trained in the utilization of technology so that technology and its applications are effectively used in the classroom to improve teaching and learning in all curriculum and content areas, as appropriate."
- Include the House Section 2013(b)(4) provision that the application include "A description of how the State will encourage the development of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as through the use of technology and distance learning."

Part A, State Activities/Use of Funds

- Include the Senate Section 2113(b) provision allowing states to carry out these activities, "including through a grant or contract with a for-profit or non-profit entity."
- Include the Senate Section 2113(b)(1)(C) provision that reforming teacher certification or licensing requirements includes "technology literacy" skills.
- Include the activity in both Senate Section 2113(b)(17) and House Section 2012(e)(8) supporting the use of technology to deliver professional development, including the Senate provision for "Internet-based distance education and peer networks."
- Include the activity in both Senate Section 2113(b)(16) and House Section 2012(e)(9) supporting the training of educators in the use of technology, including Senate provisions

regarding "administrators" and "effectively integrate technology into curricula and instruction" and House provision "to use technology to improve teaching and learning"

Part A, Local Use of Funds

- Include the Senate Section 2123(b) provision allowing LEAs to carry out these activities, "including through a grant or contract with a for-profit or non-profit entity."
- Include the use of funds in House Section 2031(a)(3)(A) and Senate Section 2123(b)(1)(D) and (E) supporting the training of educators in the use of technology, receding to specific Senate provisions for "effective integration of technology into curricula and instruction to enhance the learning environment and improve student academic achievement, performance and technology literacy" and "ability to collect, manage and analyze data, including through use of technology, to inform teaching."
- Include House Section 2031(a)(3)(B) use of funds for "development and utilization of proven, cost-effective strategies for the implementation of professional development activities, such as through the utilization of technology and distance learning"

Part A, Professional Development Definition

- Include the elements in House Section 2033(a)(11) and Senate Section 2102(9)(B)(iv) that professional development includes the use of technology, receding to the specific House provision "to the extent appropriate, provide training for teachers and principals in the use of technology so that technology and its applications are effectively used in the classroom to improve teaching and learning in the curriculum and academic content areas in which the teachers provide instruction."
- Include the elements in Senate Section 2033(b)(1) and House Section 2102(9)(B)(ii) that professional development includes use of assessments, receding to the specific House provision for "instruction in use of data and assessments to inform and instruct classroom practice."

Mathematics and Science Partnerships

- Include the purpose in Senate Section 2201(5) to "improve and expand training of math and science teachers, including in the effective integration of technology into curricula and instruction."
- Include the elements in House Section 2023(c)(1)(B)(iii) and Senate Section 2213(4) and (6) that professional development activities include both training teachers to utilize technology in the classroom and utilizing technology-based distance learning to provide training.

Eisenhower Clearinghouse for Mathematics and Science Education

To the extent conferees reauthorize the Eisenhower Clearinghouse and expand its duties under Senate Section 2221(b)(1)(E) and (F) to include qualitative and evaluative data, do not include the Senate Section 2221(b)(1)(F)(ii) provision to "rank the effectiveness of the materials and programs on the basis of the evaluations." Instead, focus on the collection of qualitative and evaluative data, empowering educators to identify materials and programs that meet their objective criteria and then allowing them to consider the additional data in their decision-making process.

This (F)(ii) proposed expansion threatens to decrease, rather than improve, educator empowerment as a result of two likely results. First, such federal efforts will inevitably create disincentives in the marketplace for existing and similar non-profit and for-profit clearinghouses, thus reducing consumer choice. Second, it is dubious that such federal efforts can succeed, and an inadequate effort will inevitably mislead educators and prejudice certain instructional materials and programs. This second concern arises from the fact that the Clearinghouse holds

many thousands of diverse materials and programs, which fall into nearly as many categories that make comparisons inappropriate. In addition, many such materials and programs have no qualitative or evaluative data; and where such data exists, it varies widely in scale, scope and quality. As a result, federal attempts to rank all such disparate materials based upon disparate data can only serve to prove prejudicial to publishers and misleading to educators.

Preparing Tomorrow's Teachers To Use Technology

Include this Senate, Title II, Part B, Subpart 3 program. Teacher training is cited as the primary barrier to the effective use of technology. This program leverages partnerships between communities and schools of education to infuse technology into teacher preparation and professional development. Program consolidation will shortchange this important need just as some two million new teachers are needed and existing teachers need further training.

STATE/LOCAL TECHNOLOGY GRANTS (Senate Title II, Part C; House Title V, Part B)

In part, the following recommendations encourage a comprehensive use of technology to improve achievement, including support for the goals of technology literacy, parental involvement, teacher training and accountability through instructional management systems. These recommendations also include the integration of technology, including software and other electronic learning materials, thus encouraging technology as a means to improve achievement through digital tools, curriculum and instruction.

Purposes/Goals

Include the comprehensive and visionary federal role outlined in both Senate Section 2301 and House Section 5202, including improvements in technology access emphasized in the Senate, educator training and technology proficiency, effective integration of technology into the curriculum and instruction, and student academic achievement, performance and technology literacy.

Within State Allocation

Include an alternative to the House state-to-local allocation (60% formula and 40% competitive), because this split would leave states with a pool of resources inadequate to provide formula grants of sufficient size and quality. Even with a \$1 billion appropriation, the average formula grantee district under the House bill would receive just \$35,000, and many schools would receive less than the cost of a computer.

The recommended alternative is reliance on the 100% competitive allocation in current law and the Senate bill. Senate Section 2304 provisions should also be included that require states to identify the neediest districts based on both poverty and technology need, provide technical assistance to those districts in developing their application, give priority to such districts, and ensure grants are of sufficient size, scope and quality. To ensure competitive grants reach the neediest communities, include additional requirements that states reserve a significant portion of grants for those neediest districts, including both rural and urban.

While not recommended, if a formula allocation is employed, include provisions requiring states to target grants to only the neediest local districts, base their formula on both poverty and technology need, and ensure grants are of sufficient size to provide scope and quality in their use.

While also not recommended, if a House-like mixed (formula/competitive) allocation is employed, include both the targeting provisions described above as well as provisions requiring competitive grantees to meet a higher burden than those receiving formula grants. Such

provisions should include the prioritization of grants that are scalable, use innovative or research-based practices, enhance the learning environment through meaningful and effective technology integration, provide for independent evaluation of their effectiveness, and provide benefit to others in the state.

Research Definition

The dynamic and relatively new nature of education technology requires that innovation be encouraged. While efforts to ensure technology use is soundly based are encouraged, provisions must not discourage or block innovation. The conference report should therefore include the Senate provision that practices be "based on a review of relevant research" rather than the prohibitively restrictive House term and definition of "scientifically based research".

State Applications

The House and Senate bills both include similar state application provisions to promote thoughtful, effective and comprehensive use of grant funds, including to improve technology access, teacher capacity, integration of technology into instruction and curricula, and student achievement. In the following cases where the House and Senate provisions differ, include the following:

- Include the Senate Section 2305(1) description of "strategies for improving student . . . technology literacy" under the description of strategies for improving student achievement/performance and/or technology access.
- Include both "teacher education and professional development" from Senate Section 2305(2)(A) and "effectively integrate technology into curricula and instruction" from Senate Section 2305(1) under strategies for improving teacher capacity.
- Include Senate Section 2305(7) to ensure assistance to the neediest districts.
- Include House Section 5213(8) to ensure grants are of sufficient size, scope and quality.
- Include the House Section 5213(4) description of "how the state will ensure ongoing integration of technology into instructional strategies and school curricula in all schools in the state . . ."

State Activities

Include the House Section 5215 state activities and explicit allowance for up to 5% of state funds for such activities.

Local Applications

The House and Senate bills both include similar local application provisions to promote the thoughtful, effective and comprehensive use of grant funds, including to improve technology access, teacher capacity, integration of technology into instruction and curricula, and student achievement. In the following cases where the House and Senate provisions differ, include the following:

- Include "technology literacy" from Senate Section 2307(1) under the description of how activities will improve student achievement/performance and/or technology access.
- Include the House Section 5214(3) provision to "ensure all students and teachers in schools . . . have increased access to educational technology" to emphasize efforts for the neediest schools.
- Include "promote parental involvement" and related provision in Senate Section 2307(3) and (4) to encourage use of technology to increase parents' participation in school activities and their child's instruction.
- Include "integrating technology into school curriculum" and "increasing the ability of teachers to teach" from House Section 5214(7) and "affect technology literacy" from Senate

Section 2307(9) to ensure that program accountability includes an evaluation of the broad set of technology goals.

- Include "software and other electronically delivered learning materials" from House Section 5214(5) or the similar Senate provisions in the requirements for descriptions of both how technology will be integrated across the curriculum/instruction as well as the types of technologies to be acquired.

Local Activities

The House and Senate bills both include similar local activities provisions to promote the thoughtful, effective and comprehensive use of grant funds, including: (1) to acquire, expand, adapt, implement and maintain technology including software and curricula to improve student achievement, (2) to use technology to promote parent involvement, and (3) to use technology to collect, manage and analyze data. In the following cases where the House and Senate provisions differ, include the following:

- Include "to support the school reform effort" and "student . . . performance, and technology literacy" from Senate Section 2306(a)(1) and "for developing and utilizing innovative strategies to deliver rigorous academic programs" from House Section 5216(c)(1) to ensure technology acquisition provisions are crafted to encourage innovation, reform and broad learning goals.
- Include "ongoing professional development" from Senate Section 2306(2) to enable districts to use more than the 20-30% required for professional development.
- Include "initiatives, particularly those involving public-private partnerships, designed to increase access to technology for students and teachers" from House Section 5216(c)(3).
- Include the more comprehensive provision from Senate Section 2306(7) with regard to technology to collect, manage and analyze data.
- Include the emphasis on "acquiring proven and effective curricula that include integrated technology" from House Section 5216(c)(5), "software" from Senate Section 2306(3), and "accessing information, educational programming sources and professional development" from Senate Section 2306(4) to ensure technology acquisition is targeted to the delivery of applications and content.

Technology Professional Development

The House and Senate bills require that districts use 20-30% of grant funds for professional development. However, the two bills differ in the detailed provisions of that requirement with the Senate bill providing no specific guidance. Include the House Section 5216(a) and (b) provisions detailing professional development requirements and allowing a waiver for districts that otherwise meet this goal. In addition, add the following provisions:

- Include an explicit provision that professional development may be provided "either directly or through a grant or contract with a for-profit or non-profit entity" consistent with Senate Section 2113(b).
- Expand Section 5216(a)(1) by adding at the end "and integrate such resources and materials into the curriculum and instruction."

Accountability

The House and Senate bills include provisions to hold local districts accountable for the effective use of technology grant funds, including through both local applications as well as a related Senate Section 2308 Accountability requirement. Such accountability provisions should ensure technology is evaluated based upon the broad set of technology goals. In addition to the goals of student achievement and performance to state standards, include "integrating technology into school curriculum" and "increasing the ability of teachers to teach" from House Section 5214(7),

"affect technology literacy" from Senate Section 2307(9), and "increased access to technology in the classroom, especially in low-income schools" from Senate Section 2308(a)(3).

National Activities

The House and Senate bills both include national activities under technology. The House Part B, Subpart 2 is funded at ten times the Senate Section 2309-2311; and, with the exception of the Senate's Section 2310 national technology plan, is broader in its purpose. While federal resources should be focused at the local level, a limited portfolio of national activities is important to leveraging effective use of technology.

In general, include the broader House national activity provisions, including the provisions for a higher funding level, technical assistance, and national initiatives. With regard to the independent study required in both bills, include provisions from both Senate Section 2311(b)(1) and House Section 5221(a)(1)(A) and (B) to ensure the study examines the "effect of educational technology on improving student academic achievement," "the conditions and practices under which educational technology is effective," and "the conditions and practices that increase the ability of teachers to effectively integrate technology into the curricula and instruction, enhance the learning environment and opportunities, and increase student performance, technology literacy, and related 21st century skills." Finally, include also other provisions such as Senate Section 2309 encouraging the identification and dissemination of best practices in implementing technology effectively.

OTHER CORE PROGRAM TITLES

The following recommendations aim to provide grantees with flexibility to address unique local needs through both traditional and technology-based strategies and materials.

Bilingual Education

House and Senate bills include a number of provisions allowing the use of federal bilingual/LEP grant funds for technology-based curricular materials, software, and teacher training in the use of technology. Where the bills differ, including the inconsistencies within the Senate Parts A and D, and to ensure local flexibility through technology, include the following:

- Include provisions allowing funds for activities "that support effective teacher use of education technologies to improve instruction and assessment" from Senate Section 3132(c)(1)(D). Such provisions are necessary both where professional development is a separate program as in the Senate bill or a use of funds within other component programs.
- Include the Senate Section 3402 Education Technology provision, allowing the use of funds "for the acquisition or development of education technology or instructional materials . . ." and ensure such provision applies to all appropriate elements of the title. This Senate Section 3402 provision references only part A, but should also include the Part D formula program and all component programs of the conference report.
- Include technology and technology-based curricular materials as a use of funds in each of the component grant programs, including by ensuring curricular materials are always defined to include "educational software and other materials provided through technology." Such provisions are included in both bills, but are inconsistently applied even within each bill. The bills' technology provisions include "education technology or instructional materials, access to and participation in electronic networks for materials" from House Section 3108(b)(1)(G), "effective curricula, instructional materials (including materials provided through technology)" from Senate Section 3102(b)(2)(B)(iv), and "curricular materials, educational software, and technologies" from Senate Section 3327(c)(4).

Innovative Program Strategies

House Title IV, Part A, Section 4131 and Senate Title V, Part B, Subpart 4, Section 5331 include a number of provisions allowing local use of funds for technology. Include the House Section 4131(2) and (3) provisions allowing funds for "technology related to the implementation of school-based reform programs, including professional development . . . regarding how to use effectively such equipment and software" and ""educational materials, . . . computer software and hardware for instructional use."

21st Century Community Learning Centers

Include the House Section 5124(c)(1)(G) provisions allowing the use of funds for "telecommunications and technology education programs."

OTHER PROVISIONS

Student Information

Include the Senate Section 602 Guidelines for Student Privacy to strengthen current law protections of student information. With no related provision in the House bill, this requirement for locally-developed policy will address the underlying concerns. In contrast, Senate Title VI, Part D should not be included, as it would interfere with appropriate commercial services and student activities, place onerous burdens on schools, and override local control of education.

Flexibility and Accountability

Ensure flexibility provisions are focused on empowering local districts and meeting national priorities. To the extent that additional flexibility beyond technology program consolidation is enacted, include the following:

- Include the Senate Section 5703(a)(2)(D)(iv) Local Educational Agency Waiver to empower local districts to retain the original federal program purpose. While a state may choose to reprogram a federal grant such as technology, local districts should not be prevented from using federal program funds to meet the original national priority, if such purpose better meets their goals.
- Include only local grant funds received by formula under the local provisions of transferability, performance agreements and rural flexibility. Local authority to transfer, reprogram or commingle funds should not include national or state competitive grant programs, including technology grants. This principle is included in the House Section 7203(b)(2)(C) transferability, House Section 1711(c) rural flexibility, and Senate Section 5703(a)(2)(D)(v)(III), including the House provisions which limit Title V, Part B technology grant funding available to be transferred to the formula funds under Section 5212(a)(2)(A). However, it is not included in the Senate rural flexibility or House local flexibility demonstration.
- To the extent the House Title VII, Part B transferability provision is included in the conference report, limit the basic transferability to 30% for all districts, while allowing districts an increase to 50% only upon demonstrating how such a shift would better address unique local needs and gaining state approval for such transfer.
- Include technology as a flexible use of applicable funding under rural flexibility provisions from the inclusion in House Section 1711(a)(1) of "Part B of Title V."

For further assistance, please contact Mark Schneiderman, SIIA's Director of Education Policy, at marks@siia.net or (202) 452-1600 x329.