



EDUCATION COMMISSION OF THE STATES

ECS STATENOTES

2005 Collection



2005 COLLECTION OF ECS STATENOTES



Accountability

State Education Oversight Commissions

This ECS StateNote looks at how states structure and use education commissions. (Molly Burke and Kathy Christie, Education Commission of the States, September 2005)

State Student Information Systems

This ECS StateNote provides a status report on state student information systems used to collect, analyze and use data about school and system performance. The report discusses longitudinal data systems, unique teacher identifiers, emerging trends and links between K-12 and higher education. The summary table lists information for every state, including legislative citations. (Kathy Christie, Education Commission of the States, May 2005)

Accountability – Sanctions

Sanctions on Driving Privileges

This ECS StateNote identifies the 23 states that tie driving privileges to school attendance and/or academic performance. The report includes the specific state policies in place and offers tips to policymakers who are considering legislation. (Molly Burke, Education Commission of the States, March 2005)



Affordability

In-state Tuition for Undocumented Immigrants

As immigration to the United States increases, more and more students are entering the education pipeline. Many of these newly arrived students are undocumented, or “illegal” immigrants, and denied the full rights of American citizenship, including educational benefits such as in-state tuition at public colleges and universities. Some states have passed legislation that extends in-state tuition to undocumented immigrants, others have proposed laws that restrict the awarding of in-state tuition to these same immigrants. Below is a summary of states that have passed or have considered legislation regarding tuition for undocumented immigrants. (Carl Krueger, Education Commission of the States, April 2005)

Merit Scholarships

This ECS StateNote provides information on the 17 states that currently offer merit scholarships. The report offers descriptions of each state’s scholarship eligibility requirements, funding source, maintenance obligations, duration of the scholarship, and amount and use. (Carl Krueger, ECS, May 2005)



Alternative Education

State Policies Related to Alternative Education

Alternative schools provide choice and opportunity to children unable to study in a regular setting. This ECS StateNote provides examples of alternative schools in select states designed for students: (1) with disciplinary problems, disruptive behavior and emotional/ behavioral disabilities, and (2) who do not fit in a traditional setting. Statutory references and recommendations for policymakers to consider in creating alternative schools are provided. (Oleg Silchenko, Education Commission of the States, November 2005)



Arts in Education

State Policies Regarding Arts in Education

This StateNote summarizes the findings of an ECS scan of policies related to arts in education for all 50 states and the District of Columbia. Complete results of the scan are contained in a searchable database called "Artscan": www.ecs.org/Artscan. (Education Commission of the States, October 2005)



Assessment

What Governors Need to Know: Highlights of State Education Systems

This multistate compilation includes states' number of operating districts, average students per district, per-student spending, free or reduced-price lunch eligible students, percent of K-12 revenue from state sources, state and local school revenue, full-day kindergarten requirements, compulsory school ages, charter school laws, exit-exam requirements, average teacher salaries and more. (Kyle Zinth, ECS, February 2005)



At-Risk

Sanctions on Driving Privileges

This ECS StateNote identifies the 23 states that tie driving privileges to school attendance and/or academic performance. The report includes the specific state policies in place and offers tips to policymakers who are considering legislation. (Molly Burke, Education Commission of the States, March 2005)



Attendance

Compulsory School Age Requirements

This ECS StateNote lists compulsory school attendance ages for each state. To see a graphic depiction of the number of years of schooling required under each state's compulsory education law, [click here](#). (Jeffrey Tomlinson, Education Commission of the States, September 2005)

Habitual Truancy: Examples of State Definitions

For the most part, compulsory attendance laws do not specify the number of times a student must be truant before sanctions (also part of the compulsory attendance laws) are enforced. This ECS StateNote provides examples of states where truancy and habitual truancy are defined at the state level. (Kyle Zinth, Education Commission of the States, April 2005)

Sanctions on Driving Privileges

This ECS StateNote identifies the 23 states that tie driving privileges to school attendance and/or academic performance. The report includes the specific state policies in place and offers tips to policymakers who are considering legislation. (Molly Burke, Education Commission of the States, March 2005)



Charter Districts

Charter Districts: The State of the Field

This update of a 2003 StateNote describes the latest developments and trends in charter districts throughout the country. Charter districts, in which all or most of the schools are charter or contract schools, are part of broader efforts to improve public schools. Rather than operating schools themselves, these districts enter into charters or contracts with individuals and entities to run schools. The challenges to states and districts is to find a supply of high-quality charter operators and strike the delicate balance between autonomy and accountability. (Bryan Hassel and Todd Ziebarth, Education Commission of the States, March 2005)



Class Size

State Class-Size Reduction Measures

This document updates a 1999 ECS StateNote, providing a detailed look at class-size reduction initiatives in 23 states, including information about funding, legislative provisions and implementation schedules. (Kyle Zinth, Education Commission of the States, March 2005)



Demographics

What Governors Need to Know: Highlights of State Education Systems

This multistate compilation includes states' number of operating districts, average students per district, per-student spending, free or reduced-price lunch eligible students, percent of K-12 revenue from state sources, state and local school revenue, full-day kindergarten requirements, compulsory school ages, charter school laws, exit-exam requirements, average teacher salaries and more. (Kyle Zinth, ECS, February 2005)



Early Learning

State Statutes Regarding Kindergarten

This ECS StateNote includes information on each state's offering of full-day kindergarten, as well as policies for student attendance in kindergarten. (Jessica McMaken, Education Commission of the States, updated April 2005)



Finance

Federal Education Budget

This StateNote contains the appropriations for selected departments and programs within the Department of Education, with a special focus on programs that impact the No Child Left Behind initiative. (Michael Griffith, Education Commission of the States, January 2005)

Inflation Adjustments In State Education Funding Formulas

Several states include inflation, or cost of living, adjustments in their funding formulas that automatically increase state spending on education from one year to the next. This StateNote provides information on six states that have such inflation adjustments. (Michael Griffith, Education Commission of the States, May 2005)

Lottery Information By State

This document provides a brief description of each state's lottery program, including information on how lottery revenues are spent and a link to the state lottery Web site. (Molly Burke, Education Commission of the States, September 2005)

School Funding Adequacy Cases

Forty-four out of 50 states have experienced some form of school finance litigation. This ECS StateNote lists the cases and outcomes of adequacy litigation in the states. (Michael Griffith and Molly Burke, Education Commission of the States, February 2005)

State Education Funding Formulas and Grade Weighting

This ECS StateNote describes the different types of funding formulas states use to determine the state share of funding for K-12 public education. The report also includes data on how states weight each grade level within the funding formula. (Michael Griffith, ECS, March 2005)

State Links for School Finance

This document provides a link to every state's education finance Web site. Each site provides information on state budgets, funding formulas, salaries, frequently asked questions and more. (Molly Burke, Education Commission of the States, 2005)

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Governance

State Education Oversight Commissions

This ECS StateNote looks at how states structure and use education commissions. (Molly Burke and Kathy Christie, Education Commission of the States, September 2005)



Health

State Policies Related to Student Health and Nutrition

Student health and nutrition have become significant issues in education policy deliberations. Many state politicians and education officials have begun discussions around solutions of this decline in health of school-age youth. The consensus: set school standards for physical activity. This ECS StateNote describes the types of activities and legislation states have put in place around nutrition and physical activity. (Jon-Michael Hanna, ECS, May 2005)



High School

Advanced Placement (AP) Exams with an International Focus 2001 State-by-State Comparison

Multistate compilations of AP examinations: (1) 2001 European History, (2) 2001 French Language/Literature, (3) 2001 German Language, (4) 2001 Comparative Government & Politics, (5) 2001 Human Geography, 2001 Spanish Language/Literature and (6) 2001 Participation in AP Examinations with an International Focus (all). (Jennifer Azordegan, Education Commission of the States, September 2002)

Target Attendance and Graduation Rates and How Rates Are Calculated

This ECS StateNote reports on and describes target attendance (or an alternative indicator) and graduation rates for all states and territories. The summary also provides detailed information on attendance and graduation rate calculations. (Kathy Christie, Education Commission of the States, January 2005)



Kindergarten

Access to Kindergarten: Age Issues in State Statutes

This ECS StateNote documents how state lawmakers have addressed kindergarten-related age issues, including compulsory school age, entrance age, early entrance to kindergarten, skipping kindergarten and kindergarten exemption. (Education Commission of the States, updated February 2005)

How States Fund Full-Day Kindergarten

This ECS StateNote shows how each state's funding formula addresses kindergarten. It addresses how states' funding formulas for half- and full-day kindergarten compare, and how states' funding formulas for full-day kindergarten and 1st grade compare. (Education Commission of the States, updated August 2005)

State Statutes Regarding Kindergarten

This ECS StateNote includes information on each state's offering of full-day kindergarten, as well as policies for student attendance in kindergarten. (Jessica McMaken, Education Commission of the States, updated April 2005)



Leadership

Mentor Programs for Leaders: A Policy Scan

This ECS StateNote provides examples of statewide mentoring and internship programs for K-12 school leaders and examines recent trends in the states. (John Hancock, Education Commission of the States, October 2005)

Professional Development Requirements for Administrators

This ECS StateNote is a snapshot of states that require professional development for school administrators. It is not intended to be a comprehensive look at policies, so it is possible that states might set requirements not listed here. (Kathy Christie, Education Commission of the States, December 2004)

Statewide Leadership Academies: 50-State Report

This report profiles statewide leadership academies in the 50 states that are established in statute and offer services to school leaders across the state. Highlights include: (1) most programs are funded through a mixture of private-sector contributions, grant money and state funding, and it remains to be seen whether many programs are sustainable after their founding grants expire; and (2) curricula vary widely across academies, but most academies use the Interstate School Leaders Licensure Consortium standards for school leaders as a foundation and make alterations to the framework according to their state context. (Education Commission of the States, Arika Long and Angela Baber, October 2005)

Superintendent Preparation Programs

While numerous education preparation programs across the country prepare teachers and principals for certification, far fewer train candidates specifically to be superintendents. This ECS StateNote includes information on superintendent preparation programs in the 50 states and the District of Columbia. (John Hancock, Education Commission of the States, October 2005)



Minority/Diversity Issues

In-state Tuition for Undocumented Immigrants

As immigration to the United States increases, more and more students are entering the education pipeline. Many of these newly arrived students are undocumented, or "illegal" immigrants, and denied the full rights of American citizenship, including educational benefits such as in-state tuition at public colleges and universities. Some states have passed legislation that extends in-state tuition to undocumented immigrants, others have proposed laws that restrict the awarding of in-state tuition to these same immigrants. Below is a summary of states that have passed or have considered legislation regarding tuition for undocumented immigrants. (Carl Krueger, Education Commission of the States, April 2005)



No Child Left Behind

2005 State Policies Related to the No Child Left Behind Act (NCLB)

This document lists state policies enacted in 2005 relating to NCLB. Those policies are summarized and categorized according to the NCLB section they address. The status of each policy as of July 2005 also is provided. (Kathy Christie, Education Commission of the States, July 2005)

Federal Education Budget

This StateNote contains the appropriations for selected departments and programs within the Department of Education, with a special focus on programs that impact the No Child Left Behind initiative. (Michael Griffith, Education Commission of the States, January 2005)

Professional Development for Paraprofessionals Across the States

Professional development has come to the forefront of the paraprofessional occupation with new requirements and timelines for “highly qualified” status under No Child Left Behind. In addition to passing a formal evaluation of knowledge, the requirements for higher education have created the opportunity for states to establish partnerships with higher education communities, set up multi-tiered certification, use online education systems and develop methods for paraprofessionals to reach full teaching licensure. These trends in professional development are highlighted in the this paper. (Kelsey Campbell, Education Commission of the States, August 2005)

Target Attendance and Graduation Rates and How Rates Are Calculated

This ECS StateNote reports on and describes target attendance (or an alternative indicator) and graduation rates for all states and territories. The summary also provides detailed information on attendance and graduation rate calculations. (Kathy Christie, Education Commission of the States, January 2005)



Parent/Family

Parental Involvement in Education

An update of a 1996 ECS report, this StateNote provides information on state legislation and programs designed to increase parental involvement in the education process. This compilation describes how states have addressed this issue, such as requiring school districts to develop plans and policies to increase parental involvement, encouraging or directing employers to give parents time off from work to attend parent-teacher conferences or other school activities, encouraging parents to play a more active role in their children’s education both at school and at home, as well as enacting parental rights legislation. (Kyle Zinth, Education Commission of the States, March 2005)



Promotion/Retention

Student Promotion/Retention Policies

State policies regarding student promotion and retention vary significantly in the combination of their criteria for retention, which grades are specified, which subjects are singled out and the level at which authority rests. This ECS StateNote examines student promotion and retention policies in the 50 states. (Kyle Zinth, Education Commission of the States, November 2005)



Remediation

Examples of State Remediation Policies

This ECS StateNote provides examples of state remediation policies in the following areas: (1) general policies, (2) early learning, (3) high school, (4) those targeted at specific districts within a state, (5) homeschooled students and (5) postsecondary students. (Kyle Zinth, Education Commission of the States, August 2005)

Summer Remediation Policies

For years various states have chosen the summer months as an ideal opportunity to offer remediation to their students. Currently, 34 states and the District of Columbia have summer remediation policies. This ECS StateNote summarizes and provides statutory references for these policies. (Kyle Zinth, Education Commission of the States, August 2005)



Safety/Student Discipline

State Anti-bullying Statutes

Bullying by students on school grounds, a subject of renewed interest for state policymakers in recent years, was most recently brought to the national spotlight by the highly publicized school shootings of the late 1990s, in which the shooters were reported to be the victims of bullies at the school. This ECS StateNote examines state policies regarding bullying by students on school property, discussing the number of states with such policies and the components of existing anti-bullying policies. It also lists the components of comprehensive anti-bullying policies and provides statutory information for all bullying statutes. (Jennifer Dounay, Education Commission of the States, April 2005)



School Districts

What Governors Need to Know: Highlights of State Education Systems

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Science

Policies Dealing with Evolution in Select States

As is the case with many issues, in crafting standards for science education – especially those that deal with evolution – policymakers have had to grapple with competing demands of the citizenry. This ECS StateNote illustrates policies on evolution education in select states and districts. (Kyle Zinth, Education Commission of the States, December 2005)...



Site-Based Management

Site-based Decisionmaking: State-level Policies

This StateNote provides information on state site-based management policies and recommends components to include in such policies. (Jennifer Dounay, Education Commission of the States, April 2005)



State Comparisons/Statistics

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What Is a Public School? Examples of Definitions

This ECS StateNote provides examples of state statutory definitions of public schools. (Kyle Zinth, Education Commission of the States, September 2005)



State Policymaking

What Governors Need to Know: Highlights of State Education Systems

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Student Achievement

Statewide Uniform Grading Scales

Grading practices have traditionally been addressed at the local level, but with growing concern about grade inflation and/or the use of grades for high-stakes purposes such as merit scholarships, some states now address grading scales in state policy. This ECS StateNote discusses the four states – Arkansas, Florida, South Carolina and West Virginia – that have adopted a statewide grading scale, as well as Tennessee, which has convened a taskforce to develop a statewide grading scale. (Molly Burke, Education Commission of the States, October 2005)



Summer School

Summer Remediation Policies

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Teaching Quality

Professional Development for Paraprofessionals Across the States

Professional development has come to the forefront of the paraprofessional occupation with new requirements and timelines for “highly qualified” status under No Child Left Behind. In addition to passing a formal evaluation of knowledge, the requirements for higher education have created the opportunity for states to establish partnerships with higher education communities, set up multi-tiered certification, use online education systems and develop methods for paraprofessionals to reach full teaching licensure. These trends in professional development are highlighted in the this paper. (Kelsey Campbell, Education Commission of the States, August 2005)

State Financial Incentive Policies for Recruiting and Retaining Effective New Teachers in Hard-to-Staff Schools

Based on information from the most recent national Schools and Staffing Survey (SASS), the U.S. Department of Education estimates that an additional 2.2 million teachers will be needed over the next decade, exceeding the annual production rate of new teachers. More specifically, “hard-to-staff” schools in high-poverty urban and rural districts will require more than 700,000 new teachers in the next 10 years. This StateNote provides information on the financial incentives states have in place to address teacher shortages in critical subject areas as well as in hard-to-staff schools. (Jeremiah Johnson, ECS, May 2005)

Statewide Teacher Salary Schedules

Twenty-one states have statewide salary schedules. This ECS StateNote lists those states, along with the statutes that set these schedules. (Molly Burke, Education Commission of States, July 2005)

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Textbooks

State Textbook Adoption

This ECS Statenote provides information on how textbooks are selected in each state and whether or not states have free textbook provisions. Also included are the legislative language and code citation on textbook selection and provision for all states. (Kyle Zinth, ECS, January 2005)



Tuition/Fees

In-state Tuition for Undocumented Immigrants

As immigration to the United States increases, more and more students are entering the education pipeline. Many of these newly arrived students are undocumented, or “illegal” immigrants, and denied the full rights of American citizenship, including educational benefits such as in-state tuition at public colleges and universities. Some states have passed legislation that extends in-state tuition to undocumented immigrants, others have proposed laws that restrict the awarding of in-state tuition to these same immigrants. Below is a summary of states that have passed or have considered legislation regarding tuition for undocumented immigrants. (Carl Krueger, Education Commission of the States, April 2005)



Textbook Adoption

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State Textbook Adoption

By Kyle Zinth

January 2005

Introduction

States use one of two methods to select the textbooks used in their schools. Thirty states allow local agencies or schools to choose the textbooks they will use. A total of 20 states – known as textbook adoption states – choose at the state level what textbooks can be used by all districts. California is an adoption state at the elementary level but allows local agencies to select textbooks at the secondary level. Two U.S. territories, the Virgin Islands and Puerto Rico, adopt textbooks at the territorial level. Washington D.C. is comprised of one school district, and adopts textbooks at the district level.

Forty-two states have provisions for providing free textbooks to students, although they often charge for textbooks that are damaged or lost through negligence. Many states waive fees for students unable to afford books. Washington D.C. and two U.S. territories, the Virgin Islands and Puerto Rico, provide free textbooks for their students.

The table below indicates the governing level – state or local – of textbook selection for each state and whether or not states have free textbook provisions. Following the table, listed for every state are the legislative language and code citation on textbook selection and provision.

State	State-Level Textbook Adoption	Local Education Agency-Level Textbook Adoption	Free Textbooks Provision	Some Rental Fees Allowable by Law
Alabama	X		X	
Alaska		X	X	
Arizona		X	X	Fees permitted at the high school level for non-required or supplementary textbooks
Arkansas	X		X	
California	X ¹		X	
Colorado		X		Fees permitted
Connecticut		X	X	
Delaware		X	X	
District of Columbia		X	X	
Florida	X		X	
Georgia	X		X	
Hawaii		X ²	X	Fees for abused or damaged books permitted
Idaho	X		X	
Illinois		X ³		Fees permitted
Indiana	X			Fees permitted
Iowa		X		Fees permitted
Kansas		X		Fees permitted

State	State-Level Textbook Adoption	Local Education Agency-Level Textbook Adoption	Free Textbooks Provision	Some Rental Fees Allowable by Law
Kentucky	X		X	Fees permitted for students in grades 9-12
Louisiana	X		X	
Maine		X	X	
Maryland		X	X	
Massachusetts		X	X	
Michigan		X	X	Refundable deposits permitted
Minnesota		X	X	
Mississippi	X		X	
Missouri		X	X	
Montana		X	X	
Nebraska		X	X	
Nevada		X ⁴	X	
New Hampshire		X	X	
New Jersey		X	X	
New Mexico	X		X	
New York		X	X	
North Carolina	X		X	
North Dakota		X	X	Security deposit for return of textbooks and fees for abused or damaged textbooks permitted
Ohio		X	X	
Oklahoma	X		X	
Oregon	X		X	
Pennsylvania		X	X	
Rhode Island		X	X	Security deposit permitted
South Carolina	X			Fees permitted
South Dakota		X	X	
Tennessee	X		X	
Texas	X		X	
Utah	X ⁵			Fees permitted
Vermont		X	X	
Virginia	X		X	
Washington		X		Fees permitted
West Virginia	X		X	
Wisconsin		X		Fees permitted
Wyoming		X	X	
Territory				
American Samoa				
Puerto Rico	X		X	
U.S. Virgin Islands	X		X	Fees permitted if books are lost or damaged

Notes:

1. California adopts textbooks statewide at the elementary levels. Local school boards select secondary level textbooks.
2. The state of Hawaii is comprised of a single school district.
3. In Illinois local school boards may only select textbooks in compliance with state law.
4. The state of Nevada approves textbooks selected by local districts.

5. Local districts in Utah may select textbooks not on the state recommended list, provided the textbooks meet specific criteria and the selection is based on recommendations by the district's curriculum materials review committee.

Alabama

Textbook Adoption: The state of Alabama adopts textbooks on the recommendation of the state textbook committee. Local boards of education must adopt textbooks from the state list, unless they receive approval for a local contract from the state superintendent (ALA. CODE § 16-36-61).

Free Textbooks: Public school students are provided with textbooks and other necessary instructional supplies for use in their education (ALA. CODE § 16-36-70).

Citizen Review and Participation: Local textbook committees choose textbooks from the state approved list. These committees are appointed by local boards of education. The number, size and composition – parents are to be included – of the committee or committees are determined by each local board of education (ALA. CODE § 16-36-62).

Alaska

Textbook Adoption: District boards select textbooks used in Alaska's public schools and statewide correspondence study programs. Correspondence study students, or the parents or guardians of correspondence students, may privately obtain or use textbooks or curriculum material not provided by the school district (ALASKA STAT. § 14.07.050).

Free Textbooks: School districts provide students with textbooks (ALASKA STAT. § 14.07.050).

Minority Representation: Discrimination in textbooks and instructional materials prohibited (ALASKA STAT. § 14.18.060).

Arizona

Textbook Adoption: School district governing boards are responsible for the selection and purchase of textbooks (ARIZ. REV. STAT. ANN. § 15-721).

Free Textbooks: Free textbooks are to be furnished in schools and all state welfare institutions maintaining educational facilities (ARIZ. REV. STAT. ANN. § 15-723). A reasonable rental fee is allowed for the use of non-required or supplementary textbooks and non-related subject matter materials at the high school level (ARIZ. REV. STAT. ANN. § 15-724).

Citizen Review and Participation: All meetings of committees authorized for the purposes of textbook review and selection are to be open to the public (ARIZ. REV. STAT. ANN. § 15-721).

Arkansas

Textbook Adoption: The state board of education provides districts with a list of suggested materials. A school district may purchase from the provided list or choose other educational materials (ARK. CODE ANN. § 6-21-405). Each school district appoints a textbook selection committee to be composed of a majority of certified personnel, including classroom teachers (ARK. CODE ANN. § 6-21-413). Contract periods are for no less than three years, nor more than five years for courses subject to rapid knowledge-base changes. For courses determined by the state board to be free of rapid knowledge-base changes, the contract period may be for a maximum of 10. Contract periods for paperback books, novels, plays and

other forms of literature in a softbound cover that are part of a basal textbook program may be from one to five years. The state is authorized to renegotiate contracts (ARK. CODE ANN. § 6-21-407).

Free Textbooks: Arkansas provides textbooks and instructional materials for all students attending public schools in 1st through 12th grade (ARK. CODE ANN. § 6-21-403).

California

Textbook Adoption: California adopts instructional materials for students in grades 1 through 8 (CAL. EDUC. CODE § 60200-60206). The governing board of each school district maintaining one or more high schools adopts instructional materials for use in the high schools under its control (CAL. EDUC. CODE § 60400-60048).

Free Textbooks: No school official may require any pupil, except pupils in classes for adults, to purchase any textbooks for the pupils' use in the school (CAL. EDUC. CODE § 60070).

Minority Representation: When adopting instructional materials for use in the schools, governing boards are to include only instructional materials that accurately portray the cultural and racial diversity of American society, including the role and contributions of Native Americans, African Americans, Mexican Americans, Asian Americans, European Americans and members of other ethnic and cultural groups in the development of California and the United States (CAL. EDUC. CODE § 60040).

Colorado

Textbook Adoption: Colorado's constitution forbids either the general assembly or the state board of education from mandating textbooks to be used in public schools (CO. CONST. ART. IX, § 16).

Free Textbooks: Districts may charge a reasonable rental fee for the use of textbooks (COLO. REV. STAT. ANN. § 22-32-110).

Connecticut

Textbook Adoption: Local boards of education, subject to the control of the state board of education, determine what textbooks are to be used (CONN. GEN. STAT. ANN. § 10-221).

Free Textbooks: Textbooks are to be loaned to students free of charge (CONN. GEN. STAT. ANN. § 10-228).

Minority Representation: Except where a legitimate educational purpose is otherwise served, each local or regional board of education must, in selecting textbooks, select those accurately presenting the achievements and accomplishments of individuals and groups from all ethnic and racial backgrounds (CONN. GEN. STAT. ANN. § 10-18A).

Delaware

Textbook Adoption: Local school districts adopt textbooks for use in their schools (DEL. CODE ANN. TITLE 14 § 1049).

Free Textbooks: Textbooks are to be loaned to students free of charge (DEL. CODE ANN. TITLE 14 § 1049).

District of Columbia

Textbook Adoption: The board of education is responsible for the selection of textbooks (D.C. CODE ANN. § 38-102).

Free Textbooks: The board of education provides students of public schools with free textbooks (D.C. CODE ANN. § 38-701).

Florida

Textbook Adoption: Florida adopts textbooks at the state level. Each school year, no later than April 15, the commissioner of education appoints state instructional materials committees composed of individuals actively engaged in teaching, or in the supervision of teaching, in the public elementary, middle or high schools and representing the major fields and levels in which instructional materials are used in the public schools. Lay citizens not professionally connected with education are also to be included on the committees. Committee members receive training relating to the evaluation and selection of instructional materials (FLA. STAT. ANN. § 1006.29).

Free Textbooks: The district school board has the duty to provide adequate instructional materials for all students (FLA. STAT. ANN. § 1006.28).

Minority Representation: When recommending instructional materials for use in the schools, each committee must include only instructional materials that accurately portray the ethnic, socioeconomic, cultural and racial diversity of American society (FLA. STAT. ANN. § 1006.31).

Citizen Review and Participation: The names and mailing addresses of the members of the state instructional materials committees are to be made public when appointments are made (FLA. STAT. ANN. § 1006.29).

Georgia

Textbook Adoption: Georgia adopts its textbooks at the statewide level. The state board of education appoints a committee of educators to examine textbooks and make recommendations to the state board. Textbooks may also be added to the state-approved list if either the superintendents of five or more school systems, or 20 or more teachers from 20 or more school systems, request that the textbook be added (GA. CODE. ANN. § 20-2-102).

Free Textbooks: The state of Georgia has a system of free textbooks for all students (GA. CODE. ANN. § 20-2-1013).

Hawaii

Textbook Adoption: School principals, after consulting with teachers, parents and students, are to submit educational plans to their complex area superintendents. Upon approval, the principal may purchase textbooks included in these plans (HAW. REV. STAT. § 302A-1308).

Free Textbooks: The department of education is responsible for providing students with appropriate instructional materials (HA. ADMIN. CODE § 8-57-1). Schools may assess fees if the student is found to have damaged or lost a textbook through negligence (HA. ADMIN. CODE § 302A-1130.50).

Idaho

Textbook Adoption: The state board of education determines how and under what rules curricular materials are adopted for the public schools (IDAHO CODE § 33-118).

Free Textbooks: The board of trustees of each school district is required to provide, or require pupils to be provided with, suitable textbooks and supplies (IDAHO CODE § 33-512).

Citizen Review and Participation: Curricular materials adoption committees, appointed by the state board of education, contain at least two members who are not public educators or school trustees. All committee meetings are open to the public and any member of the public may attend and file written, or make oral, objections to any curricular materials under consideration. A complete and cataloged library of all curricular materials adopted and used in Idaho public schools is maintained by the state department of education, and is open to the public (IDAHO CODE § 33-118A).

Illinois

Textbook Adoption: Textbook sellers must annually file sworn statements attesting that the textbooks sold in Illinois will be sold at a lower price than anywhere else in the United States. The seller also must file a bond with the state board of education indicating that textbooks will be sold at the lowest net prices listed in the statements, that the price will be available throughout the state and that if the price of the textbook is lowered anywhere else in the United States, that price will be made available for all districts in Illinois (105 ILL. COMP. STAT. 5/28-1). Local school boards may only select textbooks in compliance with state law (105 ILL. COMP. STAT. 5/10-20.8).

Free Textbooks: Districts may charge fees for the use of textbooks. If 5% or more of the voters in a district petition the school board, a majority of the district's voters may decide to furnish free textbooks to students (105 ILL. COMP. STAT. 5/28-14).

Indiana

Textbook Adoption: The state board of education adopts textbooks and enters into contracts with publishers to furnish these textbooks at fixed prices (IND. CODE. ANN. § 20-10.1-9-1).

Free textbooks: If 51% of a district's voters petition the state, that local district is to set up a library where students may access adopted books free of charge (IND. CODE. ANN. § 20-10.1-11-2). Generally, schools may not charge more than 25% of the retail price of a book for rental, and under some circumstances, not more than 15% (IND. CODE. ANN. § 20-10.1-10-2).

Citizen Review and Participation: The textbook adoption committee must hold a public meeting to receive comments regarding the determination of adoption categories and the subsequent evaluation and selection of textbooks in these categories. The hearing must encourage presentations of diverse viewpoints, but does not include open debate. Oral and written testimony must be accepted, although oral testimony may be limited to a specific length of time. The advisory committee that selects textbook evaluators must include both educators and lay people. The state superintendent of public education must give notice of the availability of submitted textbooks by issuing a press release to the news media. The press release must state the dates, times and places where the textbooks will be available for inspection, and it must encourage the public to inspect the submitted textbooks and address written comments to the Indiana state board of education. The board must give public notice at least 30 days prior to the meeting in which adoption recommendations are developed. Local committees select which books to adopt for each district, and must include both parents and teachers, the majority of the advisory committee must be teachers, but at least 40% must be parents (IND. CODE. ANN. § 20-10.1-9).

Iowa

Textbook Adoption: The board of directors of each school district has the authority and responsibility to adopt and purchase textbooks (IOWA CODE ANN. § 301.1).

Free Textbooks: A majority of voters in a district can authorize the board of directors to procure textbooks and loan them to pupils. A majority of voters in a district may also discontinue the practice of

providing free textbooks to pupils. School fees are to be waived for students from indigent families (IOWA CODE ANN. § 256.7, IOWA CODE ANN. § 301.25, IOWA CODE ANN. § 301.26).

Kansas

Textbook Adoption: Individual school boards are responsible for adopting appropriate textbooks (KAN. STAT. ANN. § 72-8205).

Free Textbooks: State law authorizes districts to provide free textbooks, but does not require them to do so, allowing districts to establish textbook rental plans (KAN. STAT. ANN. § 72-4107). Children of parents who are financially unable to pay rental fees are exempted (KAN. STAT. ANN. § 72-4141).

Kentucky

Textbook Adoption: Kentucky adopts textbooks as advised by the state textbook commission. Contracts are awarded on a staggered six-year basis, with one group of textbooks up for adoption each year. The state textbook commission consists of the chief state school officer and 10 appointed members. The state textbook commission selects 12 textbook reviewers to present their findings to the commission. Districts may purchase textbooks not on the commission's recommended list, provided notification is given by the district and the textbook meets commission criteria, specific criteria of the textbook reviewers and complies with the required publisher specifications (KY. REV. STAT. ANN. § 156.400, KY. REV. STAT. ANN. § 156.405, KY. REV. STAT. ANN. § 156.407).

Free Textbooks: Districts may charge a reasonable fee for the use of textbooks for students between the 9th and 12th grade, although students who qualify for free and reduced price lunches are exempted (KY. REV. STAT. ANN. § 157.110).

Citizen Review and Participation: Two members of the state textbook commission are to be lay people, one of whom will have a child in public school at the time of appointment. The meetings of the State Textbook Commission must be open to the public and are to be held at least once a quarter. Notice is to be given between seven and 21 days prior to all meetings (KY. REV. STAT. ANN. § 156.405).

Minority Representation: Textbooks must be suitable for use with a diverse population and be free of social, ethnic, racial, religious, age, gender or geographic bias (KY. REV. STAT. ANN. § 156.410).

Louisiana

Textbook Adoption: Louisiana adopts textbooks at the state level (LA. REV. STAT. ANN. § 17:351).

Free Textbooks: The state board of elementary and secondary education supplies books free of charge to students (LA. REV. STAT. ANN. § 17:351).

Minority Representation: Textbooks adopted in the state are to reflect achievements and contributions of people of different races (LA. REV. STAT. ANN. § 17:351).

Maine

Textbook Adoption: Individual municipalities and school districts adopt textbooks (ME. REV. STAT. ANN. TITLE 30-A, § 1001).

Free Textbooks: A school administrative unit must provide its students with schoolbooks and necessary apparatus and appliances at the expense of the school administrative unit (ME. REV. STAT. ANN. TITLE 20-A, § 4002).

Maryland

Textbook Adoption: Local county boards of education are responsible for adopting textbooks (MD. CODE. ANN., EDUC. § 7-106). The Baltimore city board of commissioners may select textbooks used in the city of Baltimore (MD. CODE. ANN., EDUC. § 4-316).

Free Textbooks: Local boards of education are to furnish students with textbooks free of charge (MD. CODE. ANN., EDUC. § 7-106).

Massachusetts

Textbook Adoption: Regional school districts may choose the instructional materials used in their schools. A change may be made in the school books used in the public schools by a vote of two thirds of the whole school committee, notice of the intended change having been given at a previous meeting (MASS. GEN. LAWS ANN. CH. 71, § 50). The state department of education creates curriculum frameworks to assist in the selection of appropriate materials, and may identify and recommend textbooks that meet state standards (MASS. GEN. LAWS ANN. CH. 69, § 1E).

Free Textbooks: The principal at each school, subject to the direction of the superintendent, must, at the expense of the school district, purchase textbooks and loan them to students free of charge (MASS. GEN. LAWS ANN. CH. 71, § 48).

Minority Representation: Curriculum is to be designed to avoid perpetuating gender, cultural, ethnic or racial stereotypes (MASS. GEN. LAWS ANN. CH. 69, § 1E).

Michigan

Textbook Adoption: The board of each school district shall select, approve and purchase the textbooks to be used by the district (MICH. COMP. LAWS ANN. § 380.1422).

Free Textbooks: Textbooks are the property of the school district purchasing them and are loaned to pupils without charge. A board may require a reasonable and refundable deposit on textbooks (MICH. COMP. LAWS ANN. § 380.1422).

Minnesota

Textbook Adoption: Local school boards select textbooks to be used (MINN. STAT. ANN. § 123B.09).

Free Textbooks: School boards are to provide students with free textbooks (MINN. STAT. ANN. § 123B.02). Textbooks must also be loaned or provided free of charge to children in nonpublic schools (MINN. STAT. ANN. § 123B.42).

Mississippi

Textbook Adoption: Mississippi adopts textbooks at the state level (MISS. CODE ANN. § 37-43-19). Each field in which textbooks are considered has a textbook rating committee. Textbook rating committees consist of seven members. Four members are teachers currently teaching the subject for which they are evaluating textbooks and are appointed by the state superintendent of public education, while the other three are appointed by the governor. Each committee is to appraise the books, recommending eight for each subject. Only books receiving a majority vote will be recommended, and committee members must provide reasons for recommending or not recommending a book. The state board of education may reject any recommendations by the rating committees, they cannot, however, adopt a book that has not been recommended by the rating committee (MISS. CODE ANN. § 37-43-21). Local school boards may petition the state board of education to add textbooks between adoption cycles

if they are deemed innovative or would improve a particular course of study. If five or more school boards petition to add a textbook to the approved list, the state superintendent has 60 days to show cause to the state board of education why the books should or should not be purchased with state funds. If the petition is not acted upon within the 60 days, the petition is deemed approved (MISS. CODE ANN. § 37-43-31).

Free Textbooks: Textbooks are to be loaned free of charge to all students in public elementary or high schools (MISS. CODE ANN. § 37-43-1).

Missouri

Textbook Adoption: Local school boards may purchase textbooks of their choosing, provided the textbooks are registered with the Missouri state board of education along with a sworn statement from the publisher that the textbook is being sold at the lowest price in the United States. The textbooks must be sold at this price to any other school board in Missouri and lower the price if reductions are made elsewhere in the United States (MO. ANN. STAT. § 170.061).

Free Textbooks: Local school boards must loan textbooks to students free of charge (MO. ANN. STAT. § 170.051).

Citizen Involvement and Review: The school board of each school district must ensure that all textbooks used within that district are available for inspection by any person (MO. ANN. STAT. § 170.231).

Montana

Textbook Adoption: Textbooks are selected at the local district level. Textbooks are to be selected by the district superintendent or by the school principal if there is no district superintendent. Selections are subject to the approval of the trustees. In districts not employing a district superintendent or principal, the trustees select and adopt the textbooks on the basis of recommendations of the county superintendent (MONT. CODE ANN. § 20-7-602).

Free Textbooks: Local school districts are to provide free textbooks to public school students in the district (MONT. CODE ANN. § 20-7-601).

Nebraska

Textbook Adoption: The selection and purchase of textbooks is the responsibility of local school boards and boards of education, and this duty may be delegated to employees of the school district (NEB. REV. STAT. § 79-734).

Free Textbooks: Textbooks are to be loaned free of charge to all students (NEB. REV. STAT. § 79-737).

Minority Representation: American history and civil government textbooks are to be written to include contributions by ethnic groups (NEB. REV. STAT. § 79-724).

Citizen Review and Participation: As of July, 1995, all public school districts were to have developed and adopted policies stating how the district will seek to involve parents in the schools and what parents' rights will be relating to school curriculum matters. The policy was to be developed with parental input, be subject to public hearing before adoption by the board and be reviewed annually for alteration or reaffirmation following a public hearing (NEB. REV. STAT. § 79-531, NEB. REV. STAT. § 79-533).

Nevada

Textbook Adoption: Districts identify textbooks and send them to the state board of education for evaluation (NEV. ADMIN. CODE CH. 390, § 040). The superintendent of a school district must appoint a

committee to evaluate and recommend textbooks to be used in public schools before the district may forward any recommendations to the state board of education for adoption. The committee consists of at least one teacher licensed to teach the subject areas of textbooks being considered for use in secondary grades, or elementary education for textbooks being considered for use in elementary grades. The committee is also to include an administrator or a specialist in curriculum who is employed by the school district, a parent of a pupil who is enrolled in the school district and any other members the superintendent deems necessary (NEV. ADMIN. CODE CH. 390, § 010). The evaluation must include a comparison of the textbook with the courses of study offered in the state and the goals and objectives of the school district that the committee is representing, a summary of the organization and presentation of material in the textbook, a statement of the quality of production of the textbook, including the cover, binding and print, an analysis of the accuracy of the information contained in the textbook, a statement of the appropriateness of any materials of support or references provided with the textbook and an analysis of the ability of the textbook to stimulate interest in pupils (NEV. ADMIN. CODE CH. 390, § 020). The state board of education has final authority pertaining to the selection of textbooks (NEV. REV. STAT. ANN. 390.140). Districts may use textbooks without having them evaluated by the state board of education for no more than one year (NEV. ADMIN. CODE CH. 390, § 060).

Free Textbooks: Districts are to loan textbooks to students free of charge (NEV. REV. STAT. ANN. 393.170).

Citizen Review and Participation: For textbooks adopted by the state board of education that have not been evaluated by a committee appointed by the superintendent of a local school district, the superintendent of that school district must afford the parents of pupils enrolled in the district and other members of the community an opportunity to review the textbook and submit written comments to the school district (NEV. ADMIN. CODE CH. 390, § 030).

New Hampshire

Textbook Adoption: Local school superintendents are responsible for the selection and purchase of textbooks in accordance with the rules of the school board and state board (N.H. CODE ADMIN. R. ED 302.02).

Free Textbooks: The school board shall purchase textbooks and loan them to pupils free of charge (N.H. REV. STAT. ANN. § 189:16).

New Jersey

Textbook Adoption: Textbooks are selected by majority vote of the full membership of the board of education of local school districts (N.J. STAT. ANN. § 18A:34-1).

Free Textbooks: Textbooks are loaned to students enrolled in kindergarten through 12th grade without charge (N.J. STAT. ANN. § 18A:58-37.4).

New Mexico

Textbook Adoption: New Mexico adopts textbooks at the state level. The state board of education adopts a multiple list from which local school districts select textbooks (N.M. STAT. ANN. § 22-15-8). The state board of education appoints an instructional materials committee to evaluate textbooks and make recommendations regarding adoption. The instructional materials committee is composed of 12 members, including public school district administrators, educators, parents, the business community and a representative of the New Mexico Council on Technology in Education (N.M. ADMIN. CODE TITLE 6, § 2.5).

Free Textbooks: Students between 1st and 12th grades attending a public school, a state institution or a private school approved by the state board are entitled to the free use of instructional material (N.M. STAT. ANN. § 22-15-7).

Minority Representation: At least 10% of instructional material on the multiple list concerning language arts and social studies shall contain material that is relevant to the cultures, languages, history and experiences of multi-ethnic students (N.M. STAT. ANN. § 22-15-8).

New York

Textbook Adoption: It is the responsibility of each local school district to select appropriate textbooks (N.Y. EDUC. LAW § 701).

Free Textbooks: Textbooks are to be loaned free to children, subject to rules and regulations prescribed by the board of regents, boards of education, trustees or other school authorities (N.Y. EDUC. LAW § 701).

North Carolina

Textbook Adoption: The state board of education adopts textbooks at the state level. The governor appoints a 23-member textbook commission, including five teachers or principals in grades K-5, five teachers or principals in grades 6-8 and four superintendents, teachers or principals in grades 9-12. Additionally, the commission will have one superintendent of a local school administrative unit, three parents of students in K-5, three parents of students in grades 6-8 and two parents of students in grades 9-12. Each commission member is to examine and file a written evaluation for each proposed textbook for which they are responsible. At the next meeting of the board of education after all the reports have been filed, the textbook commission and the board of education jointly examine the reports. The board then selects which books will best meet the requirements and requests sealed bids from the publishers whose books are being considered. The state board of education approves textbooks to be adopted statewide through a majority vote (N.C. GEN. STAT. § 115C).

Free Textbooks: Local school boards are not permitted to charge textbook rental fees, although damage fees are authorized (N.C. GEN. STAT. § 115C-100).

North Dakota

Textbook Adoption: Local school boards are authorized to select and purchase textbooks (N.D. CENT. CODE § 15.1-09-33).

Free Textbooks: Rental fees for textbooks are not allowed, but a district may require a security deposit for the return of a textbook or charge for undue wear (N.D. CENT. CODE § 15.1-09-36).

Ohio

Textbook Adoption: The board of education of each city, exempted village or local school district is responsible for the selection and purchase of textbooks (OHIO REV. CODE ANN. § 3329.07). Textbook publishers must file with the state superintendent of public instruction a statement that the textbook's list wholesale price to school districts in Ohio will be no more than the lowest list wholesale price available to school districts in any other state (OHIO REV. CODE ANN. § 3329.01).

Free Textbooks: Textbooks are to be provided free of charge to all students attending public schools (OHIO REV. CODE ANN. § 3329.06).

Oklahoma

Textbook Adoption: Oklahoma adopts textbooks at the state level. The governor appoints a 13-member state textbook committee, which is comprised of two members from each congressional district, two members from the state at large and one lay citizen who does not have a teaching certificate and has at least one child in the Oklahoma public schools system. Committee members are appointed to three-year

terms, and the majority of the committee is to be classroom teachers (OKLA. STAT. ANN. TITLE 70, § 16-101).

Free Textbooks: Textbooks are to be furnished free of cost to students, however, fees and other penalties may be assessed if a student fails to return a textbook (OKLA. STAT. ANN. TITLE 70, § 16-121).

Minority Representation: Social studies core curriculum must reflect the racial, ethnic, religious and cultural diversity of the United States (OKLA. STAT. ANN. TITLE 70, § 11-103).

Public Review and Participation: The state textbook committee must conduct public hearings in the first two weeks of October each year for the purpose of gathering public testimony concerning the various textbooks being considered. The committee may hold additional hearings as they see fit (OKLA. STAT. ANN. TITLE 70, § 16-102.1).

Oregon

Textbook Adoption: The state board of education reviews and adopts, for periods established by the board, a list of textbooks and other instructional materials for use by school districts (OR. REV. STAT. § 337.050). The state board of education ratifies or rejects the books based on the criteria and guidelines it has adopted (OR. REV. STAT. § 337.075). With the assistance of teachers and administrators, local school boards select the textbooks from the state adopted multiple-choice list (OR. REV. STAT. § 337.120). With the approval of the state department staff, local school boards may select textbooks in place of, or in addition to those on the state adoption list, provided they meet the board's criteria and guidelines (OR. REV. STAT. § 337.141).

Free Textbooks: Public and charter schools are to provide students with textbooks, free of charge (OR. REV. STAT. § 337.150).

Minority Representation: Respect for all people, regardless of race, color, creed or national origin, and their contributions to Oregon's history and system of government must be reflected in the textbooks (OR. REV. STAT. § 337.260).

Citizen Review and Participation: Local school boards are to involve parents and citizens in the selection process (OR. REV. STAT. § 337.120).

Pennsylvania

Textbook Adoption: A majority vote of the board of local school directors is required to adopt a textbook (PA. STAT. ANN. TITLE 24, § 5-507).

Free Textbook: Textbooks are to be provided free of charge to students (PA. STAT. ANN. TITLE 24, § 8-801).

Rhode Island

Textbook Adoption: Local school committees determine what textbooks are to be adopted (R.I. GEN. LAWS § 16-2-16). A change may be made in the school books in the public schools of any city, town or regional school district by a vote of a majority of all the members of the school committee. Notice of the proposed change must be given, in writing, at a previous regular meeting of the committee. No change in any textbook in the public schools of any city, town or regional school district may occur more often than once in three years, unless by the consent of the state department of elementary and secondary education (R.I. GEN. LAWS § 16-23-1).

Free Textbooks: Textbooks are to be loaned, free of charge to all students. A reasonable deposit to ensure the return of the textbook is permitted (R.I. GEN. LAWS § 16-23-2).

South Carolina

Textbook Adoption: The state board of education designates which textbooks are to be used in South Carolina public schools. Districts using textbooks not authorized by the state will not receive any state aid, unless they have been expressly permitted to use a separate series of textbooks or the district provides free textbooks in excess of twenty thousand dollars to its students (S.C. CODE ANN. § 59-31-30).

Free Textbooks: The state issues books to students on an annual rental basis (S.C. CODE ANN. § 59-31-210). Districts are authorized to charge rentals for textbooks, although they may decide to provide textbooks to students free of charge (S.C. CODE ANN. § 59-31-260).

Minority Representation: Each school must instruct students in black history as a regular part of its history and social studies courses. The state board of education establishes regulations for the adoption of history and social studies textbooks that incorporate black history and will, through the state department of education, assist the school districts in developing and locating suitable printed materials and other aids for instruction in black history (S.C. CODE ANN. § 59-29-55).

South Dakota

Textbook Adoption: Local school boards have the authority to adopt textbooks (S.D. CODIFIED LAWS § 13-34-23).

Free Textbooks: Textbooks are to be loaned free of charge to students between the ages of five and 19 (S.D. CODIFIED LAWS § 13-34-16.2).

Tennessee

Textbook Adoption: Tennessee adopts textbooks at the state level. The state textbook commission is comprised of 10 members, nine of whom are appointed by the governor. Six members are to be teachers. Commission members serve three-year terms (TENN. CODE ANN. § 49-6-2201). The commission prepares a list of four books in each subject and grade to be listed, and has the authority to recommend any textbooks to be either removed or added to the list (TENN. CODE ANN. § 49-6-2202). Local districts select textbooks through the use of local committees comprised of teachers and supervisors currently teaching or supervising the respective subject. The local committee will make recommendations to the local school board after evaluating texts available on the state list (TENN. CODE ANN. § 49-6-2207).

Free Textbooks: Students are to be supplied with adopted textbooks (TENN. CODE ANN. § 49-3-310).

Minority Representation: Textbooks in American history, or related subjects, should accurately and comprehensively portray the full range of diversity and achievement of racial and ethnic minorities (TENN. CODE ANN. § 49-6-2202).

Texas

Textbook Adoption: Texas adopts textbooks at the state level. The state board of education adopts textbooks at least every six years, although they are not to review more than one-sixth of the textbooks to be used in the foundation curriculum each year. Textbooks may be used for more than six years if the board finds the textbook to be sufficiently current (TEX. EDUC. CODE ANN. § 31.022). Upon evaluation, the board places each textbook on either a conforming list or a nonconforming list and votes whether or not to accept a textbook for statewide adoption. Each nonconforming list must include the reasons an adopted textbook is not eligible for the conforming list (TEX. EDUC. CODE ANN. § 31.024). Each year, during a period of time established by the state board of education, school districts must notify the board of the textbooks they select from either the conforming or nonconforming list for the foundation curriculum. Districts may use books not included on either the conforming or nonconforming list, but the board will

pay only 70% of the cost of these textbooks, the remainder being the responsibility of the district (TEX. EDUC. CODE ANN. § 31.101).

Free Textbooks: Textbooks selected for use in the public schools are furnished without charge to students (TEX. EDUC. CODE ANN. § 31.001).

Utah

Textbook Adoption: The state board of education appoints a textbook commission consisting of the state superintendent of public instruction, a school district superintendent, a secondary school principal, an elementary school principal, a secondary school teacher, an elementary school teacher, five persons not employed in public education and a dean of a school of education of a state college or university. The commission recommends textbooks for adoption by the board (UTAH CODE ANN. § 53A-14-101). Districts may select a textbook from this recommended list, or they may choose other instructional material they deem necessary, provided the textbook meets specific criteria and the selection is based on recommendations by the school district's curriculum materials review committee (UTAH CODE ANN. § 53A-14-102).

Note: In 2004, Utah repealed a law (UTAH CODE ANN. § 53A-12-201.5), which had prohibited fees.

Free Textbooks: Local school boards are authorized to sell textbooks to students, but they may decide to provide free textbooks if they deem it desirable or necessary, or if petitioned by two-thirds of those voting in the district. Students whose parents or guardians are financially unable to pay are exempted from buying textbooks or paying fees for their use (UTAH CODE ANN. § 53A-12-205).

Vermont

Textbook Adoption: Individual school boards are free to choose and adapt their own educational programs, subject to the approval of the local district superintendent (VT. STAT. ANN. TITLE 16, § 3743).

Free Textbooks: School districts are to provide, at their expense, students with textbooks (VT. STAT. ANN. TITLE 16, § 3743). Students may be assessed a fee if their textbook is lost or damaged (VT. STAT. ANN. TITLE 16, § 556).

Virginia

Textbook Adoption: The state board of education has the authority to approve textbooks and other instructional materials used in the state. Local school boards may choose textbooks not approved by the state board of education, as long as those textbooks are in accordance with regulations promulgated by the board (VA. CODE ANN. § 22.1-238). The state board of education enters into contracts with publishers whose textbooks have been approved by the board. The price of a textbook sold in Virginia is not to exceed the lowest price the same textbook is sold at in any other part of the United States (VA. CODE ANN. § 22.1-241).

Free Textbooks: Each school board is to provide students with textbooks free of charge (VA. CODE ANN. § 22.1-251).

Washington

Textbook Adoption: It is the responsibility of each school district to set forth in writing a policy regarding the selection of textbooks. An instructional materials committee is to be appointed by the district's chief administrative officer, subject the approval of the school board. The committees are to consist of members of the professional staff, including representatives from the district's curriculum development committee. Districts that only serve elementary school students are to include an educational service district superintendent, who is to ensure correlation between the elementary adoptions and those of the

high school district. The committee may include parents at the board's discretion, though they are to comprise less than one-half of the total committee (WASH. REV. CODE ANN. § 28A.320.230).

Free Textbooks: Districts may provide free textbooks to students, when, in its judgment, the best interests of the district will be served (WASH. REV. CODE ANN. § 28A.320.230).

West Virginia

Textbook Adoption: West Virginia adopts textbooks at the state level. The adoption cycle for science and health textbooks is not to exceed six years and the adoption cycle for all other textbooks is not to exceed eight years (W. VA. CODE ANN. § 18-2A-1). School curriculum teams appointed by local county boards select which textbooks from the state list will be used in their schools (W. VA. CODE ANN. § 18-2A-5).

Free Textbooks: County boards of education are to provide free textbooks to all students (W. VA. CODE ANN. § 18-2-5).

Wisconsin

Textbook Adoption: Each school district has the authority to adopt its own textbooks. A list of all the adopted textbooks is to be filed with the school district clerk (WIS. STAT. ANN. § 118.03).

Free Textbooks: School districts are permitted to sell textbooks to students at cost or appoint an agent who may not sell textbooks at more than 15% of the net price (WIS. STAT. ANN. § 118.03).

Wyoming

Textbook Adoption: Textbook adoption is the responsibility of local school boards (WYO. STAT. ANN. § 21-2-304).

Free Textbooks: Textbooks are to be loaned to students free of charge, though students may be held responsible for damaged or lost textbooks (WYO. STAT. ANN. § 21-9-201).

American Samoa

Textbook Adoption: Unable to locate relevant statutes or regulations.

Free Textbooks: Unable to locate relevant statutes or regulations.

Puerto Rico

Textbook Adoption: The secretary of education selects textbooks to be used throughout Puerto Rico (18 P.R. LAWS ANN. § 154).

Free Textbooks: Students are to be loaned textbooks free of charge (18 P.R. LAWS ANN. § 151).

U.S. Virgin Islands

Textbook Adoption: The Virgin Islands board of education adopts curricula (V.I. CODE ANN. TITLE 17, § 21).

Free Textbooks: Students are to be loaned textbooks free of charge, although they may be charged a fee if books are lost or damaged (V.I. CODE ANN. TIT. 17, § 42).

Kyle Zinth, researcher in the ECS Information Clearinghouse, compiled this ECS StateNote.

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Helping State Leaders Shape Education Policy



State Education Oversight Commissions

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Recent years have brought a flurry of activity in state education governance, spurred in large part by pursuit of education reform agendas. A majority of states have reorganized or reduced department of education staff and/or introduced changes in state board structure or authority. One tool states use is the oversight commission.

Commissions vary widely in scope of duties, structure and composition. Some have a very specific purview and limited term of operation, while others are broad in scope and ongoing in nature. All, however, seem to have accountability as a general goal, although their role is advisory. Here is a look at how some states structure and use education commissions.

State	Commission Information
Alabama ALA. CODE § 16-6-5.1	The Alabama Education Study Commission is designated as a standards on excellence commission. The commission is currently responsible for examining the public elementary and secondary schools and making an annual report on the status of public education. The Commission examines the required courses, testing programs for teacher candidates, promotion and retention standards, student assessment programs and the performance-based accreditation standards, as well as overall compliance under The Alabama Education Improvement Act of 1991 (Acts 1991, No. 91-323), and reports its findings to the governor, legislature and the state board.
Alaska	No commission.
Arizona	No commission.
Arkansas ARK. CODE ANN. § 6-15-1201	The Education Standards Commission regularly reviews the regulations, criteria, and minimum standards used by the state and the department at least once every two (2) years. The commission presents recommendations for changes in the regulations, criteria and minimum standards to the board for its consideration.

State	Commission Information
California CAL. EDUC. CODE § 33550 CAL. EDUC. CODE § 33590 CAL. EDUC. CODE § 33502	California has a number of state education commissions and committees, including the Educational Management Evaluation Commission (33550), the Advisory Commission on Special Education (33590) and the California Educational Innovation and Planning Commission (33502). The latter commission may advise the state education agency on the preparation of and policy matters arising in the administration of the state plan, including developing criteria for distributing funds and approval of applications for Title IV assistance. In addition, it assists the state board of education in the planning, development and improvement of educational programs and evaluates all programs and projects assisted under Title IV. California also has established the Equal Opportunities Commission (33590) and the Advisory Commission on Special Education (33590). All are advisory to the state board, except that legislative members have powers and duties of a joint legislative committee.
Colorado	No commission.
Connecticut	No commission.
Delaware DEL. CODE ANN. tit. 14 § 158	The Student Assessment and Accountability Committee was established to provide ongoing monitoring of the statewide system of student assessment and student accountability and to review and periodically make recommendations to the Secretary of Education regarding the Delaware Student Testing Program, the alignment of the curriculum at the local school district level to Delaware content standards, the development and approval of additional indicators for purposes of determining performance relative to the state content standards, and other issues as they relate to student assessment and student accountability.
Florida FLA. STAT. ch.1008.51	The Council for Education Policy Research and Improvement is an independent office under the Office of Legislative Services. The council conducts and reviews education research, provides independent analysis on education progress, and provides independent evaluation of education issues of statewide concern.
Georgia GA. CODE ANN. § 20-14-1	The Education Coordinating Council was established to: <ul style="list-style-type: none"> ▪ Provide a forum for interagency communication regarding educational policy and programs ▪ Provide for the effective and efficient coordination and seamlessness of public education and programs and components within the education system of Georgia ▪ Prevent unnecessary duplication of services within the education system of Georgia ▪ Oversee and review all education accountability programs from prekindergarten through postsecondary education in Georgia.
Hawaii	No commission.

State	Commission Information
Idaho	No commission.
Illinois	No commission.
Indiana IND. CODE § IC 20-1-20.5	Indiana's Education Roundtable is appointed and co-chaired by the governor and state superintendent. The roundtable consists of equal representation from business/community and education, and additional representatives from the General Assembly. It met on an informal basis in 1998 to begin to focus on critical issues in improving education, but was formalized through legislation in 1999 and consequently is a permanent body and working group. The roundtable is charged with making recommendations concerning education standards and assessments to the state board.
Iowa	No commission.
Kansas	No commission.
Kentucky KY. REV. STAT. ANN. § 7.410	<p>Kentucky's Office of Education Accountability (OEA) was established with the state's 1990 Kentucky Education Reform Act (KERA) as a subcommittee of the Legislative Research Commission. It operates under the direction of the Legislative Research Commission (LRC) and is advised and monitored by the Education Assessment and Accountability Review Subcommittee. OEA is administered by a deputy director appointed by the LRC upon recommendation of LRC's director. OEA's purpose is to:</p> <ul style="list-style-type: none"> Examine funding issues pertaining to equity and adequacy Verify the accuracy of reports of school, district and state performance Verify the accuracy of reports of the state department of education and state board of education Conduct studies, analyze, verify and validate the state assessment program through other external indicators Conduct studies and evaluate available data on the efficiency of schools Investigate allegations of wrongdoing.
Louisiana	No commission.
Maine	No commission.
Maryland	No commission.

State	Commission Information
Massachusetts Mass. Gen. Laws ch. 15 § SECTION 55A	<p>The Office of Educational Quality and Accountability provides an independent mechanism to verify the efforts of schools and school districts to promote a higher level of academic achievement by students.</p> <p>Also in Massachusetts, a business coalition – Mass Insight Education and Research Institute – was formed in 1997. It assumed the education initiatives of Mass Insight Corporation, a public policy and communications organization focused on issues affecting the competitiveness of Massachusetts. Mass Insight Education and Research Institute is an independent not-for-profit corporation focused on improving student achievement in Massachusetts' public schools. Through public outreach initiatives, school leadership training programs, and public opinion and policy reports, the institute supports the implementation of the 1993 Education Reform Act, with particular emphasis on the statewide standards and testing program. The establishment of this organization was not the result of legislative action.</p>
Michigan	No commission.
Minnesota MINN. STAT. § 120B.31	<p>The Independent Office of Educational Accountability advises the legislative education committees and the commissioner of education, at least on a biennial basis, on the degree to which the statewide educational accountability and reporting system includes a comprehensive assessment framework that measures school accountability for students achieving the goals described in the state's results-oriented graduation rule. The office considers whether the statewide system of educational accountability utilizes multiple indicators to provide valid and reliable comparative and contextual data on students, schools, districts, and the state, and if not, recommends ways to improve the accountability reporting system.</p>
Mississippi	No commission.
Missouri	Missouri's Commission on Performance (MO. REV. STAT. § 160.510) expired in 2000.
Montana	No commission.
Nebraska	No commission.
Nevada	Senate Bill 404 (2005) creates the Commission on Educational Excellence . This commission does not have direct oversight responsibilities but is responsible for establishing and evaluating a program of educational excellence for students in kindergarten through sixth grade.
New Hampshire N.H. Rev. Stat. Ann. § 193-C:8	<p>Among the duties of the Legislative Oversight Committee is to review the development and implementation of the school performance and accountability program to ensure compliance with state and federal law. Implementation of the program shall be in conjunction with the committee's review.</p>

State	Commission Information
New Jersey	New Jersey Governor James E. McGreevey, through Executive Order #7 (2002), established the Education Cabinet . Its mission is to ensure communication among and between all levels of state education leaders and the business community, provide for coordinated efforts to address the state's economic priorities as they relate to education and advise the governor on all matters related to the education of a 21st-century workforce.
New Mexico N.M. ADMIN. CODE tit. 6.2 § 2.3	The purpose of the Educational Standards Commission (ESC) is to advise the State Board of Education on issues relating to accountability and educational standards for New Mexico schools.
New York	No commission.
North Carolina N.C. GEN. STAT. § 120-70.81	The Joint Legislative Education Oversight Committee examines the several educational institutions in North Carolina and makes ongoing recommendations to the General Assembly on ways to improve public education from kindergarten through higher education.
North Dakota	No commission.
Ohio OHIO REV. CODE ANN. § 3301.68	Ohio's Legislative Office of Education Oversight (LOEO) (1990 – 2005) was eliminated by the 126th Ohio General Assembly and closed in December 2005.
Oklahoma OKLA. STAT. tit. 70 § 3-116	The Education Oversight Board governs the operation of the Office of Accountability. The Office of Accountability's mission is to provide narrative and statistical reports regarding the performance of the state's public schools to the people of Oklahoma, as required by the Oklahoma Educational Reform Act and the Oklahoma School Testing Program Act.
Oregon	No commission.
Pennsylvania	No commission.
Rhode Island	No commission.
South Carolina S.C. CODE ANN. § 59-6-10	The South Carolina Education Oversight Committee (EOC) is an independent, nonpartisan group made up of 18 educators, business people and legislators appointed by the legislature and governor for the purpose of reviewing and implementing the Education Accountability Act and the Education Improvement Act (South Carolina Statutes 59-6-10). The EOC provides regular, routine and ongoing review of the state's education improvement process, assesses how schools are doing and evaluates the standards schools must meet. The committee accomplishes its work through five subcommittees and the full committee. Each subcommittee addresses issues that support higher levels of student achievement.
South Dakota	No commission.

State	Commission Information
Tennessee TENN. CODE ANN. § 3-15-301	Tennessee's Education Oversight Commission , a special joint committee of the General Assembly, was created in 1984 and it then created the Office of Education Accountability in 1991. The Office of Education Accountability, a division of the constitutionally authorized state Comptroller's Office, monitors the performance of Tennessee's elementary and secondary school systems and provides the General Assembly with reports on selected education topics. The office assists the House and Senate education committees and provides the legislature with an independent means to evaluate the effects of increased expenditures in education.
Texas TEX. GOV'T CODE ANN. § 322.016	The responsibility of auditing the performance of Texas schools was transferred from the Texas Office of the Comptroller of Public Accounts to the Legislative Budget Board in 2003.
Utah	No commission.
Vermont	No commission.
Virginia	No commission.
Washington WASH. REV. CODE § 28A.655.020	The primary purpose of the Academic Achievement and Accountability Commission is to provide oversight of the state's educational accountability system.
West Virginia W. VA. CODE § 29A-3A-11	The Legislative Oversight Commission on Education Accountability reviews all legislative rules of the board and such other rules as appropriate.
Wisconsin	No commission.
Wyoming	No commission.

Molly Burke, researcher, and Kathy Christie, vice president for Information Management and ECS Clearinghouse, compiled this StateNote.

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Helping State Leaders Shape Education Policy



State Student Information Systems

Kathy Christie

May 2005

Background

The No Child Left Behind Act (NCLB) has had sweeping implications for how states collect, analyze and use data about school and system performance. While NCLB does not explicitly require states to have specific database structures, it endorses databases that link students' test scores, the length of time they've been enrolled in given schools and graduation records over time. Great strides in technology have allowed data to be transferred and used more efficiently, and states have been working to update state data infrastructures to reflect these advances.

Longitudinal Data Systems

Longitudinal student-unit databases provide the most accurate information for both policy decisions and decisions at the district and school levels. They can provide information about student growth over time that can then be linked with the teachers, programs and schools that have served those students. They also can provide fairer comparisons of schools than data systems that rely on cohort comparisons, because they ensure school performance is based only on students who have been continuously enrolled in that school. Finally, because they can match student records over time, they offer a way to follow student progress statewide and to verify the accuracy of district information – particularly about student transfers and dropouts.

Summary

States with student longitudinal database systems in place: 31 states

Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut (phasing in), Delaware, Florida, Georgia, Hawaii, Indiana, Kentucky, Louisiana, Massachusetts, Minnesota, Mississippi, Nevada, New Mexico, North Carolina (phasing in), North Dakota, Ohio, Oregon, South Dakota, Tennessee, Texas, Vermont, Virginia

(phasing in), Washington, West Virginia, Wisconsin, Wyoming

States developing student longitudinal database systems: 15 states plus the District of Columbia

California, Idaho (on hold), Illinois, Iowa, Kansas, Michigan, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, Oklahoma (pilot), Rhode Island, South Carolina

No evidence of student longitudinal database system: 4 states

Maine, Maryland, Pennsylvania, Utah

States where data systems appear to be used across K-12 and higher education: 5 states

Arkansas, Florida, Kentucky, Texas, Vermont

States that are developing or have developed unique teacher identifiers (beyond those used for tracking teacher preparation graduates): 7 states

Connecticut, Delaware, Kentucky, Nevada, Ohio, Texas, Virginia

Key Elements

According to Chrys Dougherty, director of research for the National Center for Educational Accountability (ECS, 2002), there are nine key elements in an adequate statewide data-collection system:

1. Unique student identifier
2. Student-level enrollment data
3. Student-level state test data
4. Information on untested students
5. Student-level course-completion data
6. Student-level SAT, ACT and Advanced Placement test results

7. Student-level graduation and dropout data
8. State data audit process
9. Ability to match K-12 and higher education data.

States might also consider:

- Statewide standards for data collection, storage and reporting
- Statewide licensing of software and database structures
- Unique teacher identifier
- Teacher-level data matched to student- and classroom-level data.

Challenges of Longitudinal Systems

• **Cost.** The cost of expanding current data infrastructures depends on the nature of each state's data system and also whether states act alone, or whether they are able to collaborate with other states.

• **Assuring student privacy and confidentiality.** All states are already subject to privacy rules under the Family Educational Rights and Privacy Act (FERPA), which protects the privacy of student education records (Source, 20 U.S.C. § 1232G;34 CFR part 99). Creating common links across databases does not in and of itself add any more rules or requirements. State laws may, however, require additional privacy measures.

• **Quality of the data.**

Emerging Developments

K-12/Higher education linkages

As state policymakers address how to reduce the numbers of high school graduates needing remediation in colleges and universities, the use of the same unique student identifiers across K-12 and higher education systems could inform these discussions. In addition, the use of unique student identifiers could help policymakers with issues related to transfer and articulation and to determining better outcome-related documentation of higher education completion and retention, for example. Finally, tracking the post-high school activities of students with disabilities would be much more feasible with these linkages in place.

A number of states already have high school feedback reporting systems that can provide high schools with data about how their students are faring in their

postsecondary experiences. But what if use of the unique student identifiers assigned in K-12 continued after high school? A growing number of states have postsecondary data systems, but few are linked or integrated with the K-12 systems.

In addition, the current proposal to create student-unit records as part of the Integrated Postsecondary Education Data System (IPEDS) could certainly impact the nature of these systems. A feasibility study for a proposed IPEDS student-unit record-collection system was due to be submitted to Congress in February 2005. If this study is determined to be feasible by Congress and is subsequently mandated as part of the reauthorization of the Higher Education Act and provided with funding, it will dramatically increase the importance of conversations concerning how best to coordinate between higher education and K-12. It also might accelerate the need for discussion of cross-state K-12 student mobility and implications for unique student identifiers.

Unique teacher identifiers

Even in states with statewide data systems that are based on unique student identification numbers, collection of and access to teacher quality data often are difficult. In 2004 approximately 30 states had report cards that included all NCLB-required teacher data and/or provided such information for state, district and school levels. (*ECS StateNote*, "Report Cards," 2004)

Typically, information on teachers is collected and resides outside the primary state data system. A few states have begun developing "unique teacher identifiers" that will allow easier integration of teacher data into the primary statewide data system, and a major challenge will be ensuring the identifiers are portable across district/state lines without fear of duplication or misidentification.

Post-school outcomes reporting

A new requirement established by the reauthorization of the Individuals with Disabilities Education Act (IDEA) will mean that states must track data on post-school outcomes of students with disabilities (employment, military, postsecondary enrollment).

Because the latter is such a new development, this *ECS StateNote* will not attempt to report on whether state systems include provisions for reporting on post-school outcomes for students with disabilities.

State Student Information Systems

CAUTION:

* Columns labeled “Emerging Data” reflect our best attempts at identifying state activity in these areas. While every effort has been made to triangulate information for accuracy, determinations are preliminary and could be incomplete. ECS would be pleased to accept documentation of other state efforts or corrections.

State	States with student longitudinal database systems (unique student identifiers)	States developing student longitudinal database systems	EMERGING DATA* Used across K-12 and higher education	EMERGING DATA* Unique identifiers for teachers (linkable to classroom level)	Title, Citation for K-12 system
Alabama	X		Two separate data systems but does produce high school feedback reports (ALA. CODE § 16-5-7)	Not K-12, but higher education faculty unit records	Alabama Student Management System
Alaska	X				4 AAC 07.060 (a)
Arizona	X		High school feedback only (ARIZ. REV. STAT. § 15-1822-1823)		Student Accountability Information System (SAIS) ARIZ. REV. STAT. 15-1041 to 15-1043
Arkansas	X		X Higher Education Performance Reporting System (K-12 and higher education are housed separately) Reports remediation, high school feedback and is to use information from the Statewide Student Information system ARK. CODE ANN. § 6-61-127		Student Assessment and Educational Accountability Act of 2004 S.B. 33 Sec. 8 (2004) ARK. CODE ANN. § 6-15-433 and 402 ARK. CODE ANN. § 6-11-124
California		X	Not yet in place, but law requires the Postsecondary Commission to ensure data base supports longitudinal analysis CAL EDUC. CODE § 66903 CSIS specifies that it should “Enable the accurate and timely	Considering	California Longitudinal Pupil Achievement Data System (CALPADS) – established by S.B. 1453 California School Information Services (CSIS) CAL. EDUC. CODE § 49080-49085 and § 52052.5

State	States with student longitudinal database systems (unique student identifiers)	States developing student longitudinal database systems	EMERGING DATA* Used across K-12 and higher education	EMERGING DATA* Unique identifiers for teachers (linkable to classroom level)	Title, Citation for K-12 system
			exchange of pupil transcripts between local education agencies and to postsecondary institutions.”		
Colorado	X		Unique ID but databases not connected COLO. REV. STAT. ANN. § 23-5-127		Description (not title): Longitudinal measurement of student academic growth COLO.REV. STAT. ANN. § 22-7-603.5, § 22-7-604.3 H.B. 1433 (2004)
Connecticut	X (phasing in)			X	Public School Information System CONN. GEN. STAT. ANN. 10-10a
Delaware	X		Del. Higher Education Commission to “enhance the capacity for quality data collection” and “support student transition between K-12 education and postsecondary education” DEL. CODE. ANN. tit. 14 § 181	X Not social security #	Delaware Student Information System (DELSIS) EschoolPLUS
District of Columbia		X			Electronic data transfer D.C. CODE ANN. 38-1800.02 D.C. REG. 2-213.02
Florida	X		X K-20 Education Data Warehouse		Comprehensive management Information System FLA. STAT. ANN. § 1008.345 and 385 FLA. STAT. ANN. § 1008.43
Georgia	X		Some data sharing between University of Georgia and state department		GA. CODE ANN. § 20-14-8 GA. STATE BD. RULES 160-5-1-.07 Student Data Collection
Hawaii	X				
Idaho		X (on hold)			Idaho Student Information Management System

State	States with student longitudinal database systems (unique student identifiers)	States developing student longitudinal database systems	EMERGING DATA* Used across K-12 and higher education	EMERGING DATA* Unique identifiers for teachers (linkable to classroom level)	Title, Citation for K-12 system
					IDAHO CODE § 33-120A and § 33-1002 (H.B. 367, 2003)
Illinois		X	High school feedback system for Northern Illinois 110 ILCS 685/30-80		Illinois State Board Student Information System Public Act 93-859: Sec. 2-3.13a (accurate tracking of transfer students)
Indiana	X		Department of Workforce and Indiana Voc-Tech share data		Student Test Number (STN) IND. CODE § 20-1-1-6.5
Iowa		X			Statute refers to development of “comprehensive management information system “ IOWA CODE § 256.9 (52)
Kansas		X			Integrated Information System with Unit Level Data
Kentucky	X (statewide pilot starts May 2005)		X	X (initial stages of usage)	Max Enterprise Data System
Louisiana	X				LA. REV. STAT. 17:7 (S.B. 1024, 1999)
Maine					
Maryland			Task force assigned to study		Maryland Education Data Network made recommendations but bills have not passed
Massachusetts	X				Student Information Management System (SIMS) MASS. GEN. LAWS § 69 § 1I (Education Reform Act of 1993)
Michigan		X			Michigan Education Information System (MEIS) Single Record Student Database (SRSD) Center for Educational Performance and Information (CEPI) (within Management and Budget) MICH.COMP.LAWS. Ann. §

State	States with student longitudinal database systems (unique student identifiers)	States developing student longitudinal database systems	EMERGING DATA* Used across K-12 and higher education	EMERGING DATA* Unique identifiers for teachers (linkable to classroom level)	Title, Citation for K-12 system
					388.1694a
Minnesota	X				Minnesota Automated Reporting System for Students (MARSS) MINN. STAT. § 125B.05
Mississippi	X				Mississippi Student Information System (MSIS) MISS. CODE. ANN. 37-151-17 and 19
Missouri		X			Data Collection (Core Data) 5 CSR 50-350
Montana		X			Mont. Code Ann. § 20-3-106 (26) gives authority to state superintendent
Nebraska		X			
Nevada	X			X	Automated System of Accountability for Nevada (SAIN) Older version: Statewide Management of Automated Record Transfer (SMART) NEV. REV. STAT. § 386.650, 386.655 Section 53 of Senate Bill 1 (Chapter 1, Statutes of Nevada 2001, 19th Special Session)
New Hampshire		X			N.H. REV. STAT. ANN. § 193-E:4,5 Goals: § 193--C:3 and C:9
New Jersey		X (by fall 2006)			(Source: Consolidated Application)
New Mexico	X				N.M. STAT. ANN. 22-2C-11 (H.B. 212, 2003) N.M.ADMIN. CODE . tit. 6 § 19.5.1-9 (security measures)
New York		X (by 2006-07)			N.Y. EDUC. Title I, Art. 7, Sec. 305 (22)
North Carolina	X (phasing in implementation)		"Exchange of information among public schools and institutions of higher education: but data not actually linked N.C. GEN. STAT. ANN. § 116-11 (10a)		Electronic Student Information System (eSIS) Window of Information on Student Education (NC WISE) and Student Information Management System (SIMS) N.C. GEN. STAT. § 115C-

State	States with student longitudinal database systems (unique student identifiers)	States developing student longitudinal database systems	EMERGING DATA* Used across K-12 and higher education	EMERGING DATA* Unique identifiers for teachers (linkable to classroom level)	Title, Citation for K-12 system
					105.35, and § 115C-102.6A State board policy EEO-I-004
North Dakota	X				North Dakota Online Reporting System Data Envelopment Analysis Project N.D. CENT. CODE § 15.1-02-08 N.D. ADMIN. CODE § 67-01-01-01
Ohio	X		Data codes assigned for community college students	X (developing per 3301.0714)	Ohio Education Management System (EMIS) OHIO REV. CODE ANN. § 3302.021 (H.B. 3, 2003 - new system)
Oklahoma		X (Pilot program proposed 2005)			Proposed: Student Tracking and Reporting (STAR) Pilot Program (HB 1900, proposed 2-2005) 70 OKLA. ST. ANN. § 3-160
Oregon	X				Electronic Student Records program (S.B. 262, 2001) OR. REV. STAT. § 326.565, 326.580
Pennsylvania					Does not have – per state contact (Pa. Department of Education, Office of Educational Technology)
Rhode Island		X (no social security #s)			State Assigned Student Identifier, Student Records System Comprehensive Education Information System (CEIS) R.I. GEN. LAWS § 42-72.5-2.
South Carolina		X		Recommended by technology committee	SASixp (National Computer Systems); Comprehensive system under development
South Dakota	X			(Investigating)	Student Information Management System (SIMS) S.D. CODIFIED LAWS § 13-3-51

State	States with student longitudinal database systems (unique student identifiers)	States developing student longitudinal database systems	EMERGING DATA* Used across K-12 and higher education	EMERGING DATA* Unique identifiers for teachers (linkable to classroom level)	Title, Citation for K-12 system
Tennessee	X				Tenn. Code Ann. § 49-6-5101
Texas	X		X PK-16 Public Education Information Resource (TPEIR)	X	Public Education Information Management System (PEIMS) TEX. CODE ANN. § 42.006 and § 32.158
Utah		Currently, no statewide system; locally assigned IDs			UTAH CODE ANN. § 53A-1-301 § 53A-1-409 and § 53A-1-605
Vermont	X		X VT. STAT. ANN. § 53A-1-301		
Virginia	X (phasing in)			X	Educational Information Management System (EIMS) Scholastic Records VA. CODE ANN. § 22.1-289 § 22.1-260
Washington	X		(partial) Four-year institutions do not, but community/technical college link to K-12		Core Student Record System WASH. REV. CODE § 28A.300.130
West Virginia	X				W.VA. CODE ST. R. § 126-94-1; § 126-13-1
Wisconsin	X			Unique IDs assigned but not linked to K-12 WIS. STAT. ANN. 36.11 (35)	Wisconsin Individual Student Enrollment System (ISES) Wisconsin Student Number Locator System (WSLS)
Wyoming	X		(partial) Community college level data system (WYO. STAT. ANN. § 21-18-202) but not across K-12 and higher education		Student Data Collection System (SF 0039, 2003) WYO. STAT. ANN. § 21-2-202 (xiv) Wyoming Integrated Statewide Education Data System
Total	32	14 + DC	5	7	

SOURCES (in the order researched, preferred and used):

- State statutes and state administrative codes
- State government Web sites; state reports

- National reports such as SHEEO's Data Systems to Enhance Teacher Quality (2003); SHEEO Network News (August 2003); National Center for Higher Education Management, for the Lumina Foundation, *Following the Mobile Student: Can We Develop the Capacity for a Comprehensive Database to Assess Student Progression?* (April 2003); Project Forum's "Unique Student Identifiers" (May 2004) (National Association of State Directors of Special Education)
- Corporate Web sites (information system developers)

Resources Related to System Quality

- **Schools Interoperability Framework** (SIF) information is available from the Software and Information Industry Association at <http://www.siiia.net/sif>. Alaska, California, Delaware, Idaho, Maryland, Minnesota, North Carolina, Ohio, Oregon, Pennsylvania, Virginia, Washington, Wyoming currently have committed to the SIF standards.
- SPEEDE/ExPRESS (SPEEDE stands for Standardization of Postsecondary Education Electronic Data Exchange, and ExPRESS stands for Exchange of Permanent Records Electronically for Students and Schools) – an ANSI X12 (Electronic Data Interchange) format. For information on SPEEDE/ExPRESS look under Standards on the Web site of the Postsecondary Electronic Standards Council at <http://www.pesc.org/info/overview.asp>.
- *Student Data Handbook for Elementary, Secondary, and Early Childhood Education: 2000 Edition*. [NCES #2000-343] The Student Data Handbook was developed to provide guidance concerning the consistent maintenance of student information. This handbook defines data elements and definitions describing personal information, enrollment, school participation and activities, out-of-school experience, assessment, transportation, health, special program participation and discipline for pupils in early childhood, elementary and secondary education. This handbook contains no data. Available online at <http://nces.ed.gov/pubs2000/studenthb>.
- **Building an Automated Student Record System: A Step-by-Step Guide for Local and State Education Agencies**, National Center for Education Statistics, 2000, <http://nces.ed.gov/pubs2000/building/intro.asp>.

OTHER RESOURCES:

For a good discussion of longitudinal evaluation, see: http://www.fund4colorado.org/pdf/SAR_Version_2.0_Model.pdf.

National Center on Educational Accountability (links to two state examples – Nevada and Delaware):

<http://www.nc4ea.org/index.cfm?pg=surveyresults&subp=surveyelement&surveyyst=Nevada&element=1>

<http://www.nc4ea.org/index.cfm?pg=surveyresults&subp=surveystate&surveyyst=Delaware>

TABLE 2 – for Policy Wonks Only

Miscellaneous Notes/Details/Resources

State	Notes/Details/Resources
Alaska	Notes from Alaska: http://www.eed.state.ak.us/oasis/IDSystemSummary.html
California ¹	<p><i>Notable:</i></p> <p>California system includes the ability to disaggregate data on pupils in foster care.</p> <p><i>Details of legislation</i></p> <p>Senate Bill 1453 (enacted 2002) requires: (1) the assignment of individual, yet non-personally identifiable student identifiers to all K-12 students enrolled in California public schools; and (2) the establishment of the California Longitudinal Pupil Achievement Data System (CALPADS) that includes statewide assessment data, enrollment data and other demographic elements required to meet federal NCLB reporting requirements. The assignment of student identifiers is the responsibility of the California School Information Services (CSIS) program; the SB 1453 grant program, and the establishment of the longitudinal data system is the responsibility of the California Department of Education (CDE). Senate Bill 1453 can be viewed at http://www.sen.ca.gov (Legislation "SB 1453"). Source: http://www.cde.ca.gov/ds/sp/cl/index.asp</p> <p><i>Postsecondary level</i></p> <p>California's postsecondary-level database is required to support longitudinal studies of individual students, provide interactive use of data, and provide each of the educational segments access to the data. The K-12 system, however, does not reference linkages with postsecondary.</p> <p>Link to California School Information Services (CSIS) Web page: http://www.csis.k12.ca.us/site-map-cata.asp Program charter: http://www.csis.k12.ca.us/library/CSIS-Prgm-Charter-v2-0.pdf</p> <p>Link to legislative language of California School Information System section: http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=49001-50000&file=49080-49085</p> <p><i>Funding</i></p> <p>Governor Gray Davis' 2001-02 budget proposal included \$16.5 million for CSIS to cover ongoing operations and maintenance of the estimated cost of the planned expansion, according to an analysis by the independent Office of the Legislative Analyst (LAO). The LAO recommended a substantial increase – more than \$12 million – in the proposed budget for 2001-02. Source: EdSource, June 2001</p>
District of Columbia	Automated data system to monitor and report student attendance
Florida	System is required to have the capacity to collect, via electronic transfer, all student and school-performance data and to produce a comprehensive annual report on school and district performance.
Hawaii	<p>From LEGISLATIVE REPORT</p> <p>SUBJECT: Report on Implementing Act 51 Provisions</p> <p>REFERENCE: Act 51, Session Laws of Hawaii 2004:</p> <p>Recognizing this need, the Legislature appropriated \$2,000,000 for FY 2004-05 for:</p> <ul style="list-style-type: none"> • Positions to provide technical support to school-level information systems users • Infrastructure to meet the security and privacy requirements of the telecommunications network • Customization of the student information system software • Training regarding the use of information technology. The implementation of school-by-school academic and financial planning will require timely, comprehensive and efficiently gathered student achievement data. This data will be the basis upon which each school will identify targeted areas for improvement. To fulfill this need, the appropriation provides for the necessary infrastructure and support for the initial Phase I implementation of the electronic standards-based student information card and the new electronic student information system (eSIS). In addition, the data will be essential to meet federal reporting requirements.

State	Notes/Details/Resources
Illinois	Illinois schedule for implementation: http://www.isbe.state.il.us/sis/pdf/sis_schedule.pdf
Indiana	Student Test Numbers are unique numbers, but because many districts (school corporations in Indiana) use vendors for their Student Information Systems, the state department has made efforts to keep vendors updated about the Student Test Numbers and other aspects of the project. See the <i>Vendors of Student Information Systems</i> section of: http://www.doe.state.in.us/stn/welcome.html
Iowa	<p>Language from ICA-256.31: Community college data comparisons and program improvement sharing on academic preparation and career planning</p> <p><i>Sec. 4. Section 256.9, Code 2003, is amended by adding the following new subsection: Develop and implement a comprehensive management information system designed . . . [to] provide for the electronic transfer of individual student records between schools, districts, postsecondary institutions, and the department. The department director may establish, to the extent practicable, a uniform coding and reporting system, including a statewide uniform student identification system.</i></p> <p>A section on value-added capacity follows the new subsection. Source: http://www.legis.state.ia.us/GA/80GA/Legislation/HF/00500/HF00549/Current.html</p>
Kansas	Informative PowerPoint presentation http://www.ksde.org/assessment/martinez.ppt
Kentucky	<p>Max is the enterprise data system being developed jointly by the Kentucky Department of Education, the Educational Professional Standards Board and the Council on Postsecondary Education to assist schools, districts, policymakers and other stakeholders in data-driven decisionmaking.</p> <p>Max currently includes school and district profiles, financial data, assessment results, high school feedback reports, and mailing labels. The partners expect to make semi-annual updates to Max, including adding more detailed information in each of these categories, enhancing reporting capabilities, and providing other information about public elementary, secondary and postsecondary education in the Commonwealth. http://www.education.ky.gov/KDE/Administrative+Resources/Data+and+Research/Data+Requests/Information+and+Reports</p> <p>Data standardization resources: http://www.education.ky.gov/KDE/Administrative+Resources/Data+and+Research/Data+Standardization/default.htm</p>
Maryland	<p>State board rules have set standards for “forms” that districts and schools submit, but does not appear that unique student identifiers are yet under development.</p> <p>S.B. 267 (2004 -- Teacher Effectiveness Pilot Program), however, would have established such a system. Although it did not pass, bill language might be helpful to others. Bill text: http://mlis.state.md.us/pdf-documents/2004rs/bills/sb/sb0267f.pdf Fiscal note: http://mlis.state.md.us/pdf-documents/2004rs/fnotes/bil_0007/sb0267.pdf</p> <p>State Higher Education Executive Officers (SHEEO) 2003 presentation: http://www.sheeo.org/network/presen2003/Keller2003.ppt</p>
Massachusetts	A State Assigned Student Identifier (SASID) is a unique identifier given to each student receiving a publicly funded education in Massachusetts. The SASID number remains with the student throughout his or her educational life in the state, from pre-K through 12, even as the student transfers from one district or school to another. If the student leaves the state and returns, the student will receive his/her original SASID. Districts can apply for a SASID using the Single Student Registration (SSR) or the Multiple Student Registration (MSR). Once the SASID is assigned, districts can retrieve the student's unique identifier using the Publish Manager application.
Michigan	Michigan has a Unique Identification Code (UIC) for each student and collects a substantial amount of demographic information. While it also has files of state assessment data, educator data, financial data, and other types of information, these are not currently connected in any coherent manner.

State	Notes/Details/Resources
	<p>Center for Educational Performance and Information is located inside the office of the state budget director, department of management and budget. (H.B. 4401, Sec. 94a, 2003) Related information: http://www.michigan.gov/documents/Data_Policy_50459_7.pdf http://www.michigan.gov/documents/Intro_76814_7.pdf http://www.michigan.gov/documents/Flow_Chart_34792_7.xls</p>
Missouri	<p>Retrieved from Commissioner's Letter issued February 4, 2005:</p> <p>"Last year a group of Missouri educators and DESE personnel explored ways of reducing the recordkeeping load on school districts, especially in response to the increasing data demands imposed by NCLB. Among the ideas considered was the adoption of a statewide student identification system. You may recall that we conducted a survey of school districts to determine what systems were already in place and how districts were using such programs to manage student data."</p> <p>The Department recently signed a contract to begin development of a statewide student identification/locator system. State education agencies in Kansas and Nebraska also are beginning projects with the same company, which recently implemented a system in Iowa." http://dese.mo.gov/commissioner/letters/2005/02042005.htm#MOVING_FORWARD_WITH_A_STUDENT_I.D._S</p>
Montana	<p>Excerpt from Montana Special Education Focused Intervention Process, November 2004, Montana Office of Instruction:</p> <p>"Currently, Montana does not have an individual student information system and, therefore, cannot track individual students by schools and school years. The OPI collects aggregate enrollment, graduate, and dropout counts each fall from schools. Data on students with disabilities is also a separate data collection, which carries with it the risk of misclassification of student data (i.e., reporting a student's race/ethnicity inconsistently between enrollment and dropout data collection or reporting a transfer student a dropout)." Current statewide systems for data collection: ADC and MAEFAIRS.</p>
Nevada	<p>Major Requirements from NRS 386.650, the Automated System of Accountability Information for Nevada – such as the capacity to provide and report information, including, without limitation, the results of the achievement of pupils (Federal requirements and by subgroup); include a system of unique identification for each pupil; and to the extent practicable, be used for purposes of identifying a pupil for both the public schools and the University and Community College System of Nevada, if that pupil enrolls in the System after graduation from high school.</p> <p>For full text: http://leg.state.nv.us/NRS/NRS-386.html#NRS386Sec650</p>
New Mexico	<p>Administrative regulations include requirements for security measures.</p>
Ohio	<p>Ohio's original system has been required since 1991, although 2003 law requires development of a new system: "no later than July 1, 2005 and not later than July 1, 2007." The more recent law prohibits the Department from paying more than \$2.00 per student for data analysis and reporting to implement the value-added progress dimension that was based on a pilot program. Does not, however, preclude districts from entering into contracts to pay higher amount for the provision of more services.</p> <p><i>3301.0714: D) (1) The guidelines adopted under this section shall require school districts to collect information about individual students, staff members, or both in connection with any data required by division (B) or (C) of this section. The guidelines may also require school districts to report information about individual staff members in connection with any data required by division (B) or (C) of this section.</i></p>
Rhode Island	<p>Link to memo on Consortium Student Information System (CSIS) Initiative: http://www.ridoe.net/CSIS/csis%20rpf.pdf PowerPoint: http://www.eride.ri.gov/doc/SASID_Preview.ppt</p>
South Carolina	<p>Excerpts of recommendations made by Report of the Superintendent's Ad Hoc Technology Committee (October 2003):</p> <p>To adequately manage this information, a state and local data warehouse requires:</p> <ul style="list-style-type: none"> • Statewide standards for data collection, storage, and reporting; • A student linking system for statewide tracking of student records and data; • State and local integration so that all educational decision makers have access;

State	Notes/Details/Resources
	<ul style="list-style-type: none"> • Statewide licensing of data tools (software and database structures); • Statewide training for all data management processes; and • Common data definitions. <p><u>Other recommendations</u></p> <p>The professional development management system requires specifics such as:</p> <ul style="list-style-type: none"> • Electronic statewide tracking system for teacher and paraprofessional certifications and staff development • Statewide tracking system for technology competencies for teachers and administrators, • Linkage with state certification portal system, which provides secure access through the Internet, • Documentation of effectiveness of professional development with respect to student performance, • Statewide database of effective research-based staff development strategies in all content areas and at all levels, and • Pre-service training for all educator candidates and in-service training for current instructional staff to include statistics and measurement (Assessment literacy). <p>Source: http://www.myschools.com/offices/technology/reports/techcommreport20021108.pdf</p>
Texas	<p>Link to Appendix E, Texas State Education Data, <i>Investigation of Education Databases in Four States to Support Research on Resource Allocation</i>, Southwest Educational Development Laboratory, 2005. http://www.sedl.org/rel/policydocs/IES-app-e.pdf</p>
Virginia	<p>Details of Virginia's system: http://www.doe.virginia.gov/VDOE/Technology/EIMS-files/News101504.pdf http://www.pen.k12.va.us/VDOE/studentsrvcs/MSSRedit.pdf</p>
Wisconsin	<p><i>The Who, What, When, Where, and Why of Wisconsin's Individual Student Enrollment System:</i> http://www.dpi.state.wi.us/dpi/dltcl/lbstat/ises_5ws.html</p> <p>Wisconsin is standardizing the entire state system on SIF.</p> <p>Questions and Answers for parents: http://www.dpi.state.wi.us/dpi/dltcl/lbstat/isesfaq2.html</p>
Wyoming	<p>Appropriated \$4,325,000 for software (2003). Senate File 0039 (2003): http://legisweb.state.wy.us/2003/engross/</p>

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Helping State Leaders Shape Education Policy



Sanctions on Driving Privileges

By Molly Burke

March 2005

Policymakers and educators are looking for ways to keep students in school and motivate them to do well while they are there. One method states are using is tying attendance and/or school performance to driving privileges.

Twenty-three states have some type of policy connecting student attendance and/or achievement to the privilege of driving. **Nine states** make attendance a requirement and **five states** have minimum academic performance standards for initially obtaining a driver's license. **Ten states** designate truancy or lack of academic progress a cause for suspension of a license. **Five states** have policies that address both the initial issuance of a driver's license and the ability of the state to suspend it for academic or attendance reasons.

These policies usually apply to 16- and 17-year-olds because 16 is the typical minimum age for a driver's license and 18 is the age of legal adulthood. For the compulsory school attendance ages for each state, see [Compulsory School Age Requirements](#) (Education Commission of the States, May 2004.)

Little research has been completed on the effect these types of laws have on truancy or dropout rates, but state policymakers should consider that, for many teenagers, driving is real currency. Promoting this privilege as a reward for attending and succeeding in school resonates with many students. Districts and/or schools may incur administrative costs in collaborating with the department of motor vehicles, but still these can be relatively low-cost policies.

This *StateNote* presents information and legislative language on the states that have policies tying driving privileges to attendance or academic performance. This report does not address policies that call for suspending licenses for criminal acts, such as expulsion due to firearm or drug possession.

The following categories represent the spectrum of policies and some states' policies may fit in more than one category.

States that require attendance in school to receive license:

Alabama	Rhode Island
Georgia	South Carolina
Idaho	Texas
Indiana	West Virginia
North Carolina	

States that have attendance and performance standards for receiving license:

Illinois	Tennessee
Mississippi	Virginia

Oklahoma

States with policies that suspend licenses for truancy and/or academic problems:

Arkansas	Louisiana
California	New Mexico
Delaware	Ohio
Florida	Tennessee
Kentucky	Wisconsin

States with policies that require attendance for both issuance and maintenance of license:

California	Rhode Island
Florida	Tennessee
Ohio	

What Policymakers Should Keep in Mind:

- Clearly define the term “habitually truant.”
- Absences are easy to count and compare across districts. Defining and getting consensus on what constitutes “academic progress” could be more difficult.
- Establish explicit timelines for notifying the Department of Motor Vehicles and between notification and revocation of license.
- States with policies that require students to be in school at the time of issuance of license might consider whether unacceptable numbers of students drop out after receiving a license. Illinois has such a policy but is now considering adding a suspension of license policy for students who drop out after receiving a license.
- Policies should apply to all students equally across the state.
- Students should not be prohibited from taking driver education, only from getting an actual license.

Statutory Language

State	Language	Type of policy
Alabama ALA. CODE § 16-28-40	The Department of Public Safety will deny a license or a learner’s permit to any person under the age of 19 who does not, at the time of application, present a diploma from a secondary high school or documentation that the person: (1) is enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED) from a state approved institution or organization, or has obtained the certificate; (2) is enrolled in a secondary school of this state or any other state; (3) is participating in a job training program; (4) is gainfully and substantially	<i>Attendance required for issuance of license.</i>

State	Language	Type of policy
	employed; (5) is a parent with the care and custody of a minor or unborn child; (6) has a physician certify that the parents of the person depend on him or her as their sole source of transportation; or (7) is exempted from this requirement due to circumstances beyond his or her control as provided by law.	
Arkansas ARK. CODE ANN. § 6-18-222	The penalty for excessive, unexcused absences for anyone under 18 is that a student's motor vehicle operator's license will be suspended. The licensee can retain or regain his or her license by providing evidence that he or she is attending school or an adult education program or has obtained a high school diploma or its equivalent.	<i>License can be suspended for truancy.</i>
California CAL. [VEH.] CODE § 13202.7	<p>Any minor under the age of 18 years, but 13 years of age or older, who is a habitual truant can have his or her driving privilege suspended for one year by the court. If the minor does not yet have the privilege to drive, the court can order the department to delay issuing the privilege to drive for one year subsequent to the time the person becomes legally eligible to drive.</p> <p>When the juvenile court is considering suspending or delaying a minor's driving, the court will consider whether a personal or family hardship exists that requires the minor to have a driver's license for his or her own, or a member of his or her family's, employment or for medically related purposes.</p> <p>The suspension, restriction, or delay of a minor's driving privilege pursuant to this section shall be in addition to any other penalty imposed by law on the minor.</p>	<i>Attendance required for issuance and maintenance of license.</i>
Delaware Tit. 14 § 2730	The Justice of the Peace Court may determine that a child is a truant and may suspend or revoke a student's a driver's permit.	<i>License can be suspended for truancy.</i>
Florida FLA. STAT. ch. 322.091	<p>A minor is not eligible for driving privileges unless that minor:</p> <ul style="list-style-type: none"> (a) is enrolled in a public school, nonpublic school, or home education program and satisfies relevant attendance requirements; (b) has received a high school diploma, a high school equivalency diploma, a special diploma, or a certificate of high school completion; (c) is enrolled in a study course in preparation for the Test of General Educational Development and satisfies relevant attendance requirements; (d) is enrolled in other educational activities approved 	<i>Attendance required for issuance and maintenance of license.</i>

State	Language	Type of policy
	<p>by the district school board and satisfies relevant attendance requirements;</p> <p>(e) has been issued a certificate of exemption; or</p> <p>(f) has received a hardship waiver under this section.</p> <p>The department may not issue a driver's license or learner's driver's license to, or will suspend the driver's license or learner's driver's license of, any minor concerning whom the department receives notification of noncompliance with the requirements of this section.</p>	
<p>Georgia</p> <p>GA. CODE ANN. § 40-5-22</p>	<p>The department will not issue an instruction permit or driver's license to anyone under 18 unless the applicant presents acceptable proof that he or she has received a high school diploma, a general educational development (GED) diploma, a special diploma, or a certificate of high school completion, or has terminated his or her secondary education and is enrolled in a postsecondary school or the records of the department indicate that the applicant is enrolled in and not under suspension from a public or private school and has satisfied relevant attendance for one academic year prior to application for an instruction permit or driver's license; or is enrolled in a home education program that satisfies the requirements of all state laws governing such courses.</p>	<p><i>Attendance required for issuance of license.</i></p>
<p>Idaho</p> <p>IDAHO CODE § 49-303A</p>	<p>The department may issue a driver's license to a minor younger than 18 years of age if the minor:</p> <ul style="list-style-type: none"> (a) has received a high school diploma or a certificate of high school completion; (b) is enrolled in a public or private school and satisfies relevant attendance requirements; (c) is enrolled in a study course in preparation for a test of general educational development and satisfies relevant attendance requirements; (d) is enrolled in a home education program; (e) is enrolled in an accredited college or university; (f) is enrolled in a postsecondary vocational program or a postsecondary adult vocational program and satisfying relevant attendance requirements; (g) is enrolled in a job training program pursuant to state or federal law and satisfying relevant attendance requirements; or (h) is enrolled in other educational activities 	<p><i>Attendance required for issuance of license.</i></p>

State	Language	Type of policy
	approved by the board of trustees of the school district and satisfying relevant attendance requirements.	
Illinois ILL. ADMIN. CODE tit. 23, § 252.25	No student can enroll in a driver education course provided by a public school district or a nonpublic school unless he or she has either: (1) received a passing grade in at least 8 courses during the previous 2 semesters; or received a waiver of this requirement from the superintendent of the public school district or the chief administrator of the nonpublic school in which the student is or will be enrolled full time during the semester for which enrollment in driver education is sought.	<i>Attendance and satisfactory progress required for issuance of license.</i>
Indiana IND. CODE § 9-24-2-1	A driver's license or a learner's permit will not be issued to an individual under 18 who is considered a habitual truant, is under at least a second suspension from school for the school year, is under an expulsion from school or has withdrawn from school, for a reason other than financial hardship.	<i>Attendance required for issuance of license.</i>
Kentucky KY. REV. STAT. ANN. § 159.051	When a student under the age of 18 drops out of school or is declared to be academically deficient, the school administrator or his designee will notify the superintendent of schools of the district in which the student is a resident or is enrolled. The reports are to be made at the end of each semester but may be made earlier in the semester for accumulated absences. A student is deemed to have dropped out of school when he has nine (9) or more unexcused absences in the preceding semester. Any absences due to suspension are considered unexcused absences. A student is deemed to be academically deficient when he has not received passing grades in at least four courses, or the equivalent of four courses, in the preceding semester.	<i>License can be suspended if declared academically deficient or student drops out of school.</i>
Louisiana LA. REV. STAT. ANN. § 32:431	Expulsion or suspension from school is cause for suspension of license.	<i>Disciplinary action cause for suspension of license.</i>
Mississippi MISS. CODE ANN. § 63-1-9	In order to obtain a license or learner's permit, anyone under 18 must present a diploma or other certificate of high school graduation or GED or documentation that the person is enrolled and making satisfactory progress in a course leading to a high school diploma or GED.	<i>Attendance and satisfactory progress required for issuance of license.</i>

State	Language	Type of policy
<p>New Mexico</p> <p>N.M. ADMIN. CODE tit. 22. § 12-7</p>	<p>The children's court can order a habitual truant's driving privileges to be suspended for a specified time not to exceed 90 days on the first finding of habitual truancy and not to exceed one year for a subsequent finding of habitual truancy.</p>	<p><i>License can be suspended for truancy.</i></p>
<p>North Carolina</p> <p>N.C. GEN. STAT. § 20-11</p>	<p>Anyone under 18 who wants to obtain a permit or license must have a high school diploma or its equivalent or must have a driving eligibility certificate. A driving eligibility certificate must meet the following conditions:</p> <ul style="list-style-type: none"> (a) person must be currently enrolled in school and making program toward a high school diploma; (b) a substantial hardship must exist; or (c) person cannot make progress toward obtaining a diploma or certificate. 	<p><i>Attendance required for issuance of license.</i></p>
<p>Ohio</p> <p>OHIO REV. CODE ANN. § 4510.32</p>	<p>A juvenile's license will be denied or suspended if the department of motor vehicles is notified that the juvenile has withdrawn from school, and has not enrolled in another program leading to a diploma or equivalent, or is a habitual truant.</p>	<p><i>Attendance required for issuance and maintenance of license.</i></p>
<p>Oklahoma</p> <p>OKLA. STAT. tit. 47, § 6-107.3</p>	<p>The Department of Public Safety denies a license, restricted license, or permit to anybody under 18 who does not, at the time of application, present documentation that he/she: (a) is a student enrolled in a public or private secondary school; (b) has received a diploma or certificate of completion issued to the person from a secondary school; (c) is enrolled and making satisfactory progress in a program leading to a Certificate of High School Equivalency issued by the state department or has obtained such certificate; (d) or is excused from such requirement.</p> <p>Also, anyone under 18 must have successfully passed the criterion-referenced reading test required for all eighth grade students or an alternative reading proficiency.</p> <p>A person under 18 who does not meet these requirements can receive or retain a driver's license if that person works at least 24 hours per week.</p>	<p><i>Attendance required for issuance of license.</i></p> <p><i>Reading proficiency required.</i></p>
<p>Rhode Island</p> <p>H.B. 7397</p>	<p>Any minor student who accumulates 15 unexcused absences in a period of 90 calendar days is ineligible to obtain and/or maintain their driving privileges.</p>	<p><i>Attendance required for issuance and maintenance of license.</i></p>

State	Language	Type of policy
<i>(This bill became law without governor's signature in June 2004)</i>		
South Carolina S.C. CODE ANN. § 56-1-176	The department may not issue a license or permit to someone under 18 unless the person has a high school diploma or GED or is enrolled in a public or private school or is home schooled and has conformed to the attendance laws, regulations, and policies of the school, school district, and the state board, and person is not suspended or expelled from school.	<i>Attendance required for issuance of license.</i>
Tennessee TENN. CODE ANN. § 49-6-3017 TENN. CODE ANN. § 55-50-502	<p>The department of safety will deny a license or permit to any person under 18 years of age who does not at the time of application present a diploma or other certificate of, or documentation that the person is: (1) enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED) from a state-approved institution or organization, or has obtained such certificate; (2) enrolled and making satisfactory academic progress in a secondary school of this state or any other state; or (3) excused from such requirement due to circumstances beyond the applicant's control.</p> <p>The department of safety can suspend the license of someone under 18 years of age who has withdrawn either voluntarily or involuntarily from a secondary school or has failed to maintain satisfactory academic progress.</p>	<p><i>Attendance and evidence of academic progress required for issuance of license.</i></p> <p><i>License can be suspended if declared academically deficient or student drops out of school.</i></p>
Texas TEX. [TRANSP.] CODE ANN. § 521.204	A Class C driver's license can be issued to an applicant under 18 years of age only if the applicant has obtained a high school diploma or its equivalent; has been enrolled in secondary education for at least 80 days in the fall or spring semester preceding the date of the driver's license application or has been enrolled for at least 45 days, and is enrolled as of the date of the application, in a program to prepare persons to pass the high school equivalency exam.	<i>Attendance required for issuance of license.</i>
Virginia VA. CODE ANN. § 46.2-334	In order to receive a drivers license, a minor under 18 years old must present a high diploma or other certificate of completion or must be regularly attending school and be in good academic standing.	<i>Attendance and good academic standing required for issuance of license.</i>
West Virginia	If an individual is under 18 and does not have a high school diploma, he or she can receive a license or permit only if he or she: (1) is enrolled and making satisfactory progress in a	<i>Attendance required for issuance of license.</i>

State	Language	Type of policy
W. VA. CODE § 18-8-11	course leading to a GED; (2) is enrolled in a secondary school; (3) is excused from the requirement due to circumstances beyond his or her control; or (4) is enrolled in an institution of higher education as a full-time.	
Wisconsin WIS. STAT. § 118.163(2m)(a)	A county, city, village or town may enact an ordinance permitting a court to suspend the operating privilege of a person who is at least 16 years of age but less than 18 years of age and is a dropout. The ordinance will provide that the court may suspend the person's operating privilege until the person reaches the age of 18. The court will immediately take possession of any suspended license and forward it to the department of transportation together with a notice stating the reason for and the duration of the suspension.	<i>License can be suspended if student drops out of school.</i>

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Merit Scholarships

By Carl Krueger

May 2005

Ever since Georgia revolutionized student financial aid with the HOPE scholarship in 1993, merit-based scholarships have grown in popularity. Unlike need-based aid, which provides federal or state assistance for low-income students, merit scholarships theoretically award financial aid on the basis of academic achievement. Merit awards are distributed on the basis of high school grade-point averages and standardized test scores instead of income level or financial need. Proponents claim these scholarships discourage top-level students from leaving their home states and attending college elsewhere. They also insist that merit aid allows colleges to draw from and admit a broader range of students, thereby increasing diversity and access. Despite the advantages, opponents say a number of troubling questions have arisen since the inception of merit scholarship programs nearly a decade ago. Critics point to the predominantly white, predominantly wealthy recipients of the awards and wonder if equity has been lost as a result of merit-based aid.

Accusations of grade inflation accompany statistics that show an average of six out of 10 HOPE recipients every year fail to maintain a B-average once in college.¹ The high price tag of the scholarships has led some states to seek somewhat controversial sources of funding from lotteries or tobacco settlements. Recently, some states have been forced to rethink their merit scholarship programs due to budget shortfalls. Georgia, for example, scaled back its program in 2004, reducing the amount of the award and changing some of the eligibility standards. Whatever the problems, the appeal of merit scholarships is still strong among legislators and the general public in many states. Currently 17 states offer merit scholarships. Below is a list of key policy components for each state.

¹ Selingo, Jeffery (2001, January). "Questioning the Merit of Merit Scholarships." *The Chronicle of Higher Education*, p. A20.

KEY:

Legislation: Is there a statute on the books? Is there a program Web site?

Eligibility: How is merit defined in a particular state? Who is eligible for merit-based aid and why?

Funding Source: What is the source of funding?

Duration: How long does the award last?

Maintenance: What does it take to maintain the grant/scholarship? How well does the recipient have to perform in college?

Amount and Use: What is the amount of the award for each student? What expenses does the award cover? Can it be used for tuition only? Can it also cover books? Can the award be used at both public and private universities? Can the award be used at out-of-state institutions?

SUMMARY:

Participating States	Eligibility (Some states overlap)	Funding Sources	Duration	Maintenance	Amount and Use
17	Top Percentile = 4 GPA + SAT/ACT Scores = 10 State-Mandated Test = 2 Income Restrictions = 3 Diploma/GED Only = 2	General State Revenues = 8 Lottery = 6 National Tobacco Settlement = 2 Interest on Land Sales = 1	4 years/8 semesters = 9 "Standard" Degree Time = 4 Two years = 1 One-time Payment = 3	GPA = 11 Credit Hours = 3 "Satisfactory" Progress = 3	Tuition and Fees Only = 7 All Education-related Costs = 9 Tuition and Book Allowance = 1

State and URL	Legislation	Eligibility	Funding Source	Duration	Maintenance	Amount and Use
Alaska: http://www.alaska.edu/scholars/	ALASKA STAT. § 14.43.930: University of Alaska Scholars Award	Top 10% of graduating seniors from Alaska High Schools. Each high school sets its own criteria.	Interest on land leases and sales	Award available for eight semesters. Must graduate within six years of enrollment. Must claim award within 16 months of high school graduation.	Must be a full-time student making "satisfactory" progress towards completion of degree. Must be in good financial standing and follow the student code of conduct.	Four year, \$11,000 award (\$1,375 per semester) covers tuition, fees, books, room, board, transportation and other expenses at the University of Alaska only.
Arkansas: http://www.arkansashighered.com/challenge.html	ARK. CODE. ANN. § 6-82-1003: Academic	Must have a minimum 2.5 GPA in the pre-collegiate core curriculum at	General state revenues	Award available for eight semesters.	Must maintain a 2.75 GPA and complete 30 academic hours	Provides up to \$3,000 annually for tuition and fees at state universities

State and URL	Legislation	Eligibility	Funding Source	Duration	Maintenance	Amount and Use
	Challenge Scholarship	an Arkansas high school, score at least 19 on the ACT and not have a household income exceeding \$50,000.			per academic year.	only.
<p>Florida: http://www.firn.edu/doi/brfutures/</p> <p>Florida features three levels of merit scholarships:</p> <ul style="list-style-type: none"> (1) Florida Academic Scholar (FAS) (2) Florida Medallion Scholar (FMS) (3) Florida Gold Seal Vocational Scholar (FGSVS) 	FLA. STAT. § 240.40201: Bright Futures Scholarship	<p>(1) FAS = Maintain a 3.5-weighted GPA in college preparatory courses, score a composite 1270 on the SAT or a 28 on the ACT, and complete 75 hours of community service.</p> <p>(2) FMS = Maintain a 3.0-weighted GPA in college-preparatory courses, score a composite 970 on the SAT or a 20 on the ACT.</p> <p>(3) FGSVS = Maintain a 3.0-weighted GPA from 15 core credits, a 3.5- unweighted GPA in a minimum of three vocational credits in one vocational program, and a 440 verbal and math on the SAT or a 17 in</p>	Lottery	<p>(1) FAS/FMS = Award period covers the standard time it takes to complete an undergraduate degree, usually 132 semester hours. Degree must be completed within seven years of high school graduation.</p> <p>(2) FGSVS = Award period covers a maximum of 90 semester hours.</p>	<p>(1) FAS = Maintain a 3.0 GPA to be eligible for renewal.</p> <p>(2) FMS/FGSVS = Maintain a 2.75 GPA.</p>	<p>(1) FAS = Covers 100% of tuition and fees, plus \$300 per semester for college- related expenses at public institutions. Students attending private institutions receive a fixed amount based on average cost of a comparable public school.</p> <p>(2) FMS/FGSVS = Covers 75% of tuition and fees at public institutions, and a fixed amount for private institutions based on average cost of a comparable public school.</p>

State and URL	Legislation	Eligibility	Funding Source	Duration	Maintenance	Amount and Use
Georgia: http://www.gsfc.org/hope/	GA. CODE ANN. § 20-3-519.2: HOPE Scholarship	English, an 18 in Reading and a 19 in Math on the ACT. Must maintain a 3.0 GPA in a college preparatory program or a 3.2 GPA in a technical/career preparatory program to qualify as a HOPE scholar.	Lottery	Award ends after 127 semester hours of degree credit.	Must maintain a 3.0 GPA to remain eligible. No minimum hours or credits at public institutions, but private school students must be enrolled full time (12 hours).	Covers \$1,500 of tuition and fees, plus a \$150 book allowance, per semester at public institutions. Students attending private institutions receive \$3,000 per academic year. Must be enrolled in a branch of the University System of Georgia, a branch of the Georgia Department of Technical and Adult Education or an approved private institution.
Kentucky: http://www.kheaa.com/keeshome.html	KY REV. STAT ANN. § 164.7877: Kentucky Educational Excellence Scholarship	Students must have a minimum 2.5 GPA while taking 22 units of high school graduation requirements to be eligible for the base award.	Lottery	Award available for eight semesters. Degree must be completed in a maximum of five years.	During the freshman year, a student must maintain a 2.5 GPA. After the first year, a 3.0 GPA is required to keep the full award. Students must be enrolled on at least a half-time basis (six hours) to receive	Students who earn a 2.5 GPA in high school are eligible for the base award amount of \$125 a year. Students who maintain a higher GPA receive more funding (a 4.0 = \$500). Students who score a 15 or more on the ACT are eligible for

State and URL	Legislation	Eligibility	Funding Source	Duration	Maintenance	Amount and Use
					a portion of the scholarship.	bonus funding (the bonus ranges from \$36 for a score of 15 to \$500 for a score of 28 or higher). The award covers all education related expenses at all accredited public and private institutions of higher education in Kentucky. If a program of study is not offered in Kentucky, a recipient may use the award at an out-of-state school.
<p>Louisiana: http://www.osfa.state.la.us/schgrt6.htm</p> <p>Louisiana features four levels of merit scholarships: (1) TOPS Tech (2) TOPS Opportunity (3) TOPS Performance (4) TOPS Honors</p>	<p>La. R.S. 17:3048.1: Tuition Opportunity Program for Students</p>	<p>GPA in core curriculum: Tech = 2.5 Opportunity = 2.5 Performance = 3.5 Honors = 3.5</p> <p>ACT Scores: Tech = 19 Opportunity = 20 Performance = 23 Honors = 27</p>	<p>General state revenues</p>	<p>Award available for eight semesters.</p>	<p>Must complete at least 24 credit hours each academic year.</p>	<p>Award covers cost of tuition, but does not include technology or athletic fee. Performance award offers an additional \$400 cash stipend per semester, while the Honors award provides an extra \$800. Award can only be used at accredited Louisiana postsecondary institutions.</p>

State and URL	Legislation	Eligibility	Funding Source	Duration	Maintenance	Amount and Use
Massachusetts: http://www.doe.mass.edu/FamComm/Student/122004adams_koplik.html	MASS. GEN LAWS ANN. CH. 15A § 16: John and Abigail Adams Scholarship Program	Rank in top 25% on Massachusetts Comprehensive Assessment System (MCAS) by end of junior year. Those who rank in the top 10% receive an additional fee waiver.	General state revenues	Maximum of four years.	Complete college studies in four years or less and maintain a 3.0 GPA Students who receive additional fee waiver must maintain a 3.3 GPA	Award covers cost of tuition at any Massachusetts public university, state college or community college. Students who rank in the top 10% also receive a \$2,000 fee waiver in addition to tuition.
Michigan: http://www.meritaward.state.mi.us/	MSA § 15.2097: Michigan Merit Award	Successful completion of the Michigan Educational Assessment Program (MEAP) High School Tests (HST) in reading, writing, math and science. Students who score at Level 1 or Level 2 automatically meet all scholarship requirements and receive the full award. Students who score in the 75th percentile on the ACT or SAT or achieve qualifying scores on the ACT Work Keys job skills assessment test also are eligible for the	National tobacco settlement	Award is a one time only, nonrenewable grant.	N/A	A one-time, lump sum of \$2,500 covering tuition, fees, books, "reasonable" room and board, transportation, dependent care during class time and disability expenses is available for use at approved Michigan institutions of higher learning. An award of \$1,000 is offered in certain instances for students attending approved out-of-state colleges. Award also can be used for graduate school, provided program begins no later than seven

State and URL	Legislation	Eligibility	Funding Source	Duration	Maintenance	Amount and Use
		award.				years after high school graduation.
Mississippi: http://www.msms.doe.k12.ms.us/~jhawkins/MS Aid.html	MISS. CODE ANN. § 37-106-31: Eminent Scholars Fund	Maintain a 3.5 GPA in high school and score a 29 or higher on the ACT or a 1280 or higher on the SAT.	General state revenues	Award renewable for four years.	Full-time students must reapply on a yearly basis and maintain a 3.5 GPA throughout all four years.	Award of \$2,500 per year covers all education-related costs at Mississippi schools only.
Missouri: http://www.mocbhe.gov/mostars/heasp.htm	MO REV. STAT. § 173.198: Missouri Higher Education Academic Scholarship Program	Must have a composite score on the ACT or SAT in the top three percentile.	General state revenues	Award renewable for up to 10 semesters or completion of degree, whichever comes first.	Must be a full-time student and "maintain satisfactory academic progress" as defined by each individual school.	Annual award of \$2,000 is distributed each semester in \$1,000 increments.
Nevada: http://millennium.state.nv.us/new/	NEV. REV. STAT. ANN. § 396.930: Millennium Scholarship	Complete high school with a 3.0 GPA and pass all areas of the Nevada High School Proficiency Examination.	National tobacco settlement	Award available for eight academic years after high school graduation or until the successful completion of an undergraduate degree, whichever comes first.	Must enroll for at least 12 credit hours every semester at a university or six credit hours at a community college and maintain a 2.0 GPA each semester.	Students receive \$80 per credit hour at a university and \$40 per credit hour at a community college. The amount of the award cannot exceed the cost of attendance.
New Mexico: http://www.nmche.org/financialaid/lotto.html	N.M. STAT. ANN. § 21-1-4.3: Lottery Success Scholarship	Award available to all students who graduate from a New Mexico high school or obtain a New Mexico GED. Students are not eligible for the award until	Lottery	Award available for eight consecutive semesters.	Must receive a 2.5 GPA during the first semester of college to receive the award and "maintain satisfactory academic progress"	Award pays up to 100% of tuition only at New Mexico public colleges or universities, "depending on funding availability."

State and URL	Legislation	Eligibility	Funding Source	Duration	Maintenance	Amount and Use
		successful completion of the first semester of college.			thereafter.	
South Carolina: http://www.che400.state.sc.us/web/Student/LIFE/LIFE%20home.html	S.C. CODE ANN. § 59-149-10: LIFE Scholarship	Eligible students must graduate from a South Carolina high school with a minimum 3.0 GPA. In 2002 and after, students also must score at least an 1100 on the SAT or a 24 on the ACT.	General state revenues	Award renewable for four academic years.	Students must maintain a 3.0 GPA and complete a minimum of 30 credit hours each academic year.	Students who attend four-year colleges or universities receive \$3,000 per academic year, or \$1,500 per semester. Students attending two-year colleges receive the cost of tuition and fees for 30 credit hours per year.
Tennessee: http://www.tnscholardollars.com/index.htm Tennessee offers five different awards: (1) Tennessee HOPE Scholarship (2) Tennessee HOPE Access Grant (3) General Assembly Merit Scholarship (4) Need-based Supplemental Award (5) Wilder-Naifeh Technical Skills Grant	TENN. CODE ANN. § 49-4-901-928: Tennessee Education Lottery Scholarship Program	Must be a Tennessee resident for at least one year by May 1 of the year they complete high school and: (1) HOPE Scholarship: Earn 3.0 GPA and a score at least 21 on the ACT or 980 on the SAT. (2) HOPE Access Grant: Earn 2.75 GPA and score 18 on the ACT or 860 on SAT. Parent's	Lottery	(1) HOPE Scholarship: Award is renewable every year, up to five years or 120 credit hours. (2) HOPE Access: One time award (3) Wilder-Naifeh: Renewable every year until completion of a technical program.	Maintain a 2.75 cumulative GPA at the end of 24 credit hours. Maintain a 3.0 cumulative GPA at the end of 48, 72, 96 and 120 credit hours.	For students attending Tennessee universities, colleges and technology centers. (1) HOPE Scholarship: \$3,000 a year at 4-year institutions; \$1,500 at 2-year institutions. (2) HOPE Access: \$2,000 at four-year institutions; \$1,250 at two-year

State and URL	Legislation	Eligibility	Funding Source	Duration	Maintenance	Amount and Use
		<p>or student's annual income must be less than \$36,000.</p> <p>(3) General Assembly Scholarship: Must qualify for a HOPE Scholarship and earn a 3.75 GPA and score 29 on the ACT or 1280 on the SAT.</p> <p>(4) Need-Based Award: Must qualify for a HOPE Scholarship. Parent's or student's annual income must be less than \$36,000.</p> <p>(5) Wilder-Naifeh Technical Skills Grant: No GPA, ACT, or SAT requirement.</p>				<p>institutions.</p> <p>(3) General Assembly Scholarship: \$1,000 a year.</p> <p>(4) Need-based Award: \$1,000 a year.</p> <p>(5) Wilder-Naifeh Grant: up to \$1,250 at any Tennessee Technology center.</p>
<p>Washington: http://www.hecb.wa.gov/financialaid/wps/wpsindex.asp</p>	<p>S.B. 5598: Promise Scholarship</p>	<p>Students must be in the top 15% of their Washington high school's graduating class and have a family income of no more than 135% of the</p>	<p>General state revenues</p>	<p>Scholarship is available for two years.</p>	<p>Must attend school at least half time.</p>	<p>A maximum amount of \$1,176 per term covers any education-related expense at all accredited Washington institutions of</p>

State and URL	Legislation	Eligibility	Funding Source	Duration	Maintenance	Amount and Use
		state's median the year they graduated. Students who score a 1200 or higher on their first attempt at the SAT also are eligible.				higher learning. Due to funding availability, the current prorated amount is \$1,542.
West Virginia: http://www.hepc.wvnet.edu/resources/133-7.pdf	W. VA. CODE § 18C-7-6: West Virginia Providing Real Opportunities for Maximizing In-state Student Excellence (PROMISE)	Students must apply within two years of high school graduation. Must maintain a 3.0 GPA in core curriculum courses	Lottery funds, amusement taxes	Two-years at a two-year institution; four years at a four-year institution. Students must complete a minimum of 30 credit hours per year and meet the institution's academic progress requirements.	Earn a 2.75 GPA during the first year, 3.0 thereafter.	Covers tuition and fees at West Virginia universities, colleges and community colleges.
Wyoming: http://uwadmnweb.uwyo.edu/sfa/schlrshp.htm	University of Wyoming National Merit Scholarship	High school seniors who have attained Finalist standing in the National Merit Scholarship program and who have designated the University of Wyoming as their first-choice institution may be selected by the University of Wyoming Office of Student Financial aid to receive the scholarship – typically, only four-	General state revenues	One-time award.	N/A	Award ranges from \$500 to \$2,000 based on need.

State and URL	Legislation	Eligibility	Funding Source	Duration	Maintenance	Amount and Use
		six students per year are selected.				

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Helping State Leaders Shape Education Policy



In-state Tuition for Undocumented Immigrants

By Carl Krueger

April 2005

Introduction

As immigration to the United States increases, more and more students are entering the education pipeline. Many of these newly arrived students are undocumented, or “illegal” immigrants, and denied the full rights of American citizenship, including educational benefits like in-state tuition at public colleges and universities. In an effort to aid undocumented immigrants who cannot afford the cost of postsecondary education, many states have proposed legislation that offers in-state tuition to this new pool of potential students. Supporters of this legislation point out that most of the children of undocumented immigrants are in the United States to stay, and by providing them access to postsecondary education, society benefits as a whole through increased earnings and taxes, and lower crime and poverty rates.

Supporters also draw on the long history of immigration to the United States and argue it is unfair to deny opportunity to the most recent generation of undocumented aliens. Critics argue it is unfair to allocate in-state tuition to illegal aliens at a time when many American citizens cannot afford to attend postsecondary education. While some states have passed legislation that extends in-state tuition to undocumented immigrants, others have proposed laws that restrict the awarding of in-state tuition to these same immigrants. Below is a summary of states that have passed or have considered legislation regarding tuition for undocumented immigrants.

Summary

How many states have considered legislation allowing undocumented students to receive in-state tuition?

Thirty states have considered legislation that would allow undocumented immigrants to receive in-state tuition: Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Kansas, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, Rhode Island, Texas, Utah, Virginia, Washington and Wisconsin.

How many states have passed legislation allowing undocumented students to receive in-state tuition?

Nine states have passed laws that allow undocumented immigrants to receive in-state tuition: California, Illinois, Kansas, New Mexico, New York, Oklahoma, Texas, Utah and Washington.

How many states have tried to pass legislation restricting undocumented immigrants from receiving in-state tuition?

Five states – Alaska, Arizona, Colorado, North Carolina and Virginia – have tried to pass legislation that would ban undocumented immigrants from receiving in-state tuition. So far, none of these efforts have

been successful. A bill to prevent undocumented immigrants from receiving in-state tuition is still pending in the Colorado Legislature.

What are the requirements for undocumented students to receive in-state tuition?

To be considered for in-state tuition, most states require undocumented immigrants to:

- Attend a state high school from anywhere from two to four years.
- Complete a high school diploma or GED in the state.
- File an affidavit stating intent to become a permanent U.S. citizen.

State Specifics

State	Policy	Award	Restrict	Passed?
Alaska	H.B. 39 (2003)		X	No
Arizona	H.B. 2518 (2003)	X		No
	H.B. 2392 (2004)		X	Proposed
Arkansas	H.B. 1525 (2005)	X		No
California	A.B. 540 (2001)	X		Yes
Colorado	H.B. 1178 (2003)	X		No
	H.B. 1187 (2004)		X	Proposed
Connecticut	H.B. 6793 (2005)	X		Proposed
Delaware	H.B. 222 (2003)	X		No
	H.R. 59 (2004)	X ¹		Yes
Florida	H.B. 27 (2003)	X		No
	H.B. 119 (2003)	X		No
Georgia	H.B. 1810 (2001)	X		No
Hawaii	H.B. 873 (2003)	X		No
Illinois	H.B. 60 (2003)	X		Yes
Kansas	H.B. 2145 (2004)	X		Yes
Maryland	H.B. 253 (2003)	X		Vetoed
Massachusetts	S.B. 237 (2003)	X		No
Minnesota	S.B. 3027 (2002)	X		No
Mississippi	H.B. 101 (2005)	X		No
Missouri	S.B. 296 (2005)	X		Proposed
Nebraska	L.B. 152 (2003)	X		No
New Jersey	S.B. 78 (2004)	X		Proposed
New Mexico	S.B. 582 (2005)	X		Yes
New York	S.B. 7784 (2002)	X		Yes
North Carolina	S.B. 982 (2003)		X	No
	H.B. 1183 (2005)	X		Proposed
Oklahoma	S.B. 596 (2003)	X		Yes
Oregon	S.B. 769 (2005)	X		Proposed
Rhode Island	H.B. 6184 (2005)	X		Proposed
Texas	H.B. 1403 (2001)	X		Yes
Utah	H.B. 331 (2002)	X		Yes
Virginia	H.B. 2339 (2003)		X	Vetoed
	H.B. 156 (2004)		X ²	No
Washington	H.B. 1079 (2003)	X		Yes
Wisconsin	A.B. 95 (2003)	X		No

Statutory References

CAL. EDUC. CODE § 68130.5
 110 ILL. COMP. STAT. ANN. 947/65.27
 2004 Kan. Sess. Laws Ch. 172
 2005 N.M. Laws Ch. 348

N.Y. EDUC. LAW § 355
OKLA. STAT. ANN. tit. 70 § 3242
TEX. EDUC. CODE ANN. § 54.051, 54.052, 54.0551, 54.057, 54.060
UTAH CODE ANN. § 53B-8-102
WASH. REV. CODE ANN. § 28B.15.012

¹ H.R. 59 encourages the Delaware congressional delegation “to support the Development, Relief and Education for Alien Minors (“DREAM”) Act, but does not award in-state tuition to undocumented students.
² While not specifically about tuition, H.B. 156 stipulated, “Public institutions of higher education may not knowingly accept for enrollment any illegal alien, and directs each institution, upon discovering an enrollment of an illegal alien, to provide for the prompt dismissal of any such person from the institution.”

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Helping State Leaders Shape Education Policy



State Policies Related to Alternative Education

By Oleg Silchenko
November 2005

Introduction

Alternative schools are at the center of providing choice and opportunity to students who have not had successful experiences in school. There are two basic types of alternative schools: (1) those for students who would be considered “at-risk” or who simply have not flourished in a traditional setting; and (2) those for students with disciplinary problems or disruptive behavior. The 1970s were a period of growth for the more traditional alternative programs (targeted at at-risk students), although new programs continue to be established. The second wave of programs – those serving students with discipline problems – grew out of the federal Gun Free Schools Act of 1994 and out of state laws that put zero tolerance in place in the mid-1990s. Although initial state enactments were targeted for expulsion of students who brought weapons to school, many states later modified their laws to address lesser offenses as well, resulting in increased numbers of expelled students.

Sometimes society appears to blame at-risk students for the traditional education system’s failure to educate them. However, alternative education programs can often succeed where traditional schools have not. Typically, the biggest advantages of alternative schools are their personalized, diverse programs and teaching that is more likely to be targeted toward student strengths. Nontraditional programs offer unique education experiences and opportunities that often defy conventional structures bound by rigid curricula. Many provide safe harbor for students who have been bullied or who have felt neglected or rejected in comprehensive school settings.

Potential Roles for State Policy

There are a number of a roles and responsibilities states can undertake around alternative education, including:

- Mandate or encourage the establishment of alternative programs
- Address authority issues: who controls these schools? Local boards? Could or should some be charter schools? Should the state support state-supported regional programs, particularly for expelled students?
- Address accountability issues such as where students will be counted under the No Child Left Behind Act
- Offer grants, incentives
- Determine if expelled or otherwise-disciplined students must attend school
- Address funding
- Determine who assigns students to discipline-based schools (principals, boards, other)
- Consider other options such as whether to allow contracting for services; services via distance education; or require or provide incentives for a certain number of charters that target at-risk students.

Policy Considerations

Adequate funding. Quite often, students who choose to attend alternative programs have not had successful academic experiences, so they enroll with skills below grade level in one or more subject areas and need to accelerate their learning. Data from states that have documented criteria for enrollment

suggest that many of these students are struggling with challenges that may include physical abuse, drug use, pregnancy or parenting, or criminal involvement. A greater number of students in alternative programs might be living independently from families and thus fall into low-income status, or be teen parents who are struggling to make ends meet as they work, attend school and deal with child care. In programs serving students with discipline issues, behavior problems might require additional professional intervention such as counseling or services from a school psychologist. Also, providing support for the additional oversight and alignment necessary for the transition back to a traditional program is important.

Experienced and specialized personnel. Teachers and/or other staff who apply to work at alternative schools frequently demonstrate eagerness to adopt a diverse teaching environment and use methods specific to each and every student. Serving students who have behavioral problems, learning difficulties and/or a history of poor attendance or dropping out calls for high levels of creativity and empathy, balanced with an understanding of how to help students become accountable for their participation in their learning. While these traits don't necessarily cost more, strong alternative programs tend to recruit teachers who have demonstrated success in serving at-risk populations – and employing experienced teachers means higher salaries. Additional staffing might also be necessary to promote healthy physical, social and emotional development.

Individualized curriculum. Alternative schools should not be “holding zones” that result in underprepared students. Ensuring students have access to rigorous curriculum while allowing that curriculum to be delivered in a non-traditional manner is difficult at best – but of great importance. Policies that measure growth of student learning against state standards and build school accountability on measurement of that growth are highly important in establishing accountability for alternative schools. Policies could include provision for program or school evaluation.

Transition programs to/from traditional settings. It is crucial to set up a transitional program for students with disruptive behavior and discipline problems when sending them to a new setting of an alternative school and/or sending them back to a traditional school environment.

Sample State Policies

Listed below are policies and legislation on alternative education programs from selected states.

Arizona

School districts may contract with any public body or private person for the purpose of providing alternative education programs. "Alternative education" means the modification of the school course of study and adoption of teaching methods, materials and techniques to provide education for those pupils in grades 6-12 who are unable to profit from the regular school course of study and environment.

ARIZ. REV. STAT. § 15-796

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/15/00797.htm&Title=15&DocType=ARS>

School districts are allowed to count pupils for daily attendance who are not actually and physically in attendance in a recognized common or high school, but who are enrolled in and actually physically in attendance in an alternative education program that meets state standards. Governing boards may then make payments for the cost of education of pupils.

ARIZ. REV. STAT. § 15-797

Arkansas

Every school and district is required to offer appropriate alternative education programs to serve those students whose educational progress deviates from the standard expected for a successful transition to a productive life, and those students whose behavior interferes with their own learning or the educational process of others.

ARK. CODE ANN. § 6-15-1005

The Arkansas Pygmalion Commission on Nontraditional Education was established to focus public attention on the need for meaningful intervention and adaptations to the system that accommodate student needs. The Commission is supposed to provide a clearinghouse for information regarding alternative learning environments and to ensure that needed changes are made in curriculum, instructional approaches, school climate, and organization to improve outcomes for at-risk students.

State law is explicit concerning the Commission's purposes, stating that purposes include, but are not limited to, the following:

1. Identifying and developing additional funding bases, including such nontraditional sources to use in implementing intervention services for students as private funds and grants, federal education funds and grants, and sale of merchandise and services generated by alternative education programs
2. Conducting a study to determine the cost of various service models and the relative cost-effectiveness of each
3. Identifying, in conjunction with school administrators responsible for alternative learning environments, factors to consider in determining the placement of students in alternative learning environments, including, but not limited to, the following:
 - Standardized test scores or assessment portfolios which indicate that a student in nine months or more behind grade level
 - The student's being one year or more behind grade-level peers in accumulating credits for graduation
 - Having been retained one or more times
 - Recurring absences
 - Personal or family problems or situations that have negatively affected the student's ability to function in school
 - Referrals for special education in which the student is found not eligible for special education; and
 - Suspension or expulsion within the previous or current school semester.
4. Forming guidelines whereby the public schools and other agencies work collectively to implement a program for Arkansas children K-12 in both general education and vocational education
5. Collecting and compiling research, information, and data regarding alternative and nontraditional methods for meeting the educational needs of all children and disseminating such information to the public schools
6. Recommending the implementation of both in-service and university-level courses designed to enhance the ability of a teacher or an administrator to develop interventions that will meet the needs of students identified for placement in an alternative or nontraditional learning environment.

Makeup of the Commission is specified in law. Sixteen members represent a broad base of state agencies (Health, Human Services, Education, Workforce, Higher Education, Justice) and education role groups (teachers, principals, superintendent, boards). State law also requires various agencies to contribute staff time to work for the Commission.

ARK. CODE ANN. § 6-15-1801 to 1806

Senate Bill 939 (enacted 2005) requires the state board to set rules not only for which alternative learning environments but also the characteristics of students who qualify for funding because they have been placed in an alternative learning environment.

ARK. CODE ANN. § 6-20-2303

Senate Bill 1044 (enacted 2005) states that grade-level/subject-matter teacher certification requirements do not apply to licensed teachers teaching in alternative learning environments.

ARK. CODE ANN. § 6-17-309

California

Governing boards are required to provide access to an alternative educational program for those students who have been expelled. Such a program "may be operated by the school district, the county superintendent of schools, or a consortium of districts or in joint agreement with the county superintendent of schools."

Governing boards are allowed to enter into an agreement with a county superintendent of schools in another county to provide education services for the district's expelled pupils. Each school district is required to maintain the following data:

- A. The number of pupils recommended for expulsion

- B. The grounds for each recommended expulsion
- C. Whether the pupil was subsequently expelled
- D. Whether the expulsion order was suspended
- E. The type of referral made after the expulsion
- F. The disposition of the pupil after the end of the period of expulsion.

CAL. EDUC. CODE § 48916.1

A.B. 110 (enacted 2005) deleted the requirement that school districts annually report expulsion data to the California Department of Education (CDE) and instead authorizes the superintendent of public instruction to collect this data as part of a periodic, coordinated compliance review. It repeals the requirement that the state superintendent must develop, update every other year, and distribute directories of public and private agencies that provide services to special education pupils with "low-incidence" disabilities. Also repealed is the requirement that CDE publish and distribute to local education agencies an annual school crime report.

http://www.leginfo.ca.gov/pub/bill/asm/ab_0101-0150/ab_110_bill_20050718_chaptered.pdf

Districts are allowed to establish alternative education and work centers for high school dropouts. Such a center can be established at a continuation high school or adult school, or the district may contract with a private non-profit community-based organization to provide the center. Centers are required to do all of the following:

- A. Teach basic academic skills, with emphasis on the improvement of student motivation for achievement, in order to obtain employment or return to the regular high school
- B. Operate on a clinical, client-centered basis, including, but not limited to, the following:
 - 1. Diagnosis of educational abilities
 - 2. Determination and setting of individual goals
 - 3. Prescribing and providing individual courses of instruction
 - 4. Evaluating each pupil's progress in his or her educational program
- C. Provide programs to include, but are not limited to, all of the following:
 - 1. A combination of classroom instruction and on-the-job training
 - 2. Instruction in practical work values and specific vocational skills that reflect labor market demand
 - 3. A strong partnership with labor, business, and industry
 - 4. Career counseling and placement services.

The state superintendent is required by law to publish guidelines to assist alternative education and work centers in their development and implementation; to train personnel on the effective use of prevention and recovery programs; to disseminate information regarding demonstration programs; to monitor quality and effectiveness; and to provide for evaluation of these programs.

CAL. EDUC. CODE § 52900

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=52001-53000&file=52900-52904>

Colorado

State law requires the state board to adopt rules specifying the criteria and application process for a school to be designated an alternative education campus. Rules must address:

- A. Criteria that a school must meet to be designated an alternative education campus, including but not limited to the following:
 - Having a specialized mission and serving a special needs or at-risk population
 - Being an autonomous school
 - Having an administrator who is not under the supervision of an administrator at another public school
 - Having a budget separate from any other public school
 - Having nontraditional methods of instruction delivery
 - Serving students who have severe limitations that preclude appropriate administration of assessments.
- B. Serving a student population, more than 95% of whom have an individual education program
- C. Serving students who attend on a part-time basis and who come from other schools where such part-time students are counted

- D. Serving a student population in which more than 95% of the students meet the definition of a high-risk student.

Applications have to demonstrate initial baseline levels of and measurable annual benchmarks on a different set of measures than apply to traditional schools (e.g., at least one measure of student academic performance that measures the educational growth a student achieves during one year of enrollment; measures of academic progress such as grade promotion, dropout rates, GED sections attempted; course or credit completion; graduation, GED completion) and measures of nonacademic or behavioral improvement such as average daily attendance, postsecondary attendance, enlistment, employment, reduced rates of suspension, etc.

The school accountability reports (SAR) required by Colorado law do not apply to schools designated as alternative education campuses, so there is no public reporting of their performance. However, these campuses are included in calculations of adequate yearly progress (AYP). A charter school meeting the criteria is permitted to be designated an alternative education campus. The Colorado Student Assessment Program (CSAP) results for all part-time students at an alternative education campus must be included in the school's academic performance and academic improvement ratings. However, any school designated an alternative education campus is exempt from receiving an academic performance or improvement rating unless the state board approves the receipt of such ratings.

COLO. REV. STAT § 22-7-604.5 (1), COLO. REV. STAT. § 22-7-602 and COLO. REV. STAT. § 22-7-604

Each school district may provide educational services to students who are identified as at risk of suspension or expulsion from school. Any school district that provides educational services to students who are at risk of suspension or expulsion may apply for money through the Expelled and At-Risk Student Services Grant Program established in section 22-33-205 to assist in providing such educational services.

COLO. REV. STAT. § 22-33-202

The state department is authorized to retain up to 1% of any appropriation for the Expelled and At-Risk Student Services Grant Program to evaluate the program. Beginning January 1, 2006, the department is required to annually report to the general assembly on the outcomes and effectiveness of the program, related to school attendance, attachment and achievement.

COLO. REV. STAT. § 22-33-205

http://www.leg.state.co.us/Clics2005a/csl.nsf/fsbillcont3/86586AF58A7872A987256FB6006E7A5F?Open&file=1311_enr.pdf

District of Columbia

Students eligible for alternative education programs include those students who are likely to be expelled or who are enrolled in the school district but have been suspended, are academically at risk, or who have been subject to repeated disciplinary actions due to behavioral problems.

RCW 28A.150.305 (2)

If a district school board chooses to initiate specialized programs for students at risk of expulsion or who are failing academically, by contracting out with alternative educational service providers, the board of directors and the organization must specify the specific learning standards that students are expected to achieve. The school district, the student's parent or legal guardian, and the alternative educational service provider must jointly determine placement of a student in an alternative program.

RCW 28A.150.305 (3)

Maryland

Each county board of education is required to provide a continuum model of prevention and intervention activities and programs that encourage and promote positive behavior and reduce disruption.

The state is required to appropriate an amount of money for allocation by the state department to local education agencies, for schools or clusters of schools, to support the development and expansion of special programs for disruptive youth.

MD. CODE ANN. EDUC. § 7-304

Maryland's Juvenile Justice Alternative Education Pilot Program was made a permanent, non-pilot program. The Juvenile Justice Alternative Education Program is for students who are suspended, expelled, identified as candidates for being suspended or expelled, or ordered to attend by the juvenile court as a condition of probation.

The state requires the department of education to oversee and the state board of education to organize and run the program. The state board must, with the advice of the advisory board, select a private agency to administer the program. The program may be operated in a facility owned and operated by a private party or a county board. A student who is suspended, expelled or identified as a candidate for suspension or expulsion must attend the program starting the first day of the student's suspension or expulsion. Students are required to receive courses focusing on English/language arts, math, science and social studies. Every board is required to consider course credit earned in such a program as credit earned in a county school. The county board is required to pay the Juvenile Justice Alternative Education Program the basic current expenses per pupil for each student transferred to the program from the county's schools.

MD. CODE ANN. EDUC. § 7-305.1

Missouri

The alternative education system serves current students who: are experiencing difficulties and are identified as potential dropouts; are school-age, who have dropped out of school and are willing to reenroll in the district for the purpose of attending alternative education classes; are high school graduates or holders of an equivalent diploma who are having difficulty finding employment or want vocational training; or are people without a high school or equivalent diploma who are having difficulty finding employment or want vocational training.

MO. REV. STAT. § 167.320 – 322

The state board is required to establish a program to award grants to school districts that apply for assistance in providing alternative educational opportunities for students whose demonstrated disruptive behavior indicates that they cannot be adequately served in the traditional classroom setting. The board must solicit applications from school districts and make grants from funds appropriated for that purpose, in such amounts and on such terms, as it determines best encourages the development of alternative education programs throughout the state.

MO. REV. STAT. § 167.335

Suspension or expulsion of a student does not relieve a district of financial responsibility for the education of the student. "A school district may contract with other political subdivisions, public agencies, not-for-profit organizations, or private agencies for the provision of alternative education services for students whose demonstrated disruptive behavior indicates that they cannot be adequately served in the traditional classroom setting."

MO. REV. STAT. § 167.164

Area vocational learning centers must provide extended day services for three hours during the evening or other times convenient to the qualifying students. A student enrolled in the alternative education program may attend an area vocational learning center on a full- or part-time basis.

MO. REV. STAT. §§ 167.324, 167.328

New Jersey

Any student who is removed from the regular education program must be placed in an alternative education program. If placement in an alternative education program is not available, the pupil must be provided home instruction or other suitable facilities and programs until placement is available.

N.J. STAT. ANN. § 18A: 37-2.2

North Carolina

The Innovative Education Initiatives Act encourages partnerships between high schools and postsecondary institutions to offer accelerated learning programs and target students who are at risk of dropping out of high school. High school/community college joint partnerships are eligible to apply for grants to create "cooperative innovative programs in high schools and community colleges." Such programs may include the creation of a high school or technical center on a community college campus.

In addition to the partnerships between high schools and community colleges required for purposes of obtaining grants, the participation of University of North Carolina constituent institutions and private colleges and universities in the state is encouraged.

N.C. GEN. STAT. § 116C-4

Ohio

A local board can establish an alternative school “to serve students who are on suspension, who are having truancy problems, who are experiencing academic failure, who have a history of class disruption, or who are exhibiting other academic or behavioral problems specified in the resolution.” The grades served may include K-12. An alternative school must specify an evaluation plan for assessing the effectiveness of the school and its educational program and report the results of the evaluation to the public. In accordance with the alternative school plan, the district board of education may employ teachers and non-teaching employees necessary to carry out its duties and fulfill its responsibilities, or may contract with a nonprofit or for-profit entity to operate the alternative school, including the provision of personnel, supplies, equipment or facilities. An educational program provided at the alternative school must include:

- (i) Provisions for the school to be configured in clusters or small learning communities
- (ii) Provisions for the incorporation of education technology into the curriculum
- (iii) Provisions for accelerated learning programs in reading and mathematics.

OHIO REV. CODE ANN. § 3313.533

Each of the big eight school districts is required to establish under section 3313.53.3 of the Revised Code at least one alternative school to meet the educational needs of students with severe discipline problems, including, but not limited to, excessive truancy, excessive disruption in the classroom, and multiple suspensions or expulsions. Any other school district that attains a significantly substandard graduation rate, as defined by the department of education shall also establish such an alternative school under that section.

OHIO REV. CODE ANN. § 3313.53.3

<http://www.ecs.org/html/offsite.asp?document=http://onlinedocs.andersonpublishing.com/oh/lpExt.dll?f=templates%26fn=main-h.htm%26cp=PORC>

Oregon

An “alternative education program” means a school or separate class group designed to best serve students’ educational needs and interests and assist students in achieving the academic standards of the school district and the state.

The state board is required to institute a process for registering private alternative education programs, establish standards for a safe environment and an instructional program to provide students with an opportunity to make progress toward meeting academic standards. Districts may contract with private alternative education programs to meet a student’s educational needs and interests. A school district is not required to provide an alternative education program if there is a public or approved private alternative education program that is appropriate and accessible to the student being referred.

The state board is allowed to establish standards for private alternative education programs. The statute also specifies what is included in school districts’ annual evaluation of private alternative education programs, and allows a parent or guardian to enroll a student in an alternative education program to meet the student’s educational needs and interest.

OR. REV. STAT. §§ 336.615 – 665

<http://www.leg.state.or.us/ors/vol8.html>

Rhode Island

Rhode Island law requires each school district to adopt a plan to ensure the continued education of students who are removed from the classroom because of a suspension of more than 10 days or who are chronically truant. The plan must be adopted by the school committee and shall be submitted to the state department as part of its annual strategic plan submission.

R.I. GEN. LAWS § 16-21-27

Tennessee

House Joint Resolution 116 (passed 2005) urges the governor to increase funding for alternative education programs in the 2005-06 General Appropriations Act. Currently, local educational agencies are required to have at least one alternative school in grades 7-12.

<http://www.legislature.state.tn.us/bills/currentga/Fiscal/HJR0116.pdf>

House Bill 1938 (enacted 2005) allows local boards of education to establish evening alternative schools for students in grades 6 (age 11) through 12. Previous provisions allowed alternative schools only for students over 16.

<http://tennessee.gov/sos/acts/104/pub/pc0200.pdf>

Local boards are required to establish alternative schools for students in grades 7-12 who have been suspended or expelled. For grades 1-6, establishing such a school is optional. State law allows two or more boards to join together to establish a school. No student is allowed to graduate solely on attendance in alternative schools.

The state board is required to develop rules and regulations that require documentation of the reasons for a student attending an alternative school and provide safeguards to assure that no child with disabilities or other special student is placed in such a school.

The state board must require all alternative school classrooms to have working two-way communication systems. The state must also provide a curriculum for alternative schools to ensure students receive specialized attention necessary to effectively reform students to prevent them from being repeat offenders.

Tennessee created a pilot alternative school program effective May 1996, using competitive grants to establish programs for elementary and secondary students in three school systems of less than 7,000 students (one in each grand division). The purpose of the pilot program was to assess the effectiveness of various strategies of addressing alternative school needs and to encourage the expansion of effective alternative school programs. Pilot funding was limited to three years.

TENN. CODE ANN. § 49-6-3403

Texas

Each local school district is required to provide a "disciplinary alternative education program." The program may provide student transfers to a different school, a school-community guidance center or a community-based alternative school.

TEX. EDUC. CODE ANN. § 37.008

A school district may use a private or public community-based dropout recovery education program as an alternative education program for students at risk of dropping out of school.

TEX. EDUC. CODE ANN. § 29.081

The juvenile board of a county with a population greater than 125,000 is required to develop a juvenile justice alternative education program, subject to the approval of the Texas Juvenile Probation Commission. The juvenile board of a county with a population of 125,000 or less may develop a juvenile justice alternative education program.

TEX. EDUC. CODE ANN. §§ 37.011 - 37.013

<http://www.capitol.state.tx.us/statutes/docs/ED/content/htm/ed.002.00.000037.00.htm#37.011.00>

"The board of trustees of a school district ... may elect to place a student in a disciplinary alternative education program ..." if the student has committed a felony, has committed a crime that if committed as an adult would be a felony, or whose presence in the classroom, as determined by the local board, "threatens the safety of other students or teachers; will be detrimental to the educational process; or is not in the best interests of the district's students."

TEX. EDUC. CODE ANN. § 37.0081

<http://www.capitol.state.tx.us/statutes/docs/ED/content/htm/ed.002.00.000037.00.htm#37.0081.00>

An amendment to 19 Texas Administrative Code §97.1001 describes the state accountability rating system and adopts excerpts of the 2005 Accountability Manual, dated June 2005, into rule. The excerpts specify the indicators, standards, and procedures to determine accountability ratings, both standard and alternative education accountability (AEA), for districts, campuses, and charter schools.
[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=19&pt=2&ch=97&rl=1001](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=19&pt=2&ch=97&rl=1001)

Utah

Students who have been expelled or suspended for more than 10 days must participate in alternative education, which may include an alternative program operated by or through the district.

UTAH CODE ANN. SEC. 53A-11-907

<http://www.le.state.ut.us/~code/TITLE53A/htm/53A0C044.htm>

A local board may establish an alternative high school (not strictly for students who have been suspended or expelled). Such high schools must provide students with access to an approved vocational education program and must qualify students as candidates for high school graduation.

UTAH ADMIN. CODE R277-730

<http://www.rules.utah.gov/publicat/code/r277/r277-730.htm>

This StateNote was compiled by Oleg S. Silchenko, intern for the ECS Information Clearinghouse.

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Helping State Leaders Shape Education Policy



State Policies Regarding Arts in Education

November 2005

Introduction

In an age of accountability, schools must devote more energy than ever before to ensure students are able to meet state academic standards in reading, mathematics and science. As a result, many are concerned about a narrowing of the curriculum, as more time is devoted to these content areas at the expense of subjects that often are not tested or part of accountability systems such as social studies, foreign language and the arts. Yet phrases like “educating the whole child” and “well-rounded students” are prevalent, and point to the need for a balanced curriculum.

This *StateNote* summarizes the findings of a recent ECS scan of policies related to arts in education for all 50 states and the District of Columbia. Complete results of the scan are contained in a searchable database called “Artscan.” This scan is restricted to those policies contained in statute and administrative code. The summary and chart below contain abbreviated results for selected indicators from several categories. For the remaining indicators, as well as brief summaries of the state policies and citations, visit the full database at www.ecs.org/Artscan.

Summary

Nearly every state and the District of Columbia have established content standards in the arts, that outline the knowledge and skills each student should acquire in the arts in each grade or across grade spans. The lone exception is Iowa, which does not have state content standards, as local districts develop their own standards.

Forty-four states and the District of Columbia have policies that specifically require schools or districts to offer instruction in the arts. For example, Connecticut’s prescribed course of study requires that public schools offer a program of instruction that includes the arts. Other states are more prescriptive in their requirements, such as Arkansas, which requires a minimum of 40 minutes of instructions in the visual arts and 40 minutes in music at the elementary level each calendar week (or the equivalent).

Although most states require instruction in the arts, 36 states and the District of Columbia either require students to complete coursework in the arts or require students to select from a specified list of courses, which includes the arts, for high school graduation. While many students across the country participate in the arts as part of their K-12 education experience, Kentucky is the only state to include assessment in the arts as a component of its statewide assessment systems. Eight states require local districts to assess the arts, however.

Thirty-one states and the District of Columbia require that regular classroom teachers complete coursework or demonstrate competence in the arts for certification, or that teacher education programs ensure teachers have completed some coursework in the arts. In most cases the requirements for regular classroom teachers apply specifically to elementary teachers, although Connecticut also requires the arts for certification of secondary teachers.

Additional Information about the Artscan Database

Artscan is divided into four main categories of state arts in education policies: Access and Participation; Standards, Assessment and Curriculum; Teaching Quality; and State-Level Initiatives. While the chart below indicates the presence or absence of state policies in selected categories of Artscan, the database contains additional information about each state’s policies, including citations. Artscan will be updated and expanded as new information becomes available. The database’s accuracy depends on contributions and corrections by those who use it. So if any relevant state policy has been misinterpreted or overlooked, contact Mary Fulton, ECS policy analyst, at mfulton@ecs.org or 303.299.3679.

Selected Categories from the Artscan Database
(www.ecs.org/Artscan)

State	State Content Standards in the Arts	Schools/Districts Required to Provide Arts Instruction	Arts Courses Required/Optional for High School Graduation	State-level Arts Assessment	District-level Arts Assessment Required	Arts Required for Certification of Regular Teachers
Alabama	X	X	X			X
Alaska	X					
Arizona	X	X	X		X	X
Arkansas	X	X	X			X
California	X	X	X			X
Colorado	X					X
Connecticut	X	X	X			X
Delaware	X	X				X
District of Columbia	X	X	X			X
Florida	X	X	X			X
Georgia	X		X			
Hawaii	X		X			
Idaho	X	X	X			X
Illinois	X	X	X			X
Indiana	X	X	X			X
Iowa		X				
Kansas	X	X	X			X
Kentucky	X	X	X	X		
Louisiana	X	X				X
Maine	X	X	X			
Maryland	X	X	X			
Massachusetts	X	X				X
Michigan	X					
Minnesota	X	X	X			X
Mississippi	X	X	X			X
Missouri	X	X	X			X
Montana	X	X	X		X	
Nebraska	X	X				
Nevada	X	X	X			
New Hampshire	X	X	X		X	X
New Jersey	X	X	X		X	X
New Mexico	X	X				X
New York	X	X	X			X
North Carolina	X	X	X			X
North Dakota	X	X				
Ohio	X	X	X		X	
Oklahoma	X	X	X		X	
Oregon	X	X	X			X
Pennsylvania	X	X			X	X
Rhode Island	X	X	X			X
South Carolina	X	X				
South Dakota	X		X			
Tennessee	X	X	X			

State	State Content Standards in the Arts	Schools/Districts Required to Provide Arts Instruction	Arts Courses Required/Optional for High School Graduation	State-level Arts Assessment	District-level Arts Assessment Required	Arts Required for Certification of Regular Teachers
Texas	X	X	X			X
Utah	X	X	X			
Vermont	X	X	X			X
Virginia	X	X	X			X
Washington	X	X	X		X	X
West Virginia	X	X	X			X
Wisconsin	X	X				X
Wyoming	X	X				
Totals	49 states and D.C.	44 states and D.C.	36 states and D.C.	1 state	8 states	31 states and D.C.

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Helping State Leaders Shape Education Policy



StateNotes

State Comparisons/Statistics

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What Governors Need to Know: Highlights of State Education Systems

Updated by Kyle Zinth

February 2005

Sources for each column are listed at the end of this document.

Table 1: Major State Policies

State	Testing in All Grades Required by No Child Left Behind	State Able To Take Over Districts or Schools	State Able to Reconstitute Schools	Districts Must Offer Full-Day Kindergarten	Compulsory School Ages	Charter School Laws	Exit Exams in Effect or Pending Implementation	Tax Credits/ Tax Deductions/ Vouchers	Who Appoints State Superintendent	Master Plan for Postsecondary Education
Alabama	Reading, math, science	Districts Schools		X	7-16		X		State board of education	X
Alaska	Reading, math	Districts Schools	X		7-16	X	X		State board of education, with governor's approval	
Arizona	Reading, math	Schools			6-16 or completion of 10th grade	X	X	Tax credit	(elected)	X
Arkansas	Reading, math, science	Districts	X	X	5-17	X			State board of education, with governor's approval	X
California	Reading, math, science	Districts Schools	X		6-18	X	X		(elected)	X

State	Testing in All Grades Required by No Child Left Behind	State Able To Take Over Districts or Schools	State Able to Reconstitute Schools	Districts Must Offer Full-Day Kindergarten	Compulsory School Ages	Charter School Laws	Exit Exams in Effect or Pending Implementation	Tax Credits/ Tax Deductions/ Vouchers	Who Appoints State Superintendent	Master Plan for Postsecondary Education
Colorado	Reading, math, science				7-16	X		Voucher	State board of education	X
Connecticut	Reading, math, science	Districts	X		5-18 ¹	X			State board of education	
Delaware	Reading, math, science	Districts Schools	X		5-16	X			Governor	
District of Columbia					5-18	X	X	Voucher	(elected)	
Florida	Reading, math, science		X		6-16	X	X	Tax credit and voucher	State board of education	X
Georgia	Reading, math, science	Schools	X	X ²	6-16	X	X		(elected)	X
Hawaii	Reading, math				6-18 ³	X			State board of education	X
Idaho	Reading, math	Districts Schools			7-16	X	X		(elected)	X
Illinois	Reading, math, science	Districts Schools	X		7-16	X		Tax credit	State board of education	X
Indiana	Reading, math, science	Schools	X		7-18 ⁴	X	X		(elected)	X
Iowa		Districts			6-16	X		Tax credit and tax deduction	Governor	X
Kansas	Reading, math, science		X		7-18	X			State board of education	X
Kentucky	Reading, math science	Districts	X		6-16 ⁵				State board of education	X
Louisiana	Science	Schools		X	7-18	X	X		State board of education	X
Maine	Science	Districts			7-17			Voucher ⁶	Governor	X

¹ In Connecticut, a child's guardian has the option of not sending the student to school until age 7. Students may not leave school before age 18 unless their guardian consents or they graduate. The parent must appear at the school district office to sign a form withdrawing the student from school, at which time the school district must provide the parent with information about educational options available in the school system and in the community.

² In Georgia, full-day kindergarten is 4.5 hours a day.

³ Hawaii permits students over the age of 16 to withdraw with permission from the principal and the student's guardian if an alternative education program exists, or if the child is 15 years old and has graduated or is suitably employed and has been excused from school attendance by the superintendent or a family court judge.

⁴ An individual in Indiana is required to stay in school until he or she graduates, is between 16 and 18 and meets the requirements for an exit interview, or reaches at least 18 years of age. Withdrawal before 18 requires written permission of the student's guardian and principal.

⁵ In Kentucky, unmarried students between the ages of 16 and 18 must have written parental permission in order to withdraw from school (a student is between 16 and 18 when he has reached his 16th birthday and has not yet passed his 18th birthday).

⁶ In Maine, secondary students living in a district with no public high school may attend a private school at public expense, though participating students may not attend a parochial school.

State	Testing in All Grades Required by No Child Left Behind	State Able To Take Over Districts or Schools	State Able to Reconstitute Schools	Districts Must Offer Full-Day Kindergarten	Compulsory School Ages	Charter School Laws	Exit Exams in Effect or Pending Implementation	Tax Credits/ Tax Deductions/ Vouchers	Who Appoints State Superintendent	Master Plan for Postsecondary Education
Maryland	Reading, math, science	Districts Schools	X	⁷	5-16	X	X		State board of education	X
Massachusetts	Reading, math, science	Districts	X		6-16	X	X		State board of education	
Michigan	Reading, math ⁸ , science	Districts Schools			6-16	X	⁹		State board of education	
Minnesota	Reading, math, science				7-16	X	X	Tax credit and tax deduction	Governor	
Mississippi	Reading, math, science	Districts	X		6-17	X	X		State board of education	X
Missouri	Reading, math, science	Districts			7-16	X	¹⁰		State board of education	X
Montana	Reading, math, science				7-16 ¹¹				(elected)	X
Nebraska	Science				6-17				State board of education	X
Nevada	Reading, math, science	Districts Schools	X		7-17	X	X		State board of education	X
New Hampshire	Reading, math, science ¹²				6-16	X			State board of education	
New Jersey	Reading, math, science	Districts		¹³	6-16	X	X		Governor	X
New Mexico	Reading, math, science	Districts Schools	X		5-18	X	X		Governor	

⁷ Maryland passed legislation in 2002 requiring all districts to offer full-day kindergarten by the 2007-08 school year.

⁸ For reading and math an expanded assessment is under development to comply with NCLB, and field tests will be conducted during winter and fall 2005.

⁹ MICH. COMP. LAWS § 380.1279 requires 11th graders to take assessments in communication skills, math, science and social studies; a passing score earns the student an “endorsement” in that subject area. Although an endorsement in any subject area is not required for high school graduation, any student who does not attain an endorsement in any subject area must attend a meeting with a specialist in student measurement and evaluation to “determine an educational program for the pupil designed to have the pupil achieve state endorsement in each subject area in which he or she did not achieve state endorsement...The school district or public school academy shall provide special programs for the pupil or develop a program using the educational programs regularly provided by the district” unless otherwise indicated by the local board.

¹⁰ MO. ANN. STAT. § 160.070 states, “In no case shall the state board of education or any other state agency establish any single test or group of tests as a condition or requirement for high school graduation or as a requirement for a state-approved diploma.” However, MO. ANN. STAT. § 170.011 states that no student will graduate from any non-trade school unless the student has “passed an examination on the provisions and principles of the Constitution of the United States and of the state of Missouri, and in American history and American institutions.”

¹¹ Montana requires a child to remain in school until the child's 16th birthday or until completion of the 8th grade, whichever occurs later.

¹² Discussions are underway with Rhode Island and Vermont to develop a common, performance-based science assessment.

¹³ Full-day kindergarten programs must be offered to all five-year-old children in Abbott districts, which are districts that receive parity aid based on the New Jersey Supreme Court order in Abbott v. Burke.

State	Testing in All Grades Required by No Child Left Behind	State Able To Take Over Districts or Schools	State Able to Reconstitute Schools	Districts Must Offer Full-Day Kindergarten	Compulsory School Ages	Charter School Laws	Exit Exams in Effect or Pending Implementation	Tax Credits/ Tax Deductions/ Vouchers	Who Appoints State Superintendent	Master Plan for Postsecondary Education
New York	Reading, math, science	Districts Schools	X		6-16 ¹⁴	X	X		State board of education	X
North Carolina	Reading, math, science	Districts	X	X	7-16	X	X		(elected)	X
North Dakota	Reading, math, science				7-16				(elected)	X
Ohio	Reading, math, science	Districts Schools	X		6-18	X	X	Voucher	State board of education	X
Oklahoma	Reading, math, science	Districts Schools	X	¹⁵	5-18	X	¹⁶		(elected)	X
Oregon	Reading, math, science				7-18	X	¹⁷		(elected)	
Pennsylvania	Reading, math, science ¹⁸	Districts	X		8-17	X ¹⁹		Tax credit	Governor	X
Rhode Island	Reading, math	Districts Schools	X		6-16	X			State board of education	X
South Carolina	Reading, math, science	Districts Schools	X	X ²⁰	5-17	X	X		(elected)	X
South Dakota	Reading, math, science				6-16 ²¹				Governor	X
Tennessee	Reading, math, science	Districts Schools	X		6-17	X	X ²²		Governor	X
Texas	Reading, math, science	Districts Schools	X		6-17	X	X		Governor	X

¹⁴ Both New York City and Buffalo require minors to attend school from the age of 6 until the age of 17.

¹⁵ OKLA. STAT. TIT. 70 § 18-108 provides for the implementation of full-day kindergarten for all children once specific criteria are met, which as of 2005, have not been.

¹⁶ OKLA. STAT. TIT. 70 § 1210.508 requires students to take end-of-instruction tests in English, U.S. History, biology and algebra, but does not require students to pass these tests in order to graduate. Results are recorded on student transcripts.

¹⁷ OR. REV. STAT. § 329.445 and various state board regulations establish requirements for the Certificate of Initial Mastery (CIM) and Certificate of Advanced Mastery (CAM), both of which require a student to pass assessments. However, according to OR. REV. STAT. § 329.447, a student need not earn a CIM or CAM to obtain a high school diploma.

¹⁸ Pennsylvania board of education's regulations to meet NCLB assessment requirements are awaiting final action by the legislature.

¹⁹ 22 PA. CODE § 4.24 states, "Beginning in the 2002-03 school year, students shall demonstrate proficiency in reading, writing and mathematics on either the state assessments administered in grade 11 or 12 or local assessments...aligned with academic standards and state assessments at the proficient level or better in order to graduate." Every student must also complete a culminating project.

²⁰ S.C. CODE ANN. § 59-35-10 permits a district to apply annually to the state board of education for exemption from offering full-day kindergarten due to lack of space or prohibitive cost.

²¹ In South Dakota, a student who is a member of a recognized church or religious denomination that objects to regular public high school education is exempt from compulsory attendance upon completion of the 8th grade, provided the student receives a regularly supervised program in which the student participates in learning activities appropriate to the adult occupation the student is likely to assume in later years.

²² TENN. CODE ANN. § 49-6-6001 requires a student to have passed end-of-course tests to receive a full diploma (a change from the previous single exit test).

State	Testing in All Grades Required by No Child Left Behind	State Able To Take Over Districts or Schools	State Able to Reconstitute Schools	Districts Must Offer Full-Day Kindergarten	Compulsory School Ages	Charter School Laws	Exit Exams in Effect or Pending Implementation	Tax Credits/ Tax Deductions/ Vouchers	Who Appoints State Superintendent	Master Plan for Postsecondary Education
Utah	Reading, math, science				6-18	X	X		State board of education	X
Vermont	Reading, math, science	Schools			6-16 or completion of 10th grade	²³		Voucher ²⁴	State board of education, with governor's approval	
Virginia	Science				5-18	X	X		Governor	X
Washington	Science				8-18 ²⁵		X		(elected)	X
West Virginia	Reading, math, science	Districts Schools	X	X ²⁶	6-16				State board of education	X
Wisconsin	Reading, math, science			²⁷	6-18	X		Voucher	(elected)	
Wyoming	Reading, math, science				7-16 or completion of 10th grade	X			(elected)	X ²⁸

²³ Vermont's 2001 H.B. 485 creates a committee to study charter schools and was to report to the House and Senate Committees on Education, Finance and Ways and Means by December 15, 2001. No further legislation regarding charter schools has been enacted in the state.

²⁴ Vermont students who reside in towns without public schools may attend public or approved independent schools selected by their parents and located either within or outside of Vermont. Their hometown school board must pay the full tuition charged by a public school, but may only have to pay a portion of the tuition at an independent school.

²⁵ In Washington, students may withdraw from school if they are 16 or older, provided they are regularly and lawfully employed and their parent consents, or they are legally emancipated.

²⁶ In West Virginia, students must attend full-day kindergarten prior to 1st grade unless, under extraordinary circumstances, a readiness test is passed for entrance into 1st grade.

²⁷ School systems in first-class cities must offer full-day kindergarten to low-income students.

²⁸ The trustees of the University of Wyoming have adopted a 1999-2004 University of Wyoming Academic Plan; in mid-2002 the state's community college commission adopted a 2002-06 strategic plan.

Territories

Territory	Testing in All Grades Required by No Child Left Behind	State Able To Take Over Districts or Schools	State Able to Reconstitute Schools	Districts Must Offer Full-Day Kindergarten	Compulsory School Ages	Charter School Laws	Exit Exams in Effect or Pending Implementation	Tax Credits/Tax Deductions/Vouchers	Who Appoints State Superintendent	Master Plan for Post-Secondary Education
American Samoa	--	--	--	--	6-18	--	--	--	--	--
Guam	--	--	--	--	--	--	--	--	--	--
Puerto Rico	--	--	--	--	5-18	X	--	Voucher, tax credit and tax deduction ²⁹	--	--
U.S. Virgin Islands	--	--	--	--	5-16	--	--	--	--	--

Table 2: Select State Data

State	Number of Operating Districts In 2002-03	Average # of Students Per District in 2001-02	Per-Student Spending (\$) In 2003-04	Number of the Nation's 100 Largest School Districts in Each State in 2001-02	Free or Reduced-Price Lunch-Eligible Students as a Percentage of Total Enrollment In 2001-02	Percent of K-12 Revenue from State Sources in 2002-03	State and Local School Revenue (\$) in 2000-01 Per \$1,000 of Personal Income in 2001	Average Salaries (\$) for Classroom Teachers In 2003-04
Alabama	128	5,760	7,163	1	48.7%	58%	40	35,168
Alaska	53	2,535	9,808	1	25.2%	63.5%	55	51,736
Arizona	323	2,855	5,347	2	--	50%	39	41,843
Arkansas	312	1,441	6,005	0	47.2%	61.5%	41	39,314
California	986	6,337	7,692	13	47.3%	56.2%	42	58,287
Colorado	178	4,169	8,023	2	27.5%	41.1%	34	43,319
Connecticut	166	3,435	11,773	0	--	40.5%	43	57,337
Delaware	19	6,081	10,470	0	34.6%	67.7%	41	49,366
District of Columbia	1	75,392	13,317	1	55.3%	--	32	57,009
Florida	67	37,320	6,516	13	44.6%	43.7%	34	40,604
Georgia	180	8,170	8,703	6	44.2%	47.4%	48	45,938
Hawaii	1	184,546	8,220	1	41.9%	89.2%	43	45,479
Idaho	114	2,162	6,372	0	35.6%	60.6%	45	41,080
Illinois	893	2,319	9,839	1	35.2%	32.1%	38	52,950
Indiana	294	3,388	8,414	0	31.1%	53%	50	45,791

²⁹ Puerto Rico's pilot voucher program was ruled unconstitutional in 1994; students may now only transfer to other public schools.

State	Number of Operating Districts In 2002-03	Average # of Students Per District in 2001-02	Per-Student Spending (\$) In 2003-04	Number of the Nation's 100 Largest School Districts in Each State in 2001-02	Free or Reduced-Price Lunch-Eligible Students as a Percentage of Total Enrollment In 2001-02	Percent of K-12 Revenue from State Sources in 2002-03	State and Local School Revenue (\$) in 2000-01 Per \$1,000 of Personal Income in 2001	Average Salaries (\$) for Classroom Teachers In 2003-04
Iowa	371	1,309	7,098	0	26.7%	49.6%	46	39,432
Kansas	304	1,546	7,622	1	34.1%	58.4%	43	38,883
Kentucky	176	3,717	7,474	1	49.1%	60.1%	41	40,240
Louisiana	66	11,080	7,179	4	59.1%	49%	40	38,300
Maine	282	729	10,145	0	29.6%	44.4%	49	39,864
Maryland	24	35,860	9,186	6	29.7%	36%	40	50,261
Massachusetts	350	2,780	10,772	1	25.3%	38%	39	53,076
Michigan	554	3,123	8,671	1	31.2%	68.4%	48	54,806
Minnesota	417	2,041	8,821	1	26.4%	74.6%	44	45,375
Mississippi	152	3,246	6,137	0	65.3%	54.6%	41	35,684
Missouri	524	1,736	6,947	0	35.1%	35.5%	41	38,006
Montana	452	336	7,688	0	31.5%	47.6%	46	36,689
Nebraska	555	513	7,352	1	31.2%	40.4%	36	39,635
Nevada	17	20,989	6,230	2	29.7%	26.8%	34	42,254
New Hampshire	178	1,162	8,915	0	14.8%	50.8%	39	42,689
New Jersey	603	2,224	11,390	0	27.8%	39.1%	44	55,592
New Mexico	89	3,598	7,370	1	54.7%	72.3%	49	37,877
New York	703	4,085	12,059	1	43.2%	47.9%	47	54,054
North Carolina	121	10,870	6,727	5	38.4%	72%	37	43,211
North Dakota	222	477	6,835	0	28%	36.8%	41	35,441
Ohio	662	2,765	9,136	2	27.4%	44.9%	48	46,572
Oklahoma	543	1,145	6,429	0	48.7%	55.6%	42	35,061
Oregon	198	2,785	7,587	1	36.1%	52.2%	42	49,169
Pennsylvania	501	3,635	8,609	1	28.4%	39.9%	42	52,200
Rhode Island	36	4,390	10,258	0	33.6%	37.5%	40	52,261
South Carolina	89	7,764	7,559	1	48.7%	50%	50	41,162
South Dakota	176	724	7,300	0	30.1%	35.9%	39	33,236
Tennessee	138	6,703	6,279	3	--	47.9%	31	40,318
Texas	1,040	4,003	7,335	15	45.4%	40.5%	46	40,494
Utah	40	12,116	5,091	4	29.2%	58.4%	46	38,976
Vermont	292	346	10,630	0	23.8%	71.3%	54	42,007
Virginia	137	8,489	6,441	4	29.3%	45.3%	40	43,417
Washington	296	3,409	7,446	1	31.4%	63.1%	38	45,439
West Virginia	55	5,143	9,169	0	50.4%	60%	52	38,461
Wisconsin	433	2,030	9,483	1	26%	53.7%	50	43,382
Wyoming	48	1,836	9,756	0	--	51.1%	50	39,532

Territories

Territory	Number of Operating Districts In 2001-02	Average # of Students Per District in 2001-02	Per-Student Spending (\$) In 2003-04	Number of the Nation's 100 Largest School Districts in Each State in 2001-02	Free or Reduced-Price Lunch-Eligible Students as a Percentage of Total Enrollment In 2001-02	Percent of K-12 Revenue from State Sources in 2002-03	State and Local School Revenue (\$) in 2000-01 Per \$1,000 of Personal Income in 2001	Average Salaries (\$) for Classroom Teachers In 2003-04
American Samoa	1	15,897	--	0	99.4%	--	--	--
Guam	1	31,992	--	0	44.2%	--	--	--
Puerto Rico	1	604,177	--	1	80.8%	--	--	--
U.S. Virgin Islands	1	18,780	--	0	--	--	--	--

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Compulsory School Age Requirements

Updated September 2005

Compulsory school attendance refers to the minimum and maximum age required by each state in which a student must be enrolled in and attending public school or some equivalent education program defined by the law.

Summary

The vast majority of states include an added clause providing for pupils to be released from compulsory attendance requirements upon graduation of high school, regardless of their age.

Arizona, Vermont, and Wyoming all exempt children from compulsory attendance requirements upon completion of the 10th grade.

Five states, Virginia, South Dakota, Nevada, Maryland, and Connecticut allow the minimum compulsory age to be extended by at least one year if the parent(s) obtain a waiver from their assigned school.

Nearly half of all states allow children ranging from age 14 to 18 to be exempt from the compulsory attendance requirement if they meet one or more of the following stipulations: are employed, have passed the 8th grade level, have their parents' permission, have the permission of the district court or the local school board, meet the requirements for an exit interview, or have arranged alternative education such as vocational or technical school. Endnotes are provided for Indiana, Louisiana, and Virginia as examples of such legislation.

Part I: Age Ranges

Minimum compulsory age and corresponding number of states: (Count includes District of Columbia and territories)

- Age 5: 11
- Age 6: 24
- Age 7: 17
- Age 8: 2

Maximum compulsory age and corresponding number of states: (Count includes District of Columbia and territories)

- Age 16: 28
- Age 17: 9
- Age 18: 17

State/Territory	Requirement	Citation
Alabama	7-16	Ala. Code § 16-28-3
Alaska	7-16	Alaska Stat. § 14-30-010
Arizona	6-16 or completion of grade 10	Ariz. Rev. Stat. § 15-802
Arkansas	5-17	Ark. Stat. Ann. § 6-18-201
California	6-18	Cal Ed Code § 48200
Colorado	7-16	Colo. Rev. Stat. § 22-33-104
Connecticut ¹	5-18	Conn. Gen. Stat. § 10-184
Delaware	5-16	14 Del. Code Ann. §2702
District of Columbia	5-18	D.C. Code Ann. § 38-202
Florida	6-16	Fla. Stat. § 232.01
Georgia	6-16	Ga. Code Ann. § 20-2-690.1
Hawaii	6-18	Haw. Rev. Stat. § 302A-1132
Idaho	7-16	Idaho Code § 33-202
Illinois	7-17	105 Ill. Comp. Stat. Ann. 5/26-1
Indiana ²	7-16	Ind. Code Ann. § 20-8.1-3-17
Iowa	6-16	Iowa Code §299.1A
Kansas	7-18	Kan. Stat. Ann. § 72-1111
Kentucky	6-16	Ky. Rev. Stat. Ann. § 159.010
Louisiana ³	7-18	La. Rev. Stat. Ann. § 17:221
Maine	7-17	Me. Rev. Stat. Ann. § 3271
Maryland	5-16	Md. Code Ann., Educ. § 7-301
Massachusetts	6-16	603 CMR 8.02, 1965 Mass. Acts 741
Michigan	6-16	Mich. Stat. Ann. § 380.1561
Minnesota	7-16	Minn. Stat. § 120.101
Mississippi	6-17	Miss. Code Ann. § 37-13-91
Missouri	7-16	Mo. Rev. Stat. § 167.031
Montana ⁴	7-16	Mont. Code Ann. § 20-5-102
Nebraska	6-17	Neb. Rev. Stat. Ann. § 79-201, LB 868
Nevada	7-17	Nev. Rev. Stat. Ann. § 392.040
New Hampshire	6-16	N.H. Rev. Stat. Ann. § 193:1
New Jersey	6-16	N.J. Rev. Stat. §18A:38-25
New Mexico	5-18	N.M. Stat. Ann. § 22-8-2; § 22-12-2
New York ⁵	6-16	N.Y. Educ. Law § 3205
North Carolina	7-16	N.C. Gen. Stat. § 115C-378
North Dakota	7-16	N.D. Cent. Code § 15.1-20.01
Ohio	6-18	Ohio Rev. Code Ann. § 3321.01
Oklahoma	5-18	70 Okla. Stat. § 10-105
Oregon	7-18	Or. Rev. Stat. § 339.010
Pennsylvania	8-17	Pa. Stat. Ann. § 13-1326
Rhode Island	6-16	R.I. Gen. Laws § 16-19-1
South Carolina ⁶	5-17	S.C. Code Ann. § 59-65-10
South Dakota	6-16	S.D. Codified Laws § 13-27-1
Tennessee ⁷	6-17	Tenn. Code Ann. § 49-6-3001
Texas	6-18	Tex. Educ. Code Ann. § 25.085
Utah	6-18	Utah Code Ann. § 53A-11-101
Vermont	6-16 or completion of grade 10	Vt. Stat. Ann. § 1121
Virginia ⁸	5-18	Va. Code Ann. § 22.1-254
Washington	8-18	Wash. Rev. Code § 28A.225.010
West Virginia	6-16	W. Va. Code § 18-8-1
Wisconsin	6-18	Wis. Stat. § 118.15
Wyoming	7-16 or completion of grade 10	Wyo. Stat. Ann. § 21-4-102

State/Territory	Requirement	Citation
Am. Samoa	6-18	ASCA 16-3-16.0302
Puerto Rico	5-18	3 P.R. Laws Ann. § 143b
Virgin Islands	5-16	V.I. Code Ann. Tit. 17, § 82

Notes:

¹ Connecticut: "The parent or person having control of a child five years of age shall have the option of not sending the child to school until the child is six years of age and the parent or person having control of a child six years of age shall have the option of not sending the child to school until the child is seven years of age.

² Indiana: An individual is required to stay in school until he or she: graduates; is between 16 and 18 and meets the requirements for an exit interview; or reaches at least 18 years of age. Withdrawal before 18 requires parent/guardian's and principal's written permission.

³ Louisiana: "A child between the ages of seventeen and eighteen may withdraw from school prior to graduation with the written consent of his parents, tutor, or legal guardian"

⁴ Montana: requires that a child shall remain in school until the later of either the child's 16th birthday or the date of completion of the work of the eighth grade

⁵ New York: both New York City and Buffalo require minors to attend school from the age of 6 until the age of 17.

⁶ South Carolina: In South Carolina, kindergarten is mandatory. However, state statutes permit parental waiver for kindergarten at age five.

⁷ Tennessee: "A parent or guardian who believes that such parent's or guardian's child is not ready to attend school at the designated age of mandatory attendance may make application to the principal of the public school which the child would attend for a one semester or one year deferral in required attendance.

⁸ Virginia: "For a student who is at least 16 years of age, there shall be a meeting of the student, the student's parents, and the principal or his designee of the school in which the student is enrolled in which an individual student alternative education plan shall be developed in conformity with guidelines prescribed by the Board..."

Part II: Statutory Excerpts

Alabama - "Every child between the ages of **7** and **16**"

Alaska - "Every child between **7** and **16** years of age"

American Samoa – ". . . the age of **six** through **eighteen**"

Arizona - "Every child between the ages of **6** and **16** years . . ." or ". . . has completed the high school course of study necessary for completion of graduation"

Arkansas - ". . . age **5** through **17** years on October 1 of that year"

California - "Each person between the ages of **6** and **18**"

Colorado - "Every child who has attained the age of **7** years and is under the age of **16** years"

Connecticut - ". . . a child **five** years of age and over and under **eighteen** years of age"

Delaware - ". . . a child between **5** years of age and **16** years of age"

District of Columbia - ". . . a minor who has reached the age of **5** years or will become **5** years of age on or before December 31st of the current school year . . . until the minor reaches the age of **18** years."

Florida - "All children who have attained the age of **6** years or who will have attained the age of **6** years by February 1 of any school year or who are older than **6** years of age but who have not attained the age of **16** years"

Georgia - ". . . between their **sixth** and **sixteenth** birthdays"

Hawaii - ". . . all children who will have arrived at the age of **6** years, and who will not have arrived at the age of **18** years, by January 1 of any school year"

Idaho - ". . . any child resident in this state who has attained the age of **7** years at the time of commencement of school in his district, but not the age of **16** years"

Illinois - ". . . any child between the ages of **7** and **17** years"

Indiana - ". . . the individual becomes **7** years of age until . . . reaches at least **16** years of age but who is less than **18** years of age and the requirements under subsection (j) concerning an exit interview are met enabling the individual to withdraw from school before graduation; or . . . the individual reaches at least **18** years of age"

Iowa - "A child who has reached the age of **6** and is under **16** years of age by September 15"

Kansas - ". . . any child who has reached the age of **7** years and is under the age of **18** years"

Kentucky - ". . . any child between the ages of **6** and **16** . . . A child's age is between **6** and **16** when the child has reached his **6th** birthday and has not passed his **16th** birthday. . . ."

Louisiana - ". . . from that child's **seventh** birthday until his **eighteenth** birthday"

Maine - "Persons . . . who are at **7** and under **17** years of age"

Maryland - ". . . each child who . . . is **5** years old or older and under **16**"

Massachusetts - ". . . each child shall attend school in September of the calendar year in which he attains the age of **6**. . ." (Language for the maximum age found in 1965 Mass. Acts 741.)

Michigan - ". . . a child from the age of **6** to the child's **16th** birthday"

Minnesota - ". . . every child between **7** and **16** years of age"

Mississippi - ". . . a child who has attained or will attain the age of **6** years on or before September 1 of the calendar year and who has not attained the age of **17** years on or before September 1 of the calendar year."

Missouri - ". . . a child between the ages of **7** and **16** years"

Montana - ". . . any child who is **7** years of age or older prior to the first day of school in any school fiscal year . . . until . . . the child's **16th** birthday"

Nebraska - ". . . Beginning in the 2005-06 school year, children will be required to attend school if they will reach the age of **6** by January 1st of the current school year. . . through the age of **17**"

Nevada - ". . . any child between the ages of **7** and **17** years"

New Hampshire - ". . . any child at least **6** years of age and under **16** years of age"

New Jersey - ". . . a child between the ages of **6** and **16** years"

New Mexico - ". . . is at least **5** years of age prior to 12:01 a.m. on September 1 of the school year" and ". . . until attaining the age of majority [**18**]"

New York - ". . . each minor from **6** to **16** years of age"

North Carolina - ". . . a child between the ages of **7** and **16** years"

North Dakota - ". . . child of an age of **7** years to **16** years"

Ohio - "A child between **6** and **18** years of age is 'of compulsory age'"

Oklahoma - ". . . a child who is over the age of **5** years, and under the age of **18** years"

Oregon - ". . . all children between the ages of **7** and **18** years"

Pennsylvania - ". . . not be later than at the age of **8** years, until the age of **17** years."

Puerto Rico - ". . . all children between the ages of five (**5**) and eighteen (**18**)"

Rhode Island - "Every child who has completed or will have completed **6** years of life on or before September 1 of any school year and has not completed **16** years of life"

South Carolina - ". . . the child or ward is **5** years of age before September first until the child or ward attains his **17th** birthday"

South Dakota - ". . . a child who is **6** years old by the first day of September and who has not exceeded the age of **16**"

Tennessee - ". . . any child or children between **six** years of age and **seventeen** years of age. . . ."

Texas - ". . . a child who is at least **6** years of age . . . and who has completed the academic year in which the child's **18th** birthday occurred"

Utah - ". . . a minor between **6** and **18** years of age"

Vermont - ". . . a child between the ages of **six** and **16** years . . ." or ". . . has completed tenth grade . . ." or ". . . is excused by the superintendent or a majority of the school directors"

Virgin Islands - "All children shall commence their school education . . . in the calendar year in which they reach their **5th** birthday . . . until the expiration of the school year nearest their **16th** birthday"

Virginia - ". . . any child who will have reached the **fifth** birthday on or before September 30 of any school year and who has not passed the **eighteenth** birthday"

Washington - ". . . any child **8** years of age and under **18** years of age"

West Virginia - "Compulsory school attendance shall begin with the school year in which the **6th** birthday is reached prior to the first day of September of such year . . . and continue to the **16th** birthday."

Wisconsin - ". . . a child who is between the ages of **6** and **18** years old"

Wyoming - ". . . a child . . . whose **7th** birthday falls on or before September 15 of any year and who has not attained his **16th** birthday . . ." or ". . . completed the tenth grade"

Jeffrey Tomlinson compiled this StateNote.

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Helping State Leaders Shape Education Policy



Truancy and Habitual Truancy Examples of State Definitions

Updated by Kyle Zinth

April 2005

For the most part, compulsory attendance laws do not specify the number of times a student must be truant before sanctions (also part of the compulsory attendance laws) are enforced. A number of states require districts to set attendance policies and sometimes ask that districts identify the number of absences that constitute “truant” or “habitual truant” in those policies. Others, as reflected below, set the standard for truancy at the state level. The following states do not constitute a comprehensive listing, but do provide some examples of policy for others to consider:

State	Definition of Truancy	Definition of Habitual Truancy
Arizona	Truancies are unexcused absences for at least one class period during the school day (ARIZ. REV. STAT. § 15-803).	Habitually truant students are truant for at least five school days within a school year (ARIZ. REV. STAT. § 15-803).
California	<p>Any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without valid excuse three full days in one school year or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof, is a truant and shall be reported to the attendance supervisor or to the superintendent of the school district (CAL. EDUC. CODE § 48260).</p> <p>Any pupil who has once been reported as a truant and who is again absent from school without valid excuse one or more days, or tardy on one or more days, shall again be reported as a truant to the attendance supervisor or the superintendent of the district (CAL. EDUC. CODE § 48261).</p>	A student is deemed an habitual truant if the student has been reported as a truant three or more times in one school year. No student will be deemed an habitual truant unless an appropriate district officer or employee has made a conscientious effort to hold at least one conference with a parent or guardian of the pupil and the pupil himself, after the filing of either of the reports required by CAL. EDUC. CODE § 48260 or CAL. EDUC. CODE § 48261 (CAL. EDUC. CODE § 48262).
Colorado		A student between seven and 16 years old having four unexcused absences from public school in any one month or 10 unexcused absences from public school during any school year is habitually truant. Absences due to suspension or expulsion are considered excused (COLO. REV. STAT. § 22-33-107).
Connecticut	Truants are children age five to 18, enrolled in a public or private school with four unexcused	Habitual truants are children age five to 18, enrolled in public or private schools, with 20 unexcused

State	Definition of Truancy	Definition of Habitual Truancy
	absences from school in any month or 10 unexcused absences from school in any school year (CONN. GEN. STAT. § 10-198A).	absences within a school year (CONN. GEN. STAT. § 10-200).
Delaware	Truant means a student who has been absent from school without valid excuse for more than three school days during a school year (DEL. ST. TI. 14, § 2721).	
Florida		An habitual truant is a student who has 15 unexcused absences within 90 calendar days with or without the knowledge or consent of the student's parent and is subject to compulsory school attendance (FLA. REV. STAT. § 1003.01).
Idaho		An habitual truant is a student who – in the judgment of the board of trustees – has repeatedly violated the attendance regulations established by the board, or any child whose parents or guardians have failed or refused to cause the child to comply with the state's compulsory attendance law (IDAHO CODE § 33-206).
Illinois	A truant is a child subject to compulsory school attendance and who is absent without valid cause for a school day or portion thereof (ILL. REV. STAT. CH. 105, PARA. 5/262A).	A child subject to compulsory school attendance and who is absent without a valid excuse from school for 10% or more of the previous 180 regular attendance days is a chronic or habitual truant (ILL. REV. STAT. CH. 105, PARA. 5/262A).
Kentucky	Any student who has been absent from school without valid excuse for three or more days, or tardy without valid excuse on three or more days, is a truant. Being absent for less than half of a school day is regarded as being tardy (KY. REV. STAT. ANN. § 159.150).	Any child who has been reported as a truant two or more times is an habitual truant (KY. REV. STAT. ANN. § 159.150). Any child who has been found by the juvenile court to have been reported as a truant two or more times during a one-year period is an habitual truant (KY. REV. STAT. ANN. § 600.020). Per annotations: "While 'habitual truant' is defined differently in KY. REV. STAT. ANN. § 159.150 and KY. REV. STAT. ANN. § 600.020, the statutes may be reconciled in their application by district courts and pupil personnel directors."
Louisiana		A student shall be considered habitually absent or habitually tardy after (1) all reasonable efforts by the principal and the teacher have failed to correct the condition after the fifth unexcused absence or fifth unexcused tardy within any month or (2) if a pattern of five absences a month is established (LA. REV. STAT. ANN. § 17:233).
Maine	A person required to attend school or alternative instruction under Maine's compulsory school attendance law is truant when an absence of a half day is not excused (ME. REV. STAT. ANN. TIT. 20-A, 3272).	A person is habitually truant if they are required to attend school or alternative instruction and have attained the equivalent of 10 full days of unexcused absences or seven consecutive school days of unexcused absences during a school year (ME. REV. STAT. ANN. TIT. 20-A, 3272).
Minnesota		An habitual truant is a child under the age of 16 years who is absent from school without lawful excuse for seven school days – if the child is in elementary school – or for one or more class periods on seven school days if the child is in middle, junior high or high school. A child who is 16 or 17 years of age who is absent from school without excuse for one or more

State	Definition of Truancy	Definition of Habitual Truancy
		class periods on seven school days and who has not lawfully withdrawn from school is an habitual truant (MINN. REV. STAT. § 260C.007).
Nevada	A pupil who has one or more unapproved absences from school is considered truant (NEV. REV. STAT. ANN. § 392.130).	Any child who has been declared a truant three or more times within one school year will be declared a habitual truant (NEV. REV. STAT. ANN. § 392.140).
New Mexico	Truant means a student who has accumulated five unexcused absences within any 20-day period (N.M. STAT. ANN § 22-12-9).	A student who has accumulated the equivalent of 10 or more unexcused absences within a school year is an habitual truant (N.M. STAT. ANN § 22-12-9).
Pennsylvania		Habitually truant means absence for more than three school days or its equivalent following the first notice of truancy given under PA. STAT. ANN. TIT. 24, § 13-1354 (PA. STAT. ANN. TIT. 24, § 13-1333).
Texas		A student commits an offense if he is required to attend school under Texas' compulsory school attendance law and fails to attend school on 10 or more days or parts of days within a six-month period in the same school year or on three or more days or parts of days within a four-week period (TEX. EDUC. CODE ANN. § 25.094).
Utah	Any school-age minor who is subject to the state's compulsory education law, and who is absent from school without a legitimate or valid excuse, is truant (UTAH CODE ANN. § 53A-11-101).	Any school-age minor who has received more than two truancy citations within one school year from the school in which they are or should be enrolled and eight absences without a legitimate or valid excuse or who, in defiance of efforts on the part of school authorities to resolve a student's attendance problem, refuses to regularly attend school or any scheduled period of the school day is an habitual truant (UTAH CODE ANN. § 53A-11-101).
Wisconsin	Truancy means any absence of part or all of one or more days from school during which the school attendance officer, principal or teacher has not been notified of the legal cause of the absence by the student's parent or guardian. It also means intermittent attendance carried on for the purpose of defeating the intent of Wisconsin's compulsory school attendance law (WIS. REV. STAT. § 118.16).	A student who is absent from school without an acceptable excuse for part or all of five or more school days during a school semester is considered habitually truant (WIS. REV. STAT. § 118.16).
Wyoming	An unexcused absence is the absence – as defined in the policies of the local board of trustees – of any child required to attend school when such absence is not excused to the satisfaction of the board of trustees by the parent or guardian (WYO. STAT. ANN. § 21-4-101).	Any child with five or more unexcused absences in any one school year is an habitual truant (WYO. STAT. ANN. § 21-4-101).

Territory	Definition of Truancy	Definition of Habitual Truancy
Guam	Truant means a student found to be absent from school without a reasonable and bona fide excuse from a parent (GUAM CODE ANN. § 6401).	A student that has incurred 12 or more unexcused absences in a school year, and is of compulsory attendance age, is an habitual truant (GUAM CODE ANN. § 6402).

Resources:

ECS State Policy Database:

<http://www.ecs.org/ecs/ecscat.nsf/WebTopicView?OpenView&RestrictToCategory=Attendance--Truancy>

Kyle Zinth, researcher in the ECS Information Clearinghouse, updated this report.

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StateNotes

Charter Districts

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Charter Districts: The State of the Field

By Bryan Hassel and Todd Ziebarth

Updated March 2005

Overview

When we started examining the concept of charter districts a few years ago, we defined a charter district as a school district in which all or most of the schools are charter schools or contract schools. Rather than operating schools themselves, these districts enter into charters or contracts with individuals and entities to run schools – which may be newly created charter or contract schools or existing schools that convert to charter or contract status. Through mutually agreed-upon, legally binding charters or contracts, such districts extend autonomy and resources to schools and at the same time hold them accountable for student achievement. This *ECS StateNote* presents our observations and insights as we have followed what is happening across the country in charter districts.

Existing Districts: Using Chartering as a District Strategy

First, we have observed that few small districts are converting all or most of their schools to charter or contract schools in a way that fits our initial definition.¹ According to our research, only five small districts have moved, or are moving, in this direction. Two one-school districts have converted their school to charter status – Taliaferro County School District in Georgia and Paisley School District 11 in Oregon. In the San Carlos School District in California, seven of the eight schools are charter schools. The Twin Ridges Elementary School District in California has two traditional schools within its boundaries and has sponsored 10 charter schools outside of its boundaries.

In Pennsylvania, after the commonwealth took over the Chester-Upland School District, the state-appointed board of control contracted with a for-profit organization to run eight of the district's schools. The district directly operates two schools and additionally has two charter schools. Another small district – the Cartersville City Public Schools in Georgia – converted all four of its schools to charter status in 1996, but did not seek renewal of the charters in 2001.

Second, while medium to large school districts are not converting all of their schools into charter or contract schools, several are undertaking significant chartering or contracting initiatives as part of broader efforts to improve their public schools. These initiatives are larger in scope in some districts than in others, but the common denominator is a commitment by district leadership to support the creation of a significant number of charter or contract schools within the district – sort of a charter district within the larger district. As an example of a medium sized district, the 42-school, 26,000-student Chula Vista

School District in California has authorized six charter schools which serve approximately 3,500 students. And, the 31-school, 15,000-student Appleton Area School District in Wisconsin has authorized nine charter schools which serve about 1,000 students.

There is also a wide array of activity within large districts – from established, evolving efforts to new, fledgling efforts. The Chicago Public Schools – the nation’s third-largest district – has undertaken bold steps around charter schools. The district has sponsored 18 charter schools and two contract schools, and has announced a new initiative – Renaissance 2010 – to close up to 20 high schools and 40 to 50 elementary schools and reopen them as 100 or more small schools within six years. One-third of the new schools will be charter schools, one-third will be contract schools, and one-third will be operated directly by the district.

In another innovative undertaking, the Philadelphia School District is moving on two separate but related tracks. First, the district has authorized 52 charter schools. Second, subsequent to a state intervention that created a new school board appointed by the governor and the mayor, the district has contracted with six for-profit and non-profit organizations to run 45 schools. Moreover, the district superintendent has predicted that half of Philadelphia’s schools will be run by private companies or universities within four years.²

In New York City, the schools chancellor has authorized 11 charter schools serving over 2,700 students. While these numbers are small within the context of the nation’s largest school district, the schools chancellor has announced plans to expand chartering activity in the district, including an initiative to open 50 new charter schools in five years as part of a larger effort to create 200 new small schools during this time period. To support this initiative, several policy changes will be implemented, including the provision of public buildings for charter schools.

To expand options available to students, the San Diego Unified School District is authorizing a growing number of charter schools – so far, 24 schools serving over 10,000 students. In addition, as one way to deal with chronically low-performing schools identified by the No Child Left Behind Act (NCLB), the district is closing four schools and reopening them as charter schools.³ In Wisconsin, the Milwaukee Public Schools district has authorized two types of charter schools. Fifteen of these schools operate within the district with personnel designated as employees of the district; 12 schools operate independently of the district and personnel are employed by the school. After initially resisting the opening of charter schools, the Denver Public Schools (DPS) district has become one of the most supportive for charter schools in Colorado. DPS has authorized 17 charter schools as well as created four contract schools.

In Florida, the Miami-Dade County Public Schools are supporting the creation of a viable sector of charter schools as a way to provide more options to students and to deal with overcrowding in schools. Forty charter schools are in operation, 27 charter schools have received approval to open, and 28 charter applications are pending.⁴ The 154-school, 84,000-student Polk County Public Schools has authorized 27 charter schools. What is unique about Polk County’s chartering activities is that they have created a charter district of conversion schools – the Lake Wales Charter District – within the larger district. Each of the five conversion schools within the charter district applied individually to the Polk County school board for its charter.

Finally, in one of the more controversial incidents, the Buffalo (New York) School District decided to more aggressively authorize charter schools in response to financial pressures from the loss of students and dollars to charter schools in Buffalo that are authorized by either the New York Board of Regents or the State University of New York. The teachers’ union opposed the district’s decision and successfully fought to get a new group of candidates elected to the school board. The new school board has since voted to put in place a one-year moratorium on the authorization of charter schools.

See Appendix A for a list of existing districts that are converting all or a part of the district to a charter district.

New “Districts”: Alternative Authorizers of Charter Schools

We have observed that much of the charter district action is actually occurring among alternative authorizers of charter schools. In these cases, entities other than traditional districts are granting charters in a systematic way across an entire district, region, or state. These entities are essentially creating new charter districts. In our research, we have identified seven types of alternative authorizers.

1. Independent Charter Boards. Before 2004, only two independent charter boards existed: the Arizona State Charter School Board, which is the largest charter authorizer in the state (and the country), with 279 schools at 366 sites; and the District of Columbia Public Charter School Board, which has authorized 26 schools at 31 sites serving 11,500 students. In 2004, three states – Colorado, Idaho, and Utah – created state independent charter boards, which are now up and running.

2. Universities and Colleges. Universities and colleges are authorizing charter schools in seven states: Indiana, Michigan, Minnesota, Missouri, New York, Ohio, and Wisconsin. In most of these states, universities and colleges throughout the state can authorize charter schools. Missouri, however, has granted chartering power to public universities only within its two largest cities, Kansas City and St. Louis. Also, Wisconsin has empowered three institutions beyond the Milwaukee Public Schools – the Milwaukee Common Council (the city’s governing body), the University of Wisconsin-Milwaukee and the Milwaukee Area Technical College – to issue charters within the City of Milwaukee. The largest university authorizer in the country is Central Michigan University, which has authorized 57 schools serving over 25,000 students. The State University of New York is another large authorizer, approving 32 schools serving over 10,000 students.

3. State Boards/Commissioners/Departments of Education. In 12 states, the state board of education, the state commissioner of education, or the state department of education is authorizing charter schools. The entities that have undertaken the most authorizing activity are the Arizona State Board of Education (62 schools at 90 sites), the Massachusetts Board of Education (40 schools serving 15,000 students), the New Jersey Commissioner of Education (50 schools serving 14,000 students), the North Carolina Board of Education (97 schools serving 25,000 students), and the Texas Board of Education (190 schools serving 60,000 students). The Ohio Board of Education has authorized 101 charter schools, but it is getting out of the authorizing business as a recent state law ordered schools to find new authorizers.

4. Mayors. In Indiana, the mayor of Indianapolis has the authority to issue charters within his 11-district jurisdiction. The current mayor has embraced his chartering authority and has authorized 10 schools serving 1,900 students.

5. City Councils. In Wisconsin, the Milwaukee Common Council may authorize charter schools within the City of Milwaukee. To date, the Common Council has authorized four schools serving over 800 students.

6. Nonprofit Organizations. Nonprofit organizations are allowed to authorize charter schools in two states, Ohio and Minnesota. Ohio just recently allowed nonprofits to serve as charter authorizers; in Minnesota 12 nonprofit organizations sponsor charter schools and thereby play a growing role in Minnesota’s charter movement.⁵

7. Regional School Districts. In four states – California, Michigan, Minnesota and Ohio – regional school districts authorizing charter schools. In California, 23 county boards of education have authorized charter schools. Eleven intermediate school districts in Michigan have issued charters, as have three intermediate school districts in Minnesota, and and, two regional entities in Ohio.

See Appendix B for a list of new charter districts and Appendix C for the types of entities that are allowed to authorize charter schools in each state.

Looking Ahead

The charter district movement is still in an early stage of development, however, two factors likely will contribute to efforts by state and district leaders to create more charter districts in the coming years. One factor is that many parents in urban districts remain dissatisfied with the public schools in their communities so they are open to new choices for their children. This dissatisfaction, and willingness to entertain new opportunities, is particularly prevalent among young minority parents, who will be sending their children to urban schools in increasing numbers in the near future.

A second issue is the No Child Left Behind legislation, which requires that students in low-performing schools be given the opportunity to choose higher performing schools. In many urban districts, the demand for higher performing schools exceeds supply. In addition, suburban districts are not offering sufficient enrollment to the large numbers of students in urban districts who are eligible for new choices. A clear remedy will be to authorize more charter districts.

How will these pressures effect charter districts? Based upon our research, we offer two predictions. First, we expect medium and large districts to increase chartering efforts in the coming years, some to increasingly significant scales. As we have seen already, many innovative district leaders will take a proactive approach to chartering because they see the value in it. In addition, the chartering activity generated within district boundaries by alternative authorizers likely will also force some district leaders to engage in chartering to attract and retain students and dollars.

Second, we expect that much of the charter district action will continue, and intensify, among alternative authorizers of charter schools. As noted earlier, three states created state independent charter boards in 2004. In the 2005 sessions, efforts are underway to grant authorizing power to new or existing agencies in six states – Arizona, California, Florida, New Mexico, South Carolina, and Wisconsin. In addition to new alternative authorizers that open for business in the coming years, existing alternative authorizers will continue to open new schools.

In conclusion, as states, districts, and alternative authorizers engage in chartering on increasingly larger scales, they will encounter the challenges that this new form of public school oversight entails, such as finding a supply of high-quality charter operators and striking the delicate balance between autonomy and accountability. As charter-granting has expanded, the help available to charter districts also has grown, from the National Association of Charter School Authorizers to the existence of more “peers” who can provide assistance. Still, the field is young and developing. In the coming years, additional research and accumulating experience will provide even more guidance on this new role.

Appendix A Existing Districts: Using Chartering as a District Strategy

This appendix lists districts that are converting wholly or in part to a charter district.

State	System	# of Public Schools (Including Contract/Charter Schools)	# of Contract/Charter Schools	# of Students (Including Contract/Charter School Students)	# of Contract/Charter School Students
California⁶					
	Chula Vista Elementary School District	42	6	26,100	3,472
	Los Angeles Unified School District	857	68	746,610	30,000
	San Carlos School District	8	7	2,600	2,030
	San Diego Unified School District	187	24	137,400	10,400
	Twin Ridges Elementary School District	12	10	2,000	1,898
Colorado					
	Denver Public Schools	148	21 (17 charter schools and four contract schools)	72,489	N/A
Florida⁷					
	Miami-Dade County Public Schools	340	40	360,000	14,000
	Polk County Public Schools ⁸	154	27	84,000	N/A
Georgia⁹					
	Taliaferro County School District	1	1	280	280
Illinois					
	Chicago Public Schools	613	20 (18 charter schools and two contract schools)	434,419	10,600
New York					
	Buffalo Public Schools	70	2	40,000	960
	New York City Public Schools	1,200	11	1,100,000	2,740
Oregon					
	Paisley School District 11	1	1	103	103
Pennsylvania					
	Chester-Upland School District	12	10 (eight contract)	7,500	N/A

State	System	# of Public Schools (Including Contract/Charter Schools)	# of Contract/Charter Schools	# of Students (Including Contract/Charter School Students)	# of Contract/Charter School Students
			schools and two charter schools)		
	Philadelphia Public Schools	312	97 (52 charter schools and 45 contract schools)	220,000	51,000 (21,000 in charter schools and 30,000 in contract schools)
Texas					
	Houston Independent School District	307	23	211,499	9,735
Wisconsin					
	Appleton Area School District	32	9	15,000	1,000
	Milwaukee Public Schools	229	27	105,000	9,700

Appendix B

New “Districts”: Alternative Authorizers of Charter Schools

This appendix lists new charter districts. These entities may grant charters either within a specific district, within a specific region of a state or throughout an entire state. An asterisk indicates that student enrollment data was available for some but not all of the charter schools that the entity has authorized.

State	System	# of Schools	# of Students
Arizona			
	State Board of Education	62 (at 90 sites)	N/A
	State Board for Charter Schools	279 (at 366 sites)	N/A
California			
	State Board of Education	6	618*
	County Offices of Education		
	Butte County Office of Education	2	431*
	Calaveras County Office of Education	1	N/A
	Del Norte County Office of Education	1	N/A
	El Dorado County Office of Education	4	501*
	Fresno County Office of Education	1	446
	Glenn County Office of Education	1	126
	Kern County Office of Education	1	N/A
	Kings County Office of Education	1	96
	Los Angeles County Office of Education	3	143*
	Madera County Office of Education	1	N/A
	Marin County Office of Education	1	N/A
	Merced County Office of Education	1	N/A
	Mono County Office of Education	1	N/A
	Monterey County Office of Education	1	326
	Nevada County Office of Education	1	N/A
	San Diego County Office of Education	1	146
	San Joaquin County Office of Education	1	N/A
	San Luis Obispo County Office of Education	1	N/A
	Santa Clara County Office of Education	2	N/A
	Santa Cruz County Office of Education	1	297
	Stanislaus County Office of Education	4	123
	Tulare County Board of Education	2	69*
	Yuba County Board of Education	1	446

State	System	# of Schools	# of Students
Colorado			
	State Charter Schools Institute	0	0
Connecticut			
	State Board of Education	14	2,693
Delaware			
	State Board of Education	13	6,554
District of Columbia			
	District of Columbia Public Charter School Board	26 (at 31 sites)	11,500
Hawaii			
	State Board of Education	27	3,267
Idaho			
	State Charter School Commission	0	0
Indiana			
	Ball State University	10	2,054
	Mayor of Indianapolis	10	1,900
Massachusetts			
	State Board of Education	40	15,000
Michigan			
	Community Colleges/State Public Universities		
	Bay Mills Community College	28	3,560*
	Central Michigan University	57	25,125*
	Eastern Michigan University	8	3,572
	Ferris State University	16	5,841*
	Grand Valley State University	29	11,896*
	Kellogg Community College	1	96
	Lake Superior State University	7	3,297
	Northern Michigan University	5	1,825
	Oakland University	7	6,071
	Saginaw Valley State University	18	6,136
	Washtenaw Community College	1	338
	Intermediate School Districts		
	Allegan County Intermediate School District	1	15
	Bay-Arenac Intermediate School District	1	125
	Cheboygan-Otsego-Presque Isle Educational Service District	1	43
	Hillsdale County Intermediate School District	2	307
	Macomb Intermediate School District	1	262
	Manistee Intermediate School District	2	94*
	Midland County Educational Service Agency	1	106
	Saginaw Intermediate School District	2	446

State	System	# of Schools	# of Students
	St. Clair County Intermediate School District	9	53*
	Washtenaw Intermediate School District	1	140
	Wayne County Educational Service Agency	8	2,335
Minnesota			
	State Department of Education	10	1,243
	Intermediate Districts		
	Intermediate District #917	1	101
	Northeast Metro Intermediate District #916	2	388
	Nonprofit Organizations		
	Audubon Center of the North Woods	3	164
	EdVisions, Inc.	1	83
	Friends of Ascension	5	541
	Islamic Relief Worldwide	1	215
	Lao Family Community	1	127
	Northwoods Children's Services	2	839
	Pillsbury United Communities	6	1,872
	Project for Pride in Living	1	170
	St. Paul Area Chamber of Commerce	1	365
	Volunteers of America	6	903
	Wolfe Ridge Environmental Center	1	243
	YMCA	1	208
	Public Postsecondary Institutions/Private Colleges		
	Alexandria Technical Community College	1	60
	Alfred Adler Graduate School	1	113
	Augsberg College	2	199
	Bethel College	3	933
	Century College	3	790
	Concordia College	1	105
	College of St. Catherine	2	157
	Concordia University	3	369
	Hamline College	5	599
	Inver Hills Community College	1	87
	Metropolitan State University	1	89
	North Central University	1	190
	Rochester Community and Technical College	1	110
	St. Cloud State University	1	63
	St. Mary's University	1	177
	Saint Paul College	1	72
	University of St. Thomas	3	1,123
Missouri			

State	System	# of Schools	# of Students
	Central Missouri State University	10	2,939
	Harris-Stowe State College	1	250
	Southeast Missouri State University	1	240
	University of Missouri – Kansas City	7	2,542
	University of Missouri – Rolla	2	1,451
	University of Missouri – St. Louis	2	1,946
New Jersey			
	State Commissioner of Education	50	14,000
New York			
	New York State Board of Regents	16	4,100
	State University of New York Board of Regents	32	10,485
North Carolina			
	State Board of Education	97	25,333
Ohio			
	Lucas County Educational Service Center	9	5,320
	State Board of Education	101	N/A
	Tri-Rivers Career Center Board of Education	1	N/A
	University of Toledo	7	2,724
Texas			
	State Board of Education	190	60,833
Utah			
	State Charter School Board	19	4,211
Wisconsin			
	City of Milwaukee	4	826
	University of Wisconsin-Milwaukee	7	3,008
	University of Wisconsin-Parkside	1	338

Appendix C

Who Can Authorize Charter Schools in Each State?

State	Local School Boards	Independent Charter Boards	Universities and Colleges	State Boards/Commissioners/ Departments of Education	Mayors	City Councils	Nonprofit Organizations	Regional School Districts
Alaska	Dual approval from local board and state board of education (SBE)			Dual approval from local board and SBE				
Arizona	Yes	Arizona State Board for Charter Schools		SBE				
Arkansas	Dual approval from local board and SBE			Dual approval from local board and SBE; denied applicants may appeal to SBE				
California	Yes			SBE if sites across multiple counties; applicants denied by county boards may appeal to SBE				County boards may approve multi-site schools within county; applicants denied locally may appeal to county boards
Colorado	Yes ¹⁰	Colorado Charter Schools Institute		Denied applicants may appeal to SBE				
Connecticut	Dual approval from local board and SBE			SBE can approve directly or jointly with local or regional board				Dual approval from regional board and SBE

State	Local School Boards	Independent Charter Boards	Universities and Colleges	State Boards/Commissioners/ Departments of Education	Mayors	City Councils	Nonprofit Organizations	Regional School Districts
Delaware	Yes			Start-ups, with approval of both SBE and state secretary of education				
District of Columbia	Yes	District of Columbia Public Charter Schools Board						
Florida	Yes		State universities and community college district boards ¹¹	Denied applicants may appeal to SBE				
Georgia	Dual approval from local board and SBE			Dual approval from local board and SBE; denied applicants may appeal to SBE				
Hawaii				SBE upon recommendation of charter school review panel				
Idaho	Yes	State public charter school commission may approve start-ups		Denied applicants may appeal to state commissioner of education (SCE), then SBE				
Illinois	Yes			If local voters approve charter in referendum, then SBE must approve it; denied applicants may appeal to SBE				
Indiana	Yes ¹²	Denied applicants may appeal to a state charter school	Public universities for applicants outside of Marion county		Indianapolis only			

State	Local School Boards	Independent Charter Boards	Universities and Colleges	State Boards/Commissioners/ Departments of Education	Mayors	City Councils	Nonprofit Organizations	Regional School Districts
		review panel						
Iowa	Dual approval from local board and SBE			Dual approval from local board and SBE; denied applicants may appeal to SBE				
Kansas	Dual approval from local board and SBE			Dual approval from local board and SBE				
Louisiana	Yes			SBE; denied applicants may appeal to SBE				
Maryland	Yes			SBE on appeal of local rejection or when restructuring a school as a charter school				
Massachusetts	Dual approval from local board and SBE for Horace Mann charter schools			SBE for Commonwealth charter schools and dual approval from local board and SBE for Horace Mann charter schools				
Michigan	Yes		Community colleges or state public universities					Intermediate school boards
Minnesota	Yes, subject to approval by SCE		Public postsecondary institutions or private colleges, subject to approval by SCE	SCE must approve all charters; denied applicants may appeal to SCE			Cooperatives and non-profits organizations, subject to approval by SCE	Intermediate school boards, subject to approval by SCE

State	Local School Boards	Independent Charter Boards	Universities and Colleges	State Boards/Commissioners/ Departments of Education	Mayors	City Councils	Nonprofit Organizations	Regional School Districts
Mississippi	Dual approval from local board and state department of education (SDE)			Dual approval from local board and SDE; denied applicants may appeal to SBE				
Missouri	Kansas City and St. Louis school boards		Community college or a public four year college or university in or near the Kansas City or St. Louis school districts	SBE may disapprove the granting of a charter				
Nevada	Dual approval from local board and SDE			Dual approval from local board and SDE; charter schools serving special education students must be approved by SDE; denied applicants may appeal to SBE				
New Hampshire	Dual approval from local board and SDE			SBE directly ¹³ or dual approval from local board and SDE; denied applicants may appeal to SBE				
New Jersey				SCE; denied applicants may appeal to SBE				
New Mexico	Yes			Denied applicants may appeal to SBE ¹⁴				
New York	Local school boards and the New York City Chancellor		State University of New York board of trustees may approve start-ups	State Board of Regents (SBR) may approve start-ups; all other authorizer decisions subject to SBR approval				

State	Local School Boards	Independent Charter Boards	Universities and Colleges	State Boards/Commissioners/ Departments of Education	Mayors	City Councils	Nonprofit Organizations	Regional School Districts
North Carolina	Dual approval from local board and SBE		Dual approval from any campus in UNC system and SBE	SBE directly or dual approval with local or university boards; denied applicants may appeal to SBE				
Ohio ¹⁵	Yes		State universities as approved by SDE may approve start-ups	SDE when another authorizer fails to comply with its obligation as sponsor			Federally tax-exempt entities, as approved by SDE may approve start-ups	Boards of joint vocational school districts and educational service centers for start-ups
Oklahoma ¹⁶	Yes							Area vocational-technical school district
Oregon	Yes			Denied applicants may appeal to SBE				
Pennsylvania	Yes	Denied applicants may appeal to a state charter school appeals board						
Rhode Island	Dual approval from local board and State Board of Regents			State Board of Regents after approval by local board or SCE				
South Carolina	Yes, after review by the state charter advisory committee			Denied applicants may appeal to SBE				

State	Local School Boards	Independent Charter Boards	Universities and Colleges	State Boards/Commissioners/ Departments of Education	Mayors	City Councils	Nonprofit Organizations	Regional School Districts
Tennessee	Yes			Denied applicants for start-up "alternative charter schools" may appeal to SBE				
Texas	Yes for district approved charters			SBE for open-enrollment charters				
Utah	Yes, subject to SBE approval	State charter school board directly or on appeal of local rejection, subject to SBE approval		SBE must ratify others' approval; applicants denied by state charter school board may appeal to SBE				
Virginia	Yes							
Wisconsin	Yes		Three specific public institutions only ¹⁷	Applicants rejected by local board in Milwaukee may appeal to state superintendent of public instruction		Common Council of Milwaukee only		
Wyoming	Yes			Denied applicants may appeal to SBE				

This policy brief was written by Bryan Hassel of Public Impact and Todd Ziebarth of Augenblick, Palaich, and Associates, with financial support from the U.S. Department of Education's Public Charter Schools Program.

ENDNOTES

- ¹ Two states – California and Florida – are creating charter districts, but in a different way than our concept of them. In these states, districts that have entered into charters or contracts with their states (eight in California and four in Florida) are granted freedom from state mandates in exchange for increased accountability. While these governance changes are noteworthy, such arrangements usually leave the relationship between the district and its schools unchanged – a critical component in our definition of charter districts.
- ² “Philadelphia schools experiment seen as model,” Reuters, December 23, 2004.
- ³ Robin Lake, “School Districts Choosing to Charter,” Alexandria, VA: National Association of Charter School Authorizers, November 2004.
- ⁴ Lake, November 2004.
- ⁵ education/evolving, “Trend Accelerating Toward an ‘Open Sector’ in Public Education: Growth in Non-District Choices Especially Evident in Minneapolis and St. Paul,” December 2004.
- ⁶ Eight charter districts in California, through legal agreement with the state, are granted freedom from state mandates in exchange for increased accountability. These districts have not entered into such agreements with their individual schools – a critical component of our conception of charter districts. The districts are: Alvina Elementary School District, Delta View Joint Union Elementary School District, Hickman Elementary School District, Island Union Elementary School District, Jacoby Creek Elementary School District, Kings-River-Hardwick Elementary School District, Kingsburg Joint Union Elementary School District, and Pioneer Union Elementary School District.
- ⁷ Four charter districts in Florida, through legal agreement with the state, are granted freedom from state mandates in exchange for increased accountability. These districts have not entered into such agreements with their individual schools – a critical component of our conception of charter districts. These districts are Hillsborough County Public Schools, Orange County Public Schools, Palm Beach County Public Schools, and Volusia County Public Schools.
- ⁸ The 154-school, 84,000-student Polk County Public Schools in Florida has authorized 27 charter schools. What is unique about Polk County’s chartering activities is that they have created a charter district of conversion schools – the Lake Wales Charter District – within the larger district. Each of the five conversion schools within the charter district applied individually to the Polk County school board for their charter.
- ⁹ Cartersville City Public Schools in Georgia converted all four of its schools to charter status in 1996, but did not seek renewal of the charters in 2001.
- ¹⁰ A charter school applicant may submit an application to the local board or, if the school district in which the charter school is to be located has not retained exclusive authority to authorize charter schools from the SBE, to the state charter schools institute.
- ¹¹ A state university may grant a charter to a lab school. A community college district board of trustees may grant a charter to a charter technical career center.
- ¹² When 50% of the students in a district will attend a charter school, a local school board must get approval from the state department of education.
- ¹³ Direct approval by SBE only available between July 1, 2003, and June 30, 2013.
- ¹⁴ SBE may also review local board decisions on its own motion. Approved applicants may also appeal unacceptable conditions imposed by local boards to SBE.
- ¹⁵ In Ohio, start-up charter schools are limited to “big eight” school districts, “academic emergency” school districts, “academic watch” school districts, and school districts that are part of a “pilot project area.”
- ¹⁶ Charter schools may only be sponsored by a school district or an area vocational-technical school district in districts with an average daily membership of 5,000 or more, and in which all or part of the district is located in a county having more than 500,000 residents or in a county which is contiguous with a county having 500,000 residents.
- ¹⁷ University of Wisconsin-Milwaukee and Milwaukee Area Technical College may serve as charter authorizers in Milwaukee. The University of Wisconsin-Parkside may sponsor one charter school in Racine.

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Class Size

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State Class-size Reduction Measures

Updated by Kyle Zinth

March 2005

The following states have attempted to limit the teacher/student ratio to 20 or fewer students per teacher. Several “marginal” class-size reduction measures that do not meet that standard also are included.

State	Category (Type)	Year Enacted	Description	Notes	Funding	Average Elementary School Class Size
Alabama	Mandate	1997 Amended 1998	State board resolution sets a timetable and limits. K-3, 18 students per teacher	Classes with aides reviewed as an exception by the state superintendent of education	Through the 1995 Foundation Program Plan	18.7
California	Voluntary CAL. EDUC. CODE § 52120-52128.5	1996 Amended 2000	Legislation authorized formation of smaller classes and provided funding for those schools choosing to do so. Initial targets: 20 in K-3. Additional \$200 million for 8,000 additional classrooms, either through remodeling or use of portables. The appropriation for new facilities is a one-time provision, while class-size reduction funds are expected to be included annually in the state budget.	CAL. EDUC. CODE § 52128 mandated independent evaluation by March 28, 2002. Almost 29,000 new teachers were needed to accommodate the smaller class sizes. Many districts hired teachers lacking full credentials in order to meet the demand, with most of these teachers being hired by schools serving the most disadvantaged students.	Schools may apply for funds under one of two options. Under option one, a school district that provides a reduced class size for all pupils in each classroom for the full regular school day for each grade level may receive an apportionment equal to \$800 per pupil. Under option two, a school district that provides a reduced class size for all pupils in each classroom for at least half of the instructional minutes offered per day at each grade level may receive an apportionment equal to \$400 per pupil.	22.7
Connecticut	Voluntary/Grant CONN. GEN. STAT. § 10-265F	1998	Designed to reduce K-3 class-size to no more than 18 in core curriculum classes in “priority” schools.	Grants allocated for three purposes: (1) to establish full-day kindergarten; (2) to reduce class size in grades K-3; and (3) to establish intensive early intervention reading programs. Schools may receive a grant for one or more of the listed purposes.		20
Florida	Mandate FLA. CONST. ART. 9 § 1	2002	The maximum number of students assigned to each	Voters approved an initiative in 2002 to amend the Florida constitution in order	FLA. STAT. ANN. § 1011.685 created the operating categorical	23.1

State	Category (Type)	Year Enacted	Description	Notes	Funding	Average Elementary School Class Size
			teacher for pre-kindergarten through 3rd grade is 18, and for 4th through 8th grade is not to be more than 22 students. Beginning in the 2003-04 fiscal year, the state legislature is to provide sufficient funding to reduce the number of students per classroom by at least two students per year until the requirements of the amendment are met.	to provide funding to decrease class sizes.	fund for the class size reduction program and FLA. STAT. ANN. § 1013.737 sets up the class size reduction lottery revenue bond program.	
Georgia	Mandate GA. CODE ANN. § 20-2-161 GA. CODE ANN. § 20-2-182	2000	Class sizes are funded as follows: Kindergarten – 15; Kindergarten Early Intervention – 11; Grades 1-3 – 17; Grades 1-3 Early Intervention Program – 11; Grades 9-12 remedial – 15.		Through funding formula.	19.7
Hawaii	PUBIC ACT 221	2004	State aims to reduce class size in grades K-2, although the Act does not specify a target class size.		State appropriated \$2,143,350 in 2004 to hire 75 elementary school teachers to reduce class size in grades K-2.	23.1
Illinois	Voluntary/Grants 105 ILL. COMP STAT. 5/2-3-51 105 ILL. COMP. STAT. 5/2-3.134	1997 2004	Reading Improvement Block Grant Program authorized grants to improve reading instruction through several measures, one of which is to reduce class size in grades K-3. Targets K-3 students. Classes to have no more than 20 students per teacher. Only those schools that are on the State Board of Education Early Academic Warning List or the academic watch list that maintain grades kindergarten through 3 are grant eligible.			22.3
Indiana	Voluntary/Pilot IND. CODE § 21-1-30 (Initially under IND. CODE. § 21-1-29-1.)	1981 Amended 1999	"Prime Time" program Statutes specify a target of between 15-18 students per class, determined by factoring in the school's at-risk index and amount of tuition	Chapter scheduled to expire January 1, 2006.	Through funding formula	21.4

State	Category (Type)	Year Enacted	Description	Notes	Funding	Average Elementary School Class Size
			support.			
Iowa	Mandate/Grants IOWA CODE ANN. § 256D.1	1999	Iowa early intervention block grant program's goal is to provide resources to reduce class size in basic skills instruction to 17 students per teacher. The program is designed to achieve a higher level of student success in the basic skills, especially reading.			20.1
Louisiana	Mandate LA.REV. STAT. ANN. § 17:174	1986	K-3 classes not to exceed 20 unless authorized in writing by the state superintendent.	Students above the maximum not to be counted for funding purposes. No provision of this measure can take effect until funds appropriated specifically by the legislature.	Unknown	18.9
Maine	Voluntary/Grants ME. REV. STAT. ANN.TIT. 20, § 4252	1989	Local units may elect to target class size within one or more grades, K-3. Recommendation of 15 to 1, with a maximum of 18 to 1.		Competitive grant program	18
Nevada	Mandate NEV. REV. STAT. § 388.700	1989 Amended 1993, 1995, 1999, 2001	Legislature limited class size in K-3 to 15 (core subjects). School districts and licensed personnel association(s) must develop plan to reduce class sizes in grades 1-3 within limits of available financial support.		Special revenue fund for class-size reduction NEV. REV. STAT. §388.032	20.7
North Carolina	Mandate N.C. GEN. STAT. § 115C-301	1993 1995,1997, 2001	Efforts to reduce class size in NC were accomplished through state budget allocations awarded at the urging of the governor. The class size reduction efforts are documented in the NC General Assembly's <i>Joint Conference Committee Report on the Continuation, Expansion, and Capital Budgets</i> , produced after the approval of each state budget. In 2001, the NC General Assembly changed the kindergarten teacher	Ultimate goal is the reduction of all K-3 class sizes to 18 students. The North Carolina General Assembly has allocated \$500,000 to study the effectiveness of the class size reduction program. Additional class size reduction funds are available for chronically low performing schools as follows: K-3 allotment 1:15 4-8 allotment 1:17 9-12 allotment 1:20	Per N.C. GEN STAT. § 115C-472.10, the state board of education allocates funds made available through the sale of special registration plates to reduce class size.	20.9

State	Category (Type)	Year Enacted	Description	Notes	Funding	Average Elementary School Class Size
			allotment from 1:20 to 1:18. The 1st grade and 2nd grade allotments were also changed from 1:20 to 1:18 in 2002 and 2003, respectively. The 2004 budget was the first to include 3rd grade. It changed the teacher salary allotment from 1:22.23 to 1:18.			
Oklahoma	Mandate 70 OKL. ST. § 18-113.1	1990	Targets grades K, 1-3, 4-6. No more than 20 students may be regularly assigned to a teacher. With the exception of certain conditions (these vary by grade levels above), fiscal and accreditation penalties apply for noncompliance.	If limitations exceeded after the first nine weeks of the year, no fiscal penalty applies. Physical education and music classes are not subject to limitation. If classrooms are not available and district meets certain guidelines (has maximum millage allowable or voted indebtedness within five prior years), then district not penalized.	Funding addressed through foundation program.	18.6
Pennsylvania	Voluntary/Grants PA. CONS. STAT. ANN. § 25-2599.2	2003	The state provides grants to districts with various allowable uses, including the establishment, maintenance or expansion of a class size reduction program. Such programs shall appoint and assign a minimum of one teacher for every 17 students or two teachers for every 35 students enrolled in a kindergarten, first, second or third grade classroom.			22.2
Rhode Island	Voluntary/Grants R.I. GEN. LAWS § 16-67-2	1987 (effective 88-89); Re-enacted 2001	Districts encouraged to reduce class size to no more than 15 in grades K-3 (The Literacy Program).		Educational Improvement block grants R.I. Gen. Laws §16-5-31 (3)	20
South Carolina	Mandate S.C. CODE ANN. § 59-20-40 S.C. Code Ann. § 59-139-10	1977, Amended 2003 1993	To qualify for funds, each district is required to attain 21 to 1 average pupil-teacher ratio in basic skills classes of reading and mathematics (grades 1-3); districts may apply to the state board for waivers (phased in from 1979 to 1983). Early Childhood Development and		Funding is addressed through foundation program Kindergarten weighted 1.30; primary 1-3, 1.	17.9

State	Category (Type)	Year Enacted	Description	Notes	Funding	Average Elementary School Class Size
	Voluntary S.C. CODE ANN. § 59-63-65.	1998	Academic Assistance requires districts to design long-range plans which may include reduction in kindergarten pupil-teacher ratio (the class size component here is voluntary, but the plan is mandatory). School districts which choose to reduce class size to 15 in grades 1-3 shall be eligible for funding for the reduced pupil-teacher ratios from funds provided by the General Assembly for this purpose. Districts choosing to implement the reduced class size must track the students served in classes with a 15:1 ratio for three years so that the impact of smaller class size can be evaluated.			
South Dakota	Voluntary/Grants S.D. CODIFIED LAWS § 13-14-8.1	1993	Youth-at-risk funds (grants) offered as incentives for reducing class sizes in K-3 to 15 or less.		Grants for up to three years	18.8
Tennessee	Pilot TENN. CODE ANN. § 49-6-3501 Mandate 1985 TENN. COMP. R. & REGS. 0520-1-3	1984 1985	Demonstration centers (operated by local boards) established with class maximum enrollment of 17. Two hundred teaching positions were funded by the department of education. Local boards of education are required to implement policies ensuring that pupil-teacher ratios do not exceed ratio prescribed. Within a building, the average of any grade level cannot exceed the school average, although any individual class within the unit may exceed the average (but not the maximum). K-3 average: 20 (maximum of 25).	Purpose of the demonstration projects and centers was to study the effects of reduced pupil-teacher ratio on the achievement of students in public school. First study began in 79 elementary schools in 1985. Greatest gains occurred in inner-city small classes. Classes with teacher aides achieved slightly higher scores than regular classes, but differences were not statistically significant. (Project STAR - Student Teacher Achievement Ratio)	All but 5% of costs paid by the department of education. Funding provided through the foundation program (weighting).	19.7

State	Category (Type)	Year Enacted	Description	Notes	Funding	Average Elementary School Class Size
Texas	Mandate TEX. EDUC. CODE ANN. § 25.112	1984	School district may not enroll more than 22 students in K-4 classes.	Numerous exceptions apply.	Unknown	18.5
	TEX. EDUC. CODE ANN. § 25.111	1995	Stipulates that except for as provided in TEX. EDUC. CODE ANN. §25.112, a ratio of not less than one teacher to each 20 students in average daily attendance (K-4).			
	TEX. EDUC. CODE ANN. § 25.113	2001	A campus or district that is granted an exception from class size limits must provide written notice of the exception to the parent or person standing in parental relation to each student affected by the exception.			
Utah	Mandate UTAH CODE ANN. § 53A -17a-124.5	1992	Through use of appropriations, districts must reduce average class size in grades K-8, with emphasis on K-2. Must use 50% of allocation to reduce class size in K-2, with emphasis on improving reading skills. If average class size is below 18 in K-2, may petition the state board for waiver to use its allocation for reduction in other grades.	20% of district's allocation may be used for capital facilities projects that will help to reduce class size.	Funding determined through use of weighting formula (weighted pupil units). State board of education disperses funds to school districts and charter schools. The budgeted state contribution, for the 2004-05 fiscal year, toward the class size reduction program is \$65,902,946. (UTAH CODE ANN. § 53A-17a-104)	23.7
Virginia	Voluntary VA. CODE ANN. § 22.1-199.1	1996	Legislature established long-term goal of reducing pupil-teacher ratio and class size for K-3 in those schools with high or moderate concentrations of at-risk students.		State funding based on the incremental cost of providing the lower class sizes according to the greater of the division average per-pupil cost of all divisions or the actual division per-pupil cost. Local districts must provide matching funds based on the composite index of local ability to pay. State Board of Education to budget accordingly.	19.4
Washington	Mandate WASH. REV. CODE ANN. § 28A.505.210	2000	The long-term goal is for class sizes to be reduced to no more than 18 students per teacher in grades K-4.	In 2000, voters approved Initiative 728, which became effective in 2001. Selected class size reductions are to be made in grades 5-12, such as small high school writing classes.	Student Achievement Fund	23.9

State	Category (Type)	Year Enacted	Description	Notes	Funding	Average Elementary School Class Size
Wisconsin	Voluntary/ Grants Wis. STAT. ANN. § 118.43	1995	<p>Student Achievement Guarantee in Education (SAGE).</p> <p>Districts enter into five-year achievement guarantee contracts with the department of public instruction. Schools receiving preschool through 5th grade grants provided for in Wis. STAT. ANN. § 115.45 are not eligible for the program.</p> <p>The program was initially intended for schools and districts with the highest poverty rates and included a minimum 50% low-income student threshold for eligible districts, amended to allow all districts to apply in the 2000-01 school year. No new applications are to be accepted past the 2000-01 school year. Transfer of existing contracts is permitted.</p>	<p>Targeted K, 1st grade in 98-99; added 2nd grade in 1999-2000; added 3rd grade in 2001-2003. Most recent requirement is to reduce class size to 15 in at least grades K-3.</p> <p>Class size reduction is one of several requirements for the grants. Annual renewal of contracts is contingent on the schools maintaining the class size reduction from the previous year, keeping the school open for extended hours, implementing changes in the curriculum to ensure high levels of achievement for all students, implementing a professional development and staff evaluation process with specific components – including potential dismissal of staff – and collaborating with community organizations to make educational and recreational opportunities, as well as community and social services, available in the school to all district residents. Staff development and accountability programs are to be regularly reviewed against student achievement.</p>	Finance formula funds reduction in class size to 1: 15 in each SAGE classroom.	20.8

Small Class Sizes: Discussion, Rationale, Evidence

The debate over the effectiveness and efficiency of reducing class size remains unresolved. Nonetheless, several state legislatures are appropriating large sums of money to reduce K-3 class sizes to between 15 and 20 students.

Researchers keep the discussion alive as they argue about the merits and methodologies of various class-size studies. For state policymakers, reducing class size is a visible, concrete initiative that can be replicated throughout schools. Meanwhile, teachers and parents proclaim what they see as obvious – fewer students in a class make it easier to teach and to learn. In the end, state leaders must weigh the "political points" they earn from teachers and parents against the high cost of reducing class size and the education reforms left unfunded because of this policy.

The class-size reduction discussion intensified in 1990 when the Tennessee legislature funded a longitudinal study on smaller classes and student achievement, and then commissioned a follow-up study to determine the lasting benefits. The first study, known as Project STAR (Student Teacher Achievement Ratio) studied 7,000 students in 79 elementary schools. Researchers concluded that small class sizes (13-17 students) significantly increased student achievement scores, compared to regular classes of 22 to 25 and regular classes with a full-time teacher's aide. They also found that gains made in kindergarten were maintained through 3rd grade and the greatest gains were made in inner-city small classes.

Tennessee's second analysis, the Lasting Benefits Study, tracked students from grades 4-7 as they returned to normal size classes and concluded these students:

- Were less frequently retained in grade

- Succeeded in narrowing the achievement gap between children living in poverty and more affluent students, and between white and African-American students
- Had higher achievement "across the board" (in science, social studies, math, reading, spelling and study skills)
- Continued to outscore peers from larger classes; however, differences diminished somewhat as years went on.

While the results from these two studies appear convincing, critics point out that 1,100 small-class size studies produced mixed findings. They also question whether Project STAR and the Lasting Benefits Study should be viewed as the definitive studies on which to develop and invest in class-size reduction policies.

Overall, the evidence is inconclusive as to whether small classes improve student achievement. The research has produced mixed and contradictory results, including:

- Students in early grades learn more and continue to have an edge over the rest of their peers when they return to normal classrooms. The impact is greatest and longer-lasting if they remain in small classes, however.
- The payoff in terms of student achievement gains does not translate into a cost-effective investment. Tutoring and direct instruction appear to be more cost-effective.
- Kindergarten through 3rd grade students benefit most, as do minority students in urban schools.
- Class-size reduction cannot be isolated as the sole factor for increased student achievement.
- Reading and math scores improve for some students in comparison to peers in regular-size classes.
- Smaller classes force districts to hire significantly more teachers and create more classroom space.
- Effectiveness depends on whether teachers adapt their teaching methods to take advantage of small classes and have more focused time with students.
- Small classes result in fewer classroom distractions and more time for teachers to devote to each student

Characteristics of High-Quality Initiatives

Reducing class size is most effective when:

- Classes are reduced to between 15 and 19 students. (Little impact has been demonstrated in class sizes of 20 to 40 students.)
- Particular schools are targeted, especially those with low-achieving and low-income students
- Teachers are provided ongoing, high-quality professional development to make the most of the smaller class size conditions
- Teachers are well-qualified and a challenging curriculum is used for every student.

Actions for Policymakers

If state policymakers decide to invest in class-size reduction, they may want to consider the following actions:

- Estimate the cost of funding the proposed class-size reduction plan, then:
 - Determine the state's commitment and any district contribution that will be necessary
 - Indicate whether state funding is permanent, temporary or contingent upon available revenue
 - Address the need for additional, qualified teachers and classroom space
 - Provide sufficient funds for the grades and schools covered under the initiative
- Target the program and dollars to low-income, low-achieving schools to allow significant class-size reduction in a few schools, rather than modest reductions statewide.
- Provide professional development funds so teachers can adapt their teaching methods for the smaller classes.

- Evaluate the small class-size initiative on a regular basis to determine its benefits and cost-effectiveness.
- Assist schools and districts to combine class-size reduction with other school-improvement plans for maximum impact.

Comments to Policymakers

As more states adopt or consider legislation to reduce class size, the discussion should focus on the costs of creating smaller classes and whether the costs are justified by the returns. Moreover, if class size is believed to make a difference, then policymakers need better information about why small classes are beneficial to student achievement and how this information can be used for other reform efforts. Finally, state leaders should be prepared to deal with the unintended consequences if class size is reduced on a statewide scale; for example, the need for additional, qualified teachers and classroom space and the issue of teachers choosing more desirable districts.

Suggestions for Evaluation: California Example

The following was adapted from Report to the State Board of Education: A Plan for the Evaluation of California's Class Size Reduction Initiative 10/20/97.

QUESTIONS TO ASK ABOUT THE IMPACT OF THE CLASS SIZE REDUCTION PROGRAM

The Class Size Reduction program (CSR) consortium proposed a research plan to find information on many topics, broken into seven categories. The answers to some of these questions will come from data (test scores, for example), while many others will require observations, surveys, and conversations with policymakers, teachers and administrators, and parents.

Policymaking at the state, district, and school levels

- What are policymakers' goals and expectation for CSR? Their concerns?
- Do they have common expectations about the influence on student learning? Do these match or differ from teachers' or school boards' expectations.
- How do educational policies, regulations, and labor agreements help or hinder implementation?

Resource allocation within and among schools

- What is the effect on districts' revenues and expenditures? On spending for school operations and facilities, across grades, for instructional support services and programs? On resources across primary and secondary schools and across district programs?
- How did schools find space for new classrooms? If there were tradeoffs, what were they and are they permanent?
- How does CSR money affect equity of funding among districts, schools, and groups of students given the different resources already available to districts?

Intersection with other education reforms

- What is the relationship between CSR and large categorical programs (Special Education, Title 1) and programs for English learners?
- Do district or school characteristics (high or low revenue, for example) affect implementation?
- Is CSR integrated with a district's master plan? Or existing reform efforts? What interaction, if any, will there be with new state curriculum standards?
- Does CSR intersect with other reform efforts, or is it a diversion?

Teacher quality, assignment, and training

- What is the impact of CSR on recruiting and assigning teachers? What is the influence of collective bargaining?

- What are the qualifications and experience of teachers in the smaller classes and in classes with limited-English or minority or special-needs students?
- What professional development and support do teachers get? Does it change according to their experience? Does it vary by district?
- What do teachers report about their satisfaction and attitudes as a consequence of CSR? How do these affect student learning?

Classroom practices

- How has CSR affected teaching practices?
- What methods of instruction are used for English language learners in CSR classes? Does instruction differ across districts, classrooms, or categories of students?
- How is the classroom atmosphere changed?
- What is the impact on personnel to support teachers?

Student outcomes

- Has achievement in reading and math improved? Has promotion, retention changed? What do the next grade teachers report?
- Have transitions into or out of special programs changed?
- What is the impact on students' attendance, behavior, completing homework?
- Are English language learners ready to read sooner?
- Do student outcomes vary according to school, teacher, classroom practices, or the characteristics of the student?
- Have changes in classroom practices affected student outcomes?

Parental involvement

- How have parents been involved in decisions about participation, allocation of resources and space, and pupil assignments?
- Are parents more directly involved with their child's teacher or in the classroom?
- Do parents believe their children's education is improved? Is there a change in their satisfaction with teachers, the school, or the district? Do they think the total school program has improved?
- Have parent involvement programs grown or declined? Parent participation?

This last segment used with permission: EdSource, *Evaluating California's Class Size Reduction Program*, February 1998. To order the evaluation, send \$4 plus \$1 shipping and handling to: EdSource, 4151 Middlefield Road, Suite 100, Palo Alto, CA 94303-4743. 650/857-9604, phone 650/857-9618 fax; www.edsource.org

Sources:

Education Commission of the States, State Policy database, *Recent State Policies/Activities: Class Size*, <http://www.ecs.org/ecs/ecscat.nsf/WebTopicView?OpenView&count=300&RestrictToCategory=Class+Size>.

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Kyle Zinth, researcher in the ECS Information Clearinghouse, updated this report.

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Helping State Leaders Shape Education Policy



Federal Education Budget

By Michael Griffith

January 2005

For the 2004-2005 fiscal year, the total amount of appropriations for the U.S. Department of Education are set at \$67.7 billion, an increase of \$754 million or 1.13%, over the previous fiscal year. Following are appropriations for selected departments and programs within the Department, with a special focus on programs that impact the No Child Left Behind initiative.

U.S. Department of Education Appropriations (All dollar amounts in millions)

Department/Program	FY 2004	FY 2005	Difference	Percentage Difference
Office of Elementary & Secondary Education				
Grants to Local Education Authorities (ESEA I-A)	\$12,342	\$12,740	\$398	3.22%
Reading First (ESEA I-B-1 & 2)	\$1,024	\$1,042	\$18	1.76%
Striving Readers (ESEA I-E, 1502)	\$0	\$25	\$25	NA
Even Start (ESEA I-B-3)	\$247	\$227	-\$20	-8.10%
School Improvement Programs				
Improving Teacher Quality (ESEA II - A)	\$2,930	\$2,917	-\$13	-0.44%
State Grants for Innovative Programs (ESEA V-A)	\$297	\$198	-\$99	-33.33%
State Assessments (ESEA VI-A-1)	\$390	\$412	\$22	5.64%
Rural Education (ESEA VI-B)	\$168	\$171	\$3	1.79%
Supplemental education grants program (Compact of Free Association Act)	\$0	\$18	\$18	NA
Office of Innovation and Improvement				
Transition to Teaching (ESEA II-C-1-B)	\$45	\$45	\$0	0.00%
Charter School Grants (ESEA V-B-1)	\$219	\$217	-\$2	-0.91%
Credit enhancement for charter school facilities (ESEA V-B-2)	\$37	\$37	\$0	0.00%
Voluntary Public School Choice (ESEA V-B-3)	\$27	\$27	\$0	0.00%
Magnet schools assistance (ESEA V-C)	\$109	\$108	-\$1	-0.92%
Foundations for learning (ESEA V-D-14-5541)	\$0	\$1	\$1	NA

Department/Program	FY 2004	FY 2005	Difference	Percentage Difference
Office of Safe and Drug-Free Schools	\$856	\$861	\$5	0.58%
Office of English Language Acquisition - Language Acquisition State Grants (ESEA III-A)	\$681	\$676	-\$5	-0.73%
Special Education - IDEA	\$11,161	\$11,674	\$513	4.60%
Student Financial Assistance				
Federal Pell Grants (HEA IV-A-1)	\$12,007	\$12,364	\$357	2.97%
Federal supplemental education opportunity grants (HEA IV-A-3)	\$770	\$779	\$9	1.17%
Federal Work Study (HEA IV-C)	\$999	\$990	-\$9	-0.90%
Federal Perkins Loans (HEA IV-E)	\$165	\$66	-\$99	-60.00%
Office of Postsecondary Education				
Higher Education	\$2,092	\$2,117	\$25	1.20%

Source: [Department of Education Fiscal Year 2005 Congressional Action](#), U.S. Department of Education, December 2004.

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Helping State Leaders Shape Education Policy



Policy Brief

Finance/Funding Formulas

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State Education Funding Formulas And Grade Weighting

By Michael Griffith

March 2005

Funding Formulas

In each state the cost of educating students enrolled in public K-12 schools is divided between local, state and federal resources. States develop educational funding formulas to determine the total amount of funds needed for each student and to establish the state's share of those costs. Following are descriptions of the different ways that the 50 states and the District of Columbia allocate education funding.

- **Foundation/Base Formula** (24 states and Washington, D.C.) – This method provides for a base-funding amount that is multiplied by a weight for each student. The weight factor varies depending on the perceived level of the student's educational needs. For example, higher funding levels are provided to students enrolled in special education, English Language Learner or at-risk programs.

States that use foundation/base formula funding: Alaska, Arizona, Colorado, Connecticut, Florida, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Minnesota, New Hampshire, New Jersey, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah and Vermont.

- **Modified Foundation/Base Formula** (13 states) – Some state funding systems have a structure that is similar to a traditional foundation formula but include modifications which can cause it to function quite differently. The most common difference between a traditional and a modified foundation formula is that modified systems do not have a common foundation/base funding amount for all schools – instead the foundation amount varies from district to district. *For a complete description of how each of these thirteen states' formulas differs from traditional foundation formulas please see the notes section at the end of this Policy Brief.*

States that use a modified foundation/base formula: Arkansas, California, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, Oregon, Virginia and Wisconsin.

- **Teacher Allocation** (7 states: Alabama, Georgia, Idaho, North Carolina, Tennessee, Washington and West Virginia) – This type of formula allocates funding for education staff (teacher, administrators and support staff) as well as other costs to districts based on total student enrollment. For example, a district might receive funding for one teaching position for every 20 students enrolled and one administrator position (principal or vice principal) for every 400 students enrolled.
- **Dollar Funding Per Student** (2 states: Massachusetts and Wyoming) – This less common school funding system provides an exact dollar amount per student. It is similar to the foundation method in that students with different education needs receive different amounts of funding. However, the states that use the dollar funding per student formula put into legislation the exact dollar level of funding that each student needs for education.

- **Other Systems** (4 states: Delaware, Hawaii, Pennsylvania and Rhode Island) – Two states, Pennsylvania and Rhode Island, have funding systems in legislation but for all practical purposes these systems are not used. Instead these states allocate funds to school districts based on what was received in the previous year plus an inflation increase. Delaware uses a combination of a foundation formula and a teacher allocation system. The state of Hawaii operates as a single school district so it does not have a traditional state education funding formula.

Grade Differences

Within some of these state-funding formulas, the funding level varies by grade level. Of the states that use foundation formulas, 21 differentiate funding depending on the grade level. Seven of the eight states that use a teacher allocation system vary their funding depending on grade levels, as do both states that use a dollar amount per student formula.

The tables below indicate the weights for different grade levels among the four types of formula funding. For the purpose of this StateNote, numbers for kindergarten reflect funding for full-day enrollment. *For a description of how half-day and full-day kindergarten students are funded within in each state's formula, please see the ECS [Kindergarten Finance StateNote](#).*

States that use foundation or “modified foundation” formulas:

State	Grades	Weight		State	Grades	Weight
Arizona	K	.579		New Jersey	K	.50
	1-7	1.158			1-5	1.00
	8-12	1.268			6-8	1.12
			9-12		1.20	
Colorado	K	.50		New Mexico	K	1.00
	1-12	1.00			1	1.20
Delaware	K	.50			2-3	1.18
	1-12	1.00		4-6	1.045	
				7-12	1.25	
District of Columbia	K-5	1.05		New York	K-6	1.00
	6-8	1.00			7-12	1.25
	9-12	1.20				
Florida	K-3	1.007		North Dakota	K	.5832
	4-8	1.000			1-6	.9490 - 1.3121
	5-12	1.113			7-8	.9807
					9-12	1.0362 - 1.4712
Georgia	K	1.6226		Ohio	K	.50
	1-3	1.2686			1-12	1.00
	4-5	1.0258				
	6-8	1.0102		Oklahoma	K	1.30
9-12	1.0000		1-2		1.351	
			3		1.051	
Kansas	K	.50			4-6	1.00
	1-12	1.00			7-12	1.20
Kentucky	K	.50		Oregon	K	.50
	1-12	1.00			1-12	1.00
Minnesota	K	.557		South Carolina	K	1.30
	1-3	1.115			1-3	1.24
	4-6	1.060			4-8	1.00
	7-12	1.300			9-12	1.25

State	Grades	Weight		State	Grades	Weight
Montana	K	.50				
	1-12	1.00		Utah	K	.55
					1-12	1.00
Nevada	K	.60				
	1-12	1.00		Vermont	K-6	1.00
					7-12	1.25
New Hampshire	K	.60				
	1-8	1.00				
	9-12	1.20				

* Weight varies based on district size.

States that fund school districts based on a teacher allocation system:

State	Grades	One Teaching Unit for Each:		State	Grades	One Teaching Unit for Each
Alabama	K-3	13.8 pupils		North Carolina	K	19 pupils
	4-6	22 pupils			1-2	20 pupils
	7-8	21 pupils			3	22.23 pupils
	9-12	18 pupils			4-6	22 pupils
					7-8	21 pupils
Delaware	K	34.8 pupils			9	24.5 pupils
	1-3	17.4 pupils			10-12	26.64 pupils
	4-12	20 pupils				
				Tennessee	K-3	20 pupils
Georgia	K	15 pupils			4-6	25 pupils
	1-3	17 pupils			7-9	30 pupils
	4-12	23 pupils			10-12	26.5 pupils
Idaho	K	16-40 pupils**		Washington	K-3	18.05-20.4 pupils**
	1-6	12-20 pupils**			4	18.05-21.7 pupils**
	7-12	12-18.5 pupils**			5-12	21.7 pupils

** Teacher student ratios vary based on district size.

States that provide funds to school districts based on a dollar amount per student:

State	Grades	Foundation Funding Amount Per Student		State	Grades	Foundation Funding Amount Per Student
Massachusetts	K	\$5,149.54		Wyoming	K	\$3,119
	1-5	\$5,180.35			1-5	\$6,238
	6-8	\$5,433.12			6-8	\$6,223
	9-12	\$5,667.16			9-12	\$6,454

States with funding systems established in legislation but which are not currently used to allocate funds:

State	Grades	Weight
Pennsylvania	K-6	1.00
	7-12	1.36

Notes:

Descriptions of states the use a "modified foundation formula":

- **Arkansas:** The state's foundation amount is equal to the total amount of available school funding divided by total number of students in the state. Available school funding is equal to 98% of the local assessment on property multiplied by 25 mills plus 75% of miscellaneous state funds.
- **California:** Education funding from the state, for most districts, is determined by multiplying a district's Average Daily Attendance (ADA) by their "revenue limit" amount. A revenue limit amount is set annually for each district and is provided through a combination of state aid and local property taxes. The amount is based on historical funding patterns that take into account the type of school district (elementary, unified or high school) and size of district. All districts, regardless of wealth, are given a base amount of at least \$120 per student from the state. (As of 2003-04, the state decided that funds from categorical programs fulfilled this "basic aid" requirement.)
- **Michigan:** The foundation amount used in the state's funding formula varies for each school district in the state. Each district's foundation figure is derived from its per student spending amount in 1994, which was just after the adoption of the state's new school funding system.
- **Mississippi:** The foundation amount is based on spending in districts that meet qualifications in the following areas: accreditation level, enrollment, operational millage, net assessed value per pupil and percentage of students participating in the free lunch program.
- **Missouri:** The "base-funding" amount in the state's formula is the amount of funding, from both state and local sources that each district is not allowed to fall below. The base amount is determined for each district by calculating their per-pupil funding amount from 1992-93 and adjusting it for inflation.
- **Montana:** Elementary schools (K-6) receive a base funding amount of \$18,889 per school plus a base rate of \$3,834 to \$3,734 per student (based on total student population). High schools (7-12) receive a base funding amount of \$209,873 per school plus a base rate of \$5,109 to \$4,709.50 per student (based on total student population).
- **Nebraska:** Foundation amounts are based on the actual spending in school districts minus the districts fiscal capacity plus any needed equalization aid.
- **Nevada:** The foundation amount is referred to as the "basic support guarantee" and is based on the district's costs (teacher salaries, administrative costs, etc.) plus transportation cost minus the districts "wealth adjustment factor." This amount is then adjusted to the state average.
- **New Mexico:** Foundation amounts are set for each district based on a combination of student needs and current education expenditures (i.e. teacher salaries, administrative costs, etc.)
- **New York:** The foundation amount equals the greater of a district's Approved Operating Expenses (AOP) or \$400. A district's AOP is equal to their cost of: salaries (for administrators, teachers and non-professionals), fringe benefits, utilities, and the maintenance of school facilities.
- **Oregon:** The base-funding amount in the state's formula is \$4,500, plus an adjustment for teacher experience. The adjustment for teacher experience is based on the district's average teacher experience (in years) compared to the average statewide teacher experience.
- **Virginia:** The foundation amount is calculated separately for each district and is based on the per-pupil cost for instructional and support positions and non-personnel items.
- **Wisconsin:** The foundation program has three tiers: the first is based on shared cost (i.e. operating expenses, capital outlay and debt service) up to \$1,000 per pupil; the second level is a set amount per pupil (\$6,700 for FY 2001-2002); and the third level is based on average property value per pupil.

Mike Griffith is a policy analyst, specializing in education finance issues, with the Education Commission of the States. All information for this StateNote comes from state legislation and is based on data for the 2001-2002 fiscal year.

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StateNotes

Finance

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Lottery Information By State

Updated September 2005

Of the 41 states with a lottery, 23 earmark at least a portion of the proceeds for education. North Carolina passed a state lottery in August 2005 and, once established, it will support education programs.

State	Name	Website	Proceeds Earmarked for Education?	Legislation/Regulations/Distribution
Alabama				
Alaska				
Arizona	Arizona Lottery	http://www.arizonalottery.com/	No	Fiscal Year 2004: <ul style="list-style-type: none"> • Prizes – 54.6% • Funding for state programs – 29.4% (\$107,757,700) • Operations – 9.3% • Commission to retailers – 6.7%
Arkansas				
California	California Lottery	http://www.calottery.com/	Yes	The Lottery Act mandates that public education must receive at least 34% of the sales revenues taken in each year by the lottery. This contribution currently represents approximately 2% of all revenues received by the state's public schools.
Colorado	Colorado Lottery	http://www.coloradolottery.com/home.cfm	No	Money goes to Great Outdoors Colorado (GOCO), Conservation Trust Fund and the Colorado Division of Parks and Outdoor Recreation. GOCO is capped at \$35 million (in 1992 dollars); excess funds go to school health and safety issues.
Connecticut	CT Lottery	http://www.ctlottery.org/	No	In fiscal year 2004, CT Lottery players won \$538.3 million in prize money and the lottery provided \$280.8 million to support the services and programs funded by the state's General Fund including public health, libraries, public safety, education and more.

State	Name	Website	Proceeds Earmarked for Education?	Legislation/Regulations/Distribution
Delaware	Delaware Lottery Games	http://lottery.state.de.us/nonflash.html	No	The Delaware Lottery contributes profits to the state General Fund. In fiscal year 2004, the lottery's contribution was \$222 million.
District of Columbia	DC Lottery	http://lottery.dc.gov/lottery/site/default.asp	No	Fiscal Year 2001 distribution of lottery funds: <ul style="list-style-type: none"> • Prizes – \$105.5 million • Money transferred to the District of Columbia General Fund – \$84 million • Commissions to D.C. lottery agents – \$11.6 million • Contracts – \$15.8 million • Direct costs – \$9.2 million
Florida	Florida Lottery	http://www.flalottery.com/	Yes	Florida Statute specifically designates that for every dollar of revenue generated by the Florida Lottery at least 50 cents of each dollar goes to prize payouts and 39 cents of online sales and a variable rate from scratch-off games go to the Educational Enhancement Trust Fund. Lottery retailers receive approximately 5.5 cents, ticket vendors 2.1 cents, advertising budget 1.6 cents and 1.8 cents of each dollar goes to lottery operations.
Georgia	Georgia Lottery	http://www.galottery.com/	Yes	According to the Georgia Lottery for Education Act and the Georgia Constitution, proceeds from lottery sales are used solely to fund the following educational programs: (1) tuition grants, scholarships or loans to undergraduate college students and teachers who seek advanced degrees in critical areas of need (HOPE Scholarships); (2) voluntary pre-kindergarten programs; (3) technology grants to train teachers in the use and application of advanced technology and capital outlay projects for education facilities.
Hawaii	State does not permit any form of gambling			
Idaho	Idaho Lottery	http://www.idaholottery.com/index.html	Yes	Expenditures by statutory category: <ul style="list-style-type: none"> • Prizes – 57.3% • Dividend – 21.5% • Administration – 12.7% • Retailer Commissions – 5.6% • Advertising, Promotions, Sponsorships – 2.9% <p>At the end of Fiscal Year 2004, the Idaho Lottery provided \$12.5 million in dividends to school districts.</p>

State	Name	Website	Proceeds Earmarked for Education?	Legislation/Regulations/Distribution
Illinois	Illinois Lottery	http://www.illinoislottery.com	Yes	<p>In 1985, a law was enacted to deposit all lottery profits in the state's Common School Fund, which helps finance K-12 public schools throughout Illinois.</p> <p>Lottery proceeds of \$570 million in fiscal year 2004 represent about 9% of the state's contribution to schools – or 3% of the total \$20.3 billion spent on education from all sources (state, local and federal).</p>
Indiana	Hoosier Lottery	http://www.state.in.us/hoosierlottery	Yes	<ul style="list-style-type: none"> • Prizes – 57% • Profit to the State – 29% • Retailers and Suppliers – 10% • Administration – 2% • Advertising and Promotions – 2% <p>Distribution of lottery proceeds as of December 2004:</p> <ul style="list-style-type: none"> • \$293.2 million has been designated for public school tuition support • \$99.2 million has been allocated for school technology • \$447.6 million to Teachers' Retirement Fund
Iowa	Iowa Lottery	http://www.ialottery.com/	No	<p>Lottery proceeds are transferred to the General Fund, which means lottery dollars are contributing to education, transportation and economic development. Nearly 60% of the General Fund is dedicated to education programs and 20% to human service programs.</p>
Kansas	Kansas Lottery	http://www.kslottery.com/	No	<p>The State Gaming Revenues Fund (SGRF) is funded through monthly transfers from the Kansas Lottery and the Kansas Racing and Gaming Commission according to the following breakdown: 85% is earmarked for the Economic Development Initiatives Fund, 10% is allocated to the Correctional Institutions Building Fund and 5% is allocated to the Juvenile Detention Facilities Fund. Transfers to the SGRF are limited to \$50 million each fiscal year, and any funds in excess of \$50 million are transferred to the State General Fund.</p>
Kentucky	Kentucky Lottery	http://www.kylottery.com/	Yes	<p>Fiscal Year 2004:</p> <ul style="list-style-type: none"> • Prizes – 60.6% • Dividends to state – 26.7% • Operations – 6.5% • Retailers – 6.2% <p>Currently, Kentucky Lottery dividends support college grants and scholarships, childhood reading and adult literacy programs, housing for the needy and the state's General Fund.</p>

State	Name	Website	Proceeds Earmarked for Education?	Legislation/Regulations/Distribution
Louisiana	Louisiana Lottery Corporation	http://www.louisianalottery.com	No	<ul style="list-style-type: none"> Prizes – 50% State Treasury – 35% Lottery operations – 10% Retailers – 5%
Maine	Maine State Lottery	http://www.maineLOTtery.com/	No	Lottery proceeds go to the state's General Fund.
Maryland	Maryland Lottery	http://www.msla.state.md.us/	No	Fiscal Year 2004: <ul style="list-style-type: none"> Prizes – 57% State-funded programs (state General Fund) – 32.8% (\$458,312,791) Retailers – 6.6% Operations – 3.6%
Massachusetts	Massachusetts State Lottery	http://www.masslottery.com	No	Lottery revenues are distributed to the 351 cities and towns of the Commonwealth according to a local aid formula established by the Legislature. Lottery funds are not earmarked for any specific programs, allowing cities and towns to choose how they would like to spend the funds. Unclaimed prize money is allocated in the same manner as all lottery revenues, and will ultimately be distributed to cities and towns to help support schools, public safety and other critical local programs. In Fiscal Year 2003 the Massachusetts state lottery distributed \$705,340,354 to the cities and towns.
Michigan	Michigan Lottery	http://www.michigan.gov/lottery	Yes	Lottery proceeds are transferred directly to the state's School Aid Fund – a restricted state fund, which means the money can be used only for education. Lottery revenues comprise roughly 5% of this fund, with the other 95% of the money coming from federal funds, the state's sales and use tax, earmarked income tax, state education property tax, as well as cigarette, liquor and other taxes.
Minnesota	Minnesota State Lottery	http://www.lottery.state.mn.us/	No	The state constitution and law determines the distribution of lottery proceeds. Currently, the state General Fund receives 60% of proceeds. The remaining 40% goes to the Environment and Natural Resources Trust Fund. In addition, the first 6.5% of lottery sales (in lieu of sales tax) is used for various natural resources programs and the General Fund.
Mississippi				
Missouri	Missouri Lottery	http://www.molottery.state.mo.us/	Yes	<ul style="list-style-type: none"> Prizes – 60.5% Missouri education programs – 28.5% Administration - 5% Retailers – 6%

State	Name	Website	Proceeds Earmarked for Education?	Legislation/Regulations/Distribution
				When the lottery began in 1986, proceeds from ticket sales went to the Missouri State General Revenue Fund. In August 1992, voters passed Amendment 11 earmarking lottery proceeds solely to benefit public education. Each year, the Missouri Legislature and the governor determine how these proceeds will be allocated. The proceeds represent about 3.7% of the total funding for Missouri's public elementary, secondary and higher education systems.
Montana	Montana Lottery	http://www.montanalottery.com/	No	Since July 1, 1995, the Montana Lottery returns all revenue to the state's General Fund. Lottery funds are not specifically earmarked for education.
Nebraska	Nebraska Lottery	http://www.nelottery.com/	Yes	The legislation that created the Nebraska lottery specified that 25% of sales be dedicated to beneficiary funds. Using a formula created by the Legislature, proceeds are distributed quarterly among the Education Innovation Fund (24.75%), Nebraska Scholarship Fund (24.75%), Nebraska Environmental Trust Fund (49.5%), and the Compulsive Gamblers Assistance Fund (1%, plus the first \$500,000 in fund proceeds each fiscal year).
Nevada				
New Hampshire	New Hampshire Lottery	http://www.nhlottery.org/	Yes	<ul style="list-style-type: none"> • Prizes – 56% • Aid to education – 30% • Cost of Sales – 12% • Operating Expenses – 2%
New Jersey	New Jersey Lottery	http://www.state.nj.us/lottery/	No	Fiscal Year 2003: <ul style="list-style-type: none"> • Prizes – 56% • Contribution to State – 36% (\$765 million) • Retailer Commission – 5% • Vendor Fees – 2% • Administration – 1%
New Mexico	New Mexico Lottery	http://www.nmlottery.com/	Yes	The Lottery returns a minimum of 50% of proceeds to players in the form of prizes. Funds also are allocated to cover the cost of product, as well as retailer commissions and administrative costs. Once these expenses have been covered, the lottery turns over all net proceeds to the State Treasurer for use in funding education in New Mexico.

State	Name	Website	Proceeds Earmarked for Education?	Legislation/Regulations/Distribution
				Fiscal Year 2004: <ul style="list-style-type: none"> • Prizes – 53% (\$78.9 million) • Education programs (college tuition fund) – 24.2% (\$35.9 million) • Cost of product – 8.3% (\$12.4 million) • Retailer Commission – 6.9% (\$10.2 million) • Prize tickets – 4.2% (\$6.3 million) • Administration – 3.4% (\$5 million)
New York	New York Lottery	http://www.nylottery.org/index.php	Yes	<ul style="list-style-type: none"> • Prizes – 57% • Aid to Education – 33% (FY 2003-04 – \$1.9 billion) • Retailer Commission – 6% • Contractor Fees – 2% • Administration – 2% <p>The New York Constitution mandates that all lottery revenue be used in support of education.</p> <p>Lottery proceeds represent 5% of the total amount spent on education from all sources (state, local and federal).</p>
North Carolina	House Bill 1023, establishing a state lottery that supports education, was passed in August 2005.			
North Dakota	North Dakota Lottery	http://www.ndlottery.org/	No	<ul style="list-style-type: none"> • Prizes – 48% • General Fund – 21% • On-line vendor fees – 10.6% • Retailer commissions – 5% • Administrative expense – 5% • Operating expense – 3.1% • Advertising – 3% • Problem Gambling Fund – 2.3% • Prize Reserve Account – 2%
Ohio	Ohio Lottery	http://www.ohiolottery.com/	Yes	Pursuant to Ohio Revised Code Section 3770.06 (B), the director of budget and management certifies the transfers to the Lottery Profits for Education Fund. Fiscal year 2004 payment to the Education Fund totaled \$648.1 million.
Oklahoma	Oklahoma Lottery	http://lottery.ok.gov/	Yes	<ul style="list-style-type: none"> • Prizes – 52% • Education – 30%

State	Name	Website	Proceeds Earmarked for Education?	Legislation/Regulations/Distribution
				<ul style="list-style-type: none"> • Operation and vendor fees – 12% • Retailers – 6%
Oregon	Oregon Lottery	http://www.oregonlottery.org/	Yes	Oregonians vote to approve the broad categories that may receive Oregon Lottery funds and have approved constitutional amendments allowing Lottery funds to be used for economic development (1984), public education (1995) and natural resource programs (1998). Then, every two years, Oregon's Legislature and governor decide which specific programs and projects within those categories receive lottery profits. During the 2001-03 biennium, almost 63% of all lottery profits, \$430 million, went to public education. The remainder went to economic development, parks and natural resources, and problem gambling treatment programs.
Pennsylvania	Pennsylvania Lottery	http://www.palottery.com/lottery	No	The Pennsylvania Lottery is the only state lottery in the nation that exclusively targets all of its net proceeds to programs for older residents. In fiscal year 2003-04, the lottery achieved sales of approximately \$2.35 billion; program contributions were over \$810 million.
Rhode Island	Rhode Island Lottery	http://www.rilot.com/	No	The revenue from the lottery goes into the state General Fund.
South Carolina	South Carolina Education Lottery	http://www.sceducationlottery.com/	Yes	As stated in current SC Education Lottery legislation , "proceeds of lottery games must be used to support improvements and enhancements for educational purposes and programs as provided by the General Assembly and that the net proceeds must be used to supplement, not supplant, existing resources for educational purposes and programs."
South Dakota	South Dakota Lottery	http://www.sdlottery.org/	No	The South Dakota Lottery's instant, lotto and video lottery games have generated over \$1.2 billion for state projects and programs (through Fiscal Year 2004). Proceeds are directed to the General Fund.
Tennessee	Tennessee Lottery	http://www.tnlottery.gov/	Yes	Beginning in 2004, lottery-funded scholarships will be available to Tennessee students attending public or private colleges or universities across the state.
Texas	Texas Lottery	http://www.txlottery.org/	Yes	Between 1992 and 1997, about \$4.9 billion in lottery revenues went to the General Revenue Fund. Effective September 1, 1997, legislative action dedicated lottery revenue to the Foundation School Fund. <ul style="list-style-type: none"> • Prizes – 58% • Foundation School Fund – 30% • Administration – 7% • Retailers – 5%

State	Name	Website	Proceeds Earmarked for Education?	Legislation/Regulations/Distribution
Utah	State does not permit any form of gambling.			
Vermont	Vermont Lottery	http://www.vtlottery.com/	Yes	Fiscal Year 2004: <ul style="list-style-type: none"> • Prizes – 63% • Profits to education – 21% • Operations – 7% • Agent commissions/bonuses - 6% • Tri-state expenses – 3%
Virginia	Virginia Lottery	http://www.valottery.com/	Yes	Since 1999, all Virginia Lottery profits have been used for public education. Fiscal Year 2004: <ul style="list-style-type: none"> • Prizes – 57% • Education – 32% • Operations – 5% • Retailers – 6%
Washington	Washington Lottery	http://www.wa.gov/lot/home.htm	Yes	Beginning July 1, 2001, all lottery dollars previously transferred to the state General Fund (approximately \$100 million a year) now go directly to education. Through the Student Achievement Fund, lottery dollars help schools reduce class sizes, offer enhanced learning opportunities for both teachers and students, and provide tutoring to improve student success.
West Virginia	West Virginia Lottery	http://www.state.wv.us/lottery/default.htm	Yes	Lottery proceeds are appropriated to Education, Senior Citizen and Tourism programs.
Wisconsin	Wisconsin Lottery	http://www.wilottery.com/	No	<ul style="list-style-type: none"> • Prizes – 55.76% • Property Tax Relief – 32.23% • Operations – 6.68% • Retailers – 5.33%
Wyoming				

All data was compiled from state lottery Web sites and prepared by Molly Burke, ECS researcher in the Information Management and ECS Clearinghouse.

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School Funding Adequacy Cases

By Michael Griffith and Molly Burke

February 2005

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Forty-four out of 50 states have experienced some form of school finance litigation. Of the other six states, Delaware, Hawaii, Mississippi, Nevada and Utah have had no school funding litigation; in Indiana a suit was filed but withdrawn prior to any court decision.

Adequacy lawsuits have been filed in **32** states. The results of these cases are as follows:

- In **14** cases the courts found that the school funding system, in part or in whole, violated the state's constitution.
- **Seven** cases resulted in court rulings in favor of the state.
- **Four** cases were settled out of court.
- **Six** cases are still pending.
- **One** case was withdrawn prior to being heard.

The information in this *StateNote* comes from the [Campaign for Fiscal Equity's ACCESS Project](#). A link to each state's ACCESS Web page is available by clicking on the state name.

State	Has there been an adequacy suit?	Most Recent Adequacy Case	Did the final court decision side with the state?	Was there an adequacy study? Who initiated it?
Alabama	Yes	Alabama Coalition for Equity v. Hunt (1992)	Yes. Case was dismissed in 2002.	State initiated, 2001
Alaska	Yes	Kasayulie v. State (1997)	No	State initiated, 1998
Arizona	Yes	Crane Elementary School District v. State (2001)	Yes. Crane Elementary School District v. State was dismissed and plaintiffs are appealing.	Court ordered, 2001 Outside initiation, 2005
Arkansas	Yes	Lake View School District, No. 25 v. Huckabee (2001)	No	Court ordered, 2003
California	Yes	Williams v. State (1999)	Parties settled in August 2004	State initiated, 2005
Colorado	Yes	Unknown (1988)	Suit was withdrawn	State initiated

State	Has there been an adequacy suit?	Most Recent Adequacy Case	Did the final court decision side with the state?	Was there an adequacy study? Who initiated it?
Connecticut	Yes	Sheff v. O'Neill (1996)	Parties settled in January 2003	No
Delaware	No	NA	NA	No
Florida	Yes	Coalition for Adequacy and Fairness in School Funding v. Chiles (1995)	Yes	No
Georgia	Yes	Consortium for Adequate School Funding in Georgia v. State (2004)	No decision yet	No
Hawaii	No	NA	NA	No
Idaho	Yes	Idaho Schools for Equal Educational Opportunity v. State (1998)	The court sided against the state only on the issue of facilities and capital funding.	No
Illinois	Yes	Lewis E. v. Spagnolo (1999)	Yes	State initiated, 2001
Indiana	No	NA	NA	No
Iowa	Yes	Coalition for a Common Cents Solution v. State (2002)	Parties settled in 2004	No
Kansas	Yes	Montoy v. State (1999)	No	State initiated, 2002
Kentucky	Yes	Young v. Williams (2003)	No decision yet	State initiated, 2003 Outside initiation, 2003
Louisiana	Yes	Charlet v. Legislature of the State of Louisiana (1998)	Yes	No
Maine	No	NA	NA	State initiated, 1999
Maryland	Yes	Bradford v. Maryland State Board of Education (1994)	No. Plaintiffs returned to court in 2000. The circuit court declared that the state "still is not providing the children of Baltimore City...a constitutionally adequate education," has failed to comply with the 1996 Consent Decree, and needs to provide "additional funding of approximately \$2,000 to \$2,600 per pupil" in 2001 and 2002.	State initiated, 2001 Outside initiation, 2001
Massachusetts	Yes	Hancock v. Driscoll (1999)	No decision yet	Outside initiation, 1991, 2003

State	Has there been an adequacy suit?	Most Recent Adequacy Case	Did the final court decision side with the state?	Was there an adequacy study? Who initiated it?
Michigan	No	NA	NA	No
Minnesota	No	NA	NA	No
Mississippi	No	NA	NA	State initiated, 1993
Missouri	Yes	Committee for Education Equality v. State (1993, 2004)	No. The re-constituted Committee for Educational Equality filed a new equity and adequacy lawsuit against the state in 2004.	Outside initiation, 2003
Montana	Yes	Columbia Falls Public Schools v. State (2002)	No	Outside initiation, 2002
Nebraska	Yes	Douglas County v. Johanns (2003)	In January 2004, the state court heard arguments on the State's Motion to Dismiss and Motion to Transfer Venue. Also pending is a Motion for Leave to Intervene.	Outside initiation, 2003
Nevada	No	NA	NA	NA
New Hampshire	Yes	Claremont School District v. Governor (1999)	No	State initiated, 1998
New Jersey	Yes	Abbott v. Burke (1981)	No	State initiated, 1996
New Mexico	No	NA	NA	No
New York	Yes	Campaign for Fiscal Equity v. State (1993)	No	Court ordered, 2004 State initiated, 2004 Outside initiation, 2004
North Carolina	Yes	Hoke County v. State (2004)	No	No
North Dakota	Yes	Williston Public School District v. State (2003)	Decision pending.	State initiated, 2003
Ohio	Yes	DeRolph v. State (1991)	No	Court ordered, 1995 Outside initiation, 1993
Oklahoma	No	Plaintiffs decided against pursuing an adequacy lawsuit.	NA	No
Oregon	No	NA	NA	State initiated, 2000
Pennsylvania	Yes	Marrero v. Commonwealth (1998)	Yes. Case dismissed	No
Rhode Island	Yes	Town of Exeter v. State (2000)	Yes	No
South Carolina	Yes	Abbeville v. State (1993)	No decision yet.	Outside initiation, 1998

State	Has there been an adequacy suit?	Most Recent Adequacy Case	Did the final court decision side with the state?	Was there an adequacy study? Who initiated it?
South Dakota	No	NA	NA	No
Tennessee	No	NA	NA	State initiated, 1992 Outside initiation, 2004
Texas	Yes	West-Orange Cove ISD v. Nelson (2001)	No	No
Utah	No	NA	NA	No
Vermont	No	NA	NA	State initiated, 2004
Virginia	No	NA	NA	No
Washington	Yes	Seattle II v. State (early 1980s)	No	Outside initiation, 2003
West Virginia	No	NA	NA	No
Wisconsin	No	N/A	N/A	Outside initiation, 2002
Wyoming	Yes	Campbell County School District v. State (1995, 2001)	In its second <i>Campbell</i> decision, the court found that the state had complied with court-ordered remedies, with some notable exceptions.	Court ordered, 1997, 2002

Source: [ACCESS](#), Campaign for Fiscal Equity, Inc. <http://www.schoolfunding.info/>

Michael Griffith, policy analyst, and Molly Burke, researcher, for Information Management and ECS Clearinghouse, compiled this ECS StateNote.

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Helping State Leaders Shape Education Policy



State Links for School Finance

April 2005

Alabama	<u>AL Department of Education LEA Financial Assistance</u>
Alaska	<u>AK Department of Education Publications and Statistics</u>
Arizona	<u>AZ Department of Education School Finance</u>
Arkansas	<u>AR Department of Education Public School Finance and Administration</u>
California	<u>CA Department of Education Finance & Grants</u>
Colorado	<u>CO Department of Education Public School Finance</u>
Connecticut	<u>CT State Department of Education Finance and Internal Operations</u>
Delaware	<u>DE Department of Education Finance & Administrative Services</u>
Florida	<u>FL Department of Education School Business Services Office of Funding and Financial Reporting</u>
Georgia	<u>GA Department of Education Office of Finance and Business Operations</u>
Hawaii	<u>HI Department of Education Financial Reports</u>
Idaho	<u>ID Department of Education Finance and Transportation Services</u>
Illinois	<u>IL State Board of Education School Finance</u>
Indiana	<u>IN Department of Education Division of School Finance</u>
Iowa	<u>IA Department of Education School Finance Team</u>
Kansas	<u>KS State Department of Education School Finance</u>
Kentucky	<u>KY Department of Education Finance and Funding</u>
Louisiana	<u>LA Department of Education Funding</u>
Maine	<u>ME Department of Education Data Center</u>
Maryland	<u>MD State Department of Education Division of Business Services</u>
Massachusetts	<u>MA Department of Education School Finance and District Support</u>
Michigan	<u>MI Department of Education Office of Financial Management</u>

Minnesota	MN Department of Education Program Finance
Mississippi	MS Department of Education Office of School Financial Services
Missouri	MO Department of Elementary and Secondary Education School Finance
Montana	MT Office of Public Instruction School Finance Division
Nebraska	NE Department of Education School Finance
Nevada	NV Department of Education Finance Department Fiscal Services
New Hampshire	NH Department of Education Financial Reports
New Jersey	NJ Department of Education Division of Finance
New Mexico	NM Public Education Department School Budget and Finance Analysis Unit
New York	NY State Education Department State Aid Website
North Carolina	NC Department of Public Instruction Financial and Business Services
North Dakota	ND Department of Public Instruction School Finance & Organization
Ohio	OH Department of Education Center for School Finance
Oklahoma	OK State Department of Education Finance Division
Oregon	OR Department of Education School Finance
Pennsylvania	PA Department of Education: Finances
Rhode Island	RI Department of Elementary and Secondary Education: Federal and State Funding
South Carolina	SC Department of Education: School Business, Finance & Auditing
South Dakota	SD Department of Education: Office of Finance and Management
Tennessee	TN Department of Education: Office of Budget & Planning
Texas	TX Education Agency: School Finance & Grants
Utah	UT State Office of Education: Finance & Statistics
Vermont	VT Department of Education: School Finance & Auditing
Virginia	VA Department of Education: Finance
Washington	WA Office of Superintendent of Public Instruction: School Apportionment & Financial Services
West Virginia	WV Department of Education: School Financial Information
Wisconsin	WI Department of Public Instruction: School Financial Services
Wyoming	WY Department of Education: Finance

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Helping State Leaders Shape Education Policy



State Policies Related to Student Health and Nutrition

May 2005

Overview

Student health and nutrition have become significant issues in education policy deliberations. According to the [Youth Risk Behavior Surveillance Survey](#) conducted by the Centers for Disease Control, approximately 45% of students grades 9-12 are not engaged in sufficient physical activity or are not engaged in physical activity at all (2003). Attendance in physical education classes five days per week has also dropped from 41% in 1991 to 28% in 2003 (*ibid.*). With this in mind, many state politicians and education officials have begun discussions around solutions to this decline in health of school-age youth. The consensus: set school standards for physical activity.

The CDC also reports that 60% of youth eat too much fat, and less than 20% eat the recommended servings of fruits and vegetables ([Chronic Disease Prevention](#) 2003). Therefore, many states have begun developing nutrition standards to ensure that students are eating right and developing habits that will foster healthy living in the future. Governors such as Mike Huckabee (AR), Kathleen Babineauz Blanco (LA) and Bill Richardson (NM) specifically addressed nutrition in their 2005 state of the state addresses, which reflects the level of attention state leaders are paying to this issue.

The table below explores the various policy solutions that many states have employed. To preface, the information gathered comes from state statutory law; administrative rules and regulations were intentionally excluded. Also,

due to the particular focus on physical activity and nutrition improvement, comprehensive school health centers and non-school programs dealing with health and fitness statewide were also excluded. Many states have joined in on the discussions of student health and fitness; however, recently proposed legislation was excluded unless it had been signed into law.

In summary:

- 17 states have created committees or task forces centered around school nutrition and fitness improvement
- 11 states have statutory nutritional standards for school meal programs beyond federal regulations
- 11 states have restrictions on the sale of foods sold in competition with USDA School Meal Programs
- 10 states allow for the employment of a physical activity coordinator or nutrition specialist
- 12 states have mandated physical activity time requirements
- 14 states have reporting systems on nutrition or health programs
- 7 states have a reward or incentive program in regards to health related programs

State Statutory Laws Related to Student Health and Nutrition

	State has created a task force or committee to improve nutrition and/or fitness in schools	State has set nutritional standards for school meals beyond federal regulations	State law restricts the sale of competitive foods	State addresses employment of a physical activity coord. and/or a nutrition specialist	State mandates physical activity requirements (# min/# days)	State requires reporting on health/nutrition program	State provides incentives/rewards for health related programs
Alabama	Not in statute	Not in statute	Not in statute	Not in statute	Time requirement not in statute School must offer physical education (ALA. CODE § 16-40-1)	Not in statute	Not in statute
Alaska	Not in statute	Not in statute	Not in statute	Not in statute	Not in statute	Not in statute	Not in statute
Arizona	Yes Mandatory physical education implementation task force H.B. 2111 (2005)	Yes Department required to develop guidelines for elem./middle/jr. high levels. ARIZ. REV. STAT. §15-242	Yes Food in elem./middle/jr. highs must meet departmental nutrition standards, including food sold as a la carte items in the food service program and sold in vending machines, snack bars and meal-period kiosks and at school stores. Bars food of minimal	Not in statute	Not in statute	Not in statute	Not in statute

	State has created a task force or committee to improve nutrition and/or fitness in schools	State has set nutritional standards for school meals beyond federal regulations	State law restricts the sale of competitive foods	State addresses employment of a physical activity coord. and/or a nutrition specialist	State mandates physical activity requirements (# min/# days)	State requires reporting on health/nutrition program	State provides incentives/rewards for health related programs
			nutritional value. Contracts must expressly prohibit. ARIZ. REV. STAT. §15-242				
Arkansas	Yes Kids for Health Program (ARK. CODE ANN. 6-16-1001) Each school may also convene a local committee (ARK. CODE ANN. 20-7-135)	Not in statute	Yes Prohibits vending machines in elementary schools (ARK. CODE ANN. § 20-7-135)	Yes Districts and schools must employ a community coordinator to oversee implementation of program (ARK. CODE ANN. § 20-7-135)	Yes Grades K-8 must participate in 1hr/week of physical activity (ARK. CODE ANN. § 6-16-132)	Yes Report on competitive food sales and also BMI of students by age along with health effects of various BMIs (ARK. CODE ANN. § 20-7-135)	Not in statute
California	Yes Child Nutrition and Physical Activity Advisory Committee (CAL. EDUC. CODE § 49433) Child Nutrition Advisory Council (CAL. EDUC.	Yes Specifies the types of food that may be sold in schools (CAL. EDUC. CODE § 49431.5)	Yes Does not allow the renewal of contracts with competitive food providers unless a public hearing is held (CAL. EDUC. CODE § 35182.5)	Yes Requires that there be one physical education specialist per two elementary schools (CAL. EDUC. CODE § 52750)	Yes Requires physical activity for 200min/10 school days (CAL. EDUC. CODE § 51210.1)	Yes Report on amount of physical education offered per school (CAL. EDUC. CODE § 33352) School must post nutrition and	Yes Encourages the development of a financial incentive plan to encourage involvement in state pilot program (CAL. EDUC. CODE § 49435)

	State has created a task force or committee to improve nutrition and/or fitness in schools	State has set nutritional standards for school meals beyond federal regulations	State law restricts the sale of competitive foods	State addresses employment of a physical activity coord. and/or a nutrition specialist	State mandates physical activity requirements (# min/# days)	State requires reporting on health/nutrition program	State provides incentives/rewards for health related programs
	CODE § 49533)					physical activity laws for public review (CAL. EDUC. CODE § 49432)	
Colorado	Not in statute	Not in statute No statewide requirement, but districts required to develop nutrition standards and to provide healthy choices such as fresh produce (COLO. REV. STAT. § 22-32-136)	Yes Requires the increase of nutritional options in school vending machines (COLO. REV. STAT. § 22-32-134)	Not in statute	Time requirement not in statute School districts must provide education encouraging physical activity (COLO. REV. STAT § 22-32-136)	Yes School districts must provide nutritional information for all food offered on school property (COLO. REV. STAT. § 22-32-136)	Not in statute
Connecticut	Not in statute	Not in statute Regulates nutrition of school meals to what is established by local boards (CONN. GEN. STAT. § 169-10-215D)	Not in statute	Not in statute	Not in statute	Not in statute	Not in statute
Delaware	Not in statute	Not in statute But education	Not in statute	Not in statute	Time requirement not in statute	Not in statute	Not in statute

	State has created a task force or committee to improve nutrition and/or fitness in schools	State has set nutritional standards for school meals beyond federal regulations	State law restricts the sale of competitive foods	State addresses employment of a physical activity coord. and/or a nutrition specialist	State mandates physical activity requirements (# min/# days)	State requires reporting on health/nutrition program	State provides incentives/rewards for health related programs
		around proper nutrition is required for grades K-12 (DEL. CODE ANN. TIT. 14, § 122)			Requires health and wellness education for grades K-12 (DEL. CODE ANN. TIT. 14, § 122.15)		
District of Columbia	Not in statute	Not in statute	Not in statute	Not in statute	Not in statute	Not in statute	Not in statute
Florida	Not in statute	Not in statute State requests that school districts develop a food program that is consistent with the nutritional needs of the students (FLA. STAT. CH. 48.1006.06)	Not in statute	Not in statute	Yes 30min/day, 3 days/week for grade K-5 (FLA. STAT. CH. 48.1003.455) Districts will partner with Dept. of Health and develop a plan that would provide students with 60 min/day of physical activity (FLA. STAT. CH. 29.381.0054)	Yes Schools must adopt a physical education program and report the expected outcomes to Department of Education (FLA. STAT. CH. 48.1003.455)	Yes Requires the development of a recognition program for physically active/fit schools (FLA. STAT. CH. 29.381.0054)
Georgia	Not in statute	Not in statute State board may develop	Not in statute	Not in statute	Time requirement not in statute Schools must	Not in statute	Not in statute

	State has created a task force or committee to improve nutrition and/or fitness in schools	State has set nutritional standards for school meals beyond federal regulations	State law restricts the sale of competitive foods	State addresses employment of a physical activity coord. and/or a nutrition specialist	State mandates physical activity requirements (# min/# days)	State requires reporting on health/nutrition program	State provides incentives/rewards for health related programs
		nutritional standards that meet or exceed federal standards (GA. CODE ANN. § 20-2-66)			offer physical education (GA. CODE ANN. § 20-2-142)		
Hawaii	Not in statute	Not in statute	Not in statute	Not in statute	Time requirement not in statute State may support programs encouraging physical fitness (HAW. REV. STAT. § 226-21)	Not in statute	Not in statute
Idaho	Not in statute	Not in statute	Not in statute	Not in statute	Time requirement not in statute Does require instruction in health and fitness (IDAHO CODE § 33.1605)	Not in statute	Not in statute
Illinois	Yes School Wellness Policy Task Force (105 ILCS 5/2-3.137)	Yes State board required to set standards. (105 ILCS 5/2-3.137)	Not in statute	Not in statute	Not in statute State board may stipulate a specific amount of time to be devoted to health education (105 ILL. COMP. STAT. 5/27-8.1)	Yes Dept. of Health must collect data relating to obesity for incoming students (105 ILL. COMP. STAT. 5/27-8.1)	Yes Publicly identifies programs that have increased level of physical activity and programs that have adopted policies or programs to

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					STAT. 110/4)		promote healthy nutritional choices. 105 ILCS 5/2-3.137 (Public Act 094-0190, 2005)
Indiana	Not in statute	Not in statute	Not in statute	Yes Establishes a health and physical education consultant position with Department of Education. (IND. CODE § 20-1-1.1-7)	Time requirement not in statute Requires education in health and physical fitness (IND CODE § 20-10.5-4-5)	Not in statute	Not in statute
Iowa	Not in statute	Yes School lunches must be nutritionally adequate in compliance with state regulations (IOWA CODE § 7.6.283A.2)	Not in statute	Not in statute	Time requirement not in statute Schools must offer physical education (IOWA CODE § 256.11)	Not in statute	Not in statute
Kansas	Not in statute	Yes State board	Restrictions not in statute	Not in statute	Time requirement not in statute	Not in statute	Not in statute

	State has created a task force or committee to improve nutrition and/or fitness in schools	State has set nutritional standards for school meals beyond federal regulations	State law restricts the sale of competitive foods	State addresses employment of a physical activity coord. and/or a nutrition specialist	State mandates physical activity requirements (# min/# days)	State requires reporting on health/nutrition program	State provides incentives/rewards for health related programs
		required to develop nutrition standards (SB 154)	State board must pay special attention to offering healthy foods and beverages in schools (SB 154)		State board must make recommendations on physical activity standards (SB 154)		
Kentucky	Not in statute	Yes Requires state board to specify standards for foods sold outside of the National School Breakfast and National Lunch programs, including a la carte cafeteria sales (KY. REV. STAT. ANN. § 156.160)	Yes Competitive foods cannot be sold from beginning of school until 30 minutes after lunch (KY. REV. STAT. ANN § 156.160)	Yes Requires a food service director who is credentialed as a “school food service and nutrition specialist.” (KY. REV. STAT. ANN. § 156.160)	Yes Moderate to vigorous; up to 30 min/day, or 150 min/week included within instructional day (S.B. 172, KY. REV. STAT. CHAP. 158)	Yes Each school must provide written report to parents, board and school council. Each district submits findings and recommendations to state board. (S.B. 172, KY. REV. STAT. CHAP. 158)	Not in statute
Louisiana	Not in statute	Not in statute State Board of Education may conduct studies regarding	Yes Specifies standards for school day from 30-minutes prior	Not in statute	Yes 30 min/day of physical activity for grades K-6 (LA. REV. STAT.	Yes Reports on progress made to school board, with information	Yes Allows for a monetary award for outstanding regional schools

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		methods of improving and expanding school meal programs (LA. REV. STAT. ANN. § 17:197)	to school to 30 minutes after (LA. REV. STAT. ANN. § 17:197.1)		ANN. § 17:17.2)	made available to parents (LA. REV. STAT. ANN. § 17:17.2)	(LA. REV. STAT. ANN. § 17:17.3)
Maine	Not in statute	Not in statute	Not in statute	Not in statute	Time requirement not in statute Schools must offer physical education (ME. REV. STAT. ANN. TIT. 20-A, § 4721)	Not in statute Commissioner of Education may asses nutritional value of school meals and report results to the state board (ME. REV. STAT. ANN. TIT. 20-A, § 6602)	Not in statute
Maryland	Not in statute	Not in statute	Not in statute	Not in statute	Time requirement not in statute Schools must offer physical education. (MD. CODE ANN. EDUC. § 7-409)	Not in statute	Not in statute
Massachusetts	Not in statute	Yes State board required to	Not in statute	Not in statute	Time requirement not in statute Schools must	Not in statute	Not in statute

	State has created a task force or committee to improve nutrition and/or fitness in schools	State has set nutritional standards for school meals beyond federal regulations	State law restricts the sale of competitive foods	State addresses employment of a physical activity coord. and/or a nutrition specialist	State mandates physical activity requirements (# min/# days)	State requires reporting on health/nutrition program	State provides incentives/rewards for health related programs
		establish minimum nutrition standards for school food programs (MASS. GEN. LAWS CH. 69 § 1C)			offer physical education (MASS. GEN. LAWS CH. 71 § 3)		
Michigan	Not in statute	Not in statute Nutrition in schools is mentioned under the Critical Health Problems Education Act as needing improvement (MICH.COMP. LAWS § 388.382)	Not in statute	Not in statute	Time requirement not in statute Schools must offer physical education (MICH. COMP. LAWS § 380.1502)	Not in statute	Not in statute
Minnesota	Not in statute	Not in statute	Not in statute	Not in statute	Time requirement not in statute Schools must offer physical education (MINN. STAT. § 120B.021)	Reporting system established by statute Department of Health may develop a reporting system on nutrition (MINN. STAT. § 144.092)	Not in statute
Mississippi	Not in statute	Not in statute	Not in statute	Yes	Yes	Not in statute	Not in statute

	State has created a task force or committee to improve nutrition and/or fitness in schools	State has set nutritional standards for school meals beyond federal regulations	State law restricts the sale of competitive foods	State addresses employment of a physical activity coord. and/or a nutrition specialist	State mandates physical activity requirements (# min/# days)	State requires reporting on health/nutrition program	State provides incentives/rewards for health related programs
				Allows for a Physical Activity Coordinator (MISS. CODE ANN. § 37-13-134)	30min/day for grades K-6; and 2hrs/week for grades 7-9 (MISS. CODE ANN. § 37-13-134)		
Missouri	Not in statute	Not in statute	Not in statute	Yes Allows for a Physical Education Supervisor (MO. REV. STAT. § 168.171)	Time requirement not in statute Schools must offer physical education (MO. REV. STAT. § 162.102)	Not in statute	Not in statute
Montana	Not in statute	Not in statute	Not in statute	Yes Supervisor of Physical Education may be employed by Superintendent of Public Instruction (MONT. CODE ANN. § 20-3-103)	Not in statute	Not in statute	Not in statute
Nebraska	Not in statute	Not in statute	Not in statute	Not in statute	Not in statute	Not in statute	Not in statute
Nevada	Not in statute	Not in statute	Not in statute	Not in statute	Time requirement	Not in statute	Not in statute

	State has created a task force or committee to improve nutrition and/or fitness in schools	State has set nutritional standards for school meals beyond federal regulations	State law restricts the sale of competitive foods	State addresses employment of a physical activity coord. and/or a nutrition specialist	State mandates physical activity requirements (# min/# days)	State requires reporting on health/nutrition program	State provides incentives/rewards for health related programs
		State board may conduct studies of methods to improve programs of nutrition and nutrition education (NEV. REV. STAT. § 387.100)			not in statute Schools must offer physical education (NEV. REV. STAT. § 389.018)		
New Hampshire	Yes Health Education Review Committee (N.H. REV. STAT. ANN. § 186:671)	Yes State board required to set standards (N.H. REV. STAT. ANN. § 189:11A)	Not in statute	Not in statute	Time requirement not in statute Model policy must address physical activity requirements (N.H. REV. STAT. ANN. § 189:11A)	Not in statute	Not in statute
New Jersey	Not in statute	Not in statute School meals must follow nutritional standards set by state board (N.J. STAT. ANN § 18A:33-4)	Not in statute	Not in statute	Not in statute	Not in statute	Yes Minority Health Program may provide grants to school districts who are developing programs that focus on good nutrition and healthy lifestyles

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							(N.J. STAT. ANN. § 26:2-162)
New Mexico	Not in statute	Not in statute	Not in statute Public education department must establish standards for food sold outside of the school meal program (HB 61)	Not in statute	Time requirement not in statute Schools must offer physical education (N.M. STAT. ANN. § 22-13-1.1)	Not in statute	Not in statute
New York	Yes School Nutrition Advisory Committee (N.Y. EDUC. LAW § 918)	Not in statute Standards on review by Advisory Committee (N.Y. EDUC. LAW § 918)	Restriction not in statute Advisory Committee is to review vending machine sales and develop recommendations accordingly (N.Y. EDUC. LAWS § 918)	Not in statute	Time requirement not in statute Childhood Obesity Prevention Program is to develop physical activity programs to be based in schools and in communities at large. (N.Y. PUB. HEALTH LAWS § 261)	Yes Existence and findings of Advisory Committee must be made known to parents so as to increase awareness (N.Y. EDUC. LAWS § 918)	Not in statute
North Carolina	Yes Commission for Health Services	Not in statute Department of Education may	Yes Soft drinks may not be sold at	Yes Schools may offer dietary	Time requirement not in statute Schools must	Not in statute	Not in statute

	State has created a task force or committee to improve nutrition and/or fitness in schools	State has set nutritional standards for school meals beyond federal regulations	State law restricts the sale of competitive foods	State addresses employment of a physical activity coord. and/or a nutrition specialist	State mandates physical activity requirements (# min/# days)	State requires reporting on health/nutrition program	State provides incentives/rewards for health related programs
	Responsible for overseeing the implementation of the school nutrition program (N.C. GEN. STAT. § 130A-29)	administer the implementation of a nutrition program (N.C. GEN. STAT. § 130A-361)	elementary schools nor during the lunch hour in high schools (N.C. GEN. STAT. § 115C-264)	counseling and treatment (N.C. GEN. STAT. S 130A-361)	offer physical education (N.C. GEN. STAT. § 115C-81)		
North Dakota	Not in statute	Not in statute Superintendent of Public Instruction may study methods to improve and promote nutrition in schools (N.D. CENT. CODE § 15.1-35-06)	Not in statute	Not in statute	Time requirement not in statute Schools must offer physical education (N.D. CENT. CODE § 15.1-21-01)	Yes Findings of studies conducted by Superintendent of Public Schools will be reported to the Governor (N.D. CENT. CODE § 15.1-35-06)	Not in statute
Ohio	Not in statute	Not in statute Nutrition education shall be offered that explains the benefits of natural and organic foods. (OHIO REV.	Not in statute	Not in statute	Time requirement not in statute Congress is instructed to review current standards for physical education and health.	Yes Congress must hold public hearing before voting on standards. (OHIO REV. CODE ANN. § 3301.0718)	Not in statute

	State has created a task force or committee to improve nutrition and/or fitness in schools	State has set nutritional standards for school meals beyond federal regulations	State law restricts the sale of competitive foods	State addresses employment of a physical activity coord. and/or a nutrition specialist	State mandates physical activity requirements (# min/# days)	State requires reporting on health/nutrition program	State provides incentives/rewards for health related programs
		CODE ANN. § 3313.60)			(OHIO REV. CODE ANN. § 3301.0718)		
Oklahoma	Yes Healthy Fit Kids Advisory Committee (OKLA. STAT. TIT. 24 § 100A)	Yes Schools must not serve foods of minimal nutritional value and must ensure that healthy foods are made available (OKLA. STAT. TIT. 70, § 5-147)	Yes Standards will be developed by Advisory Committee (OKLA. STAT. TIT. 24, § 100-A) High schools must be sure that healthy foods are offered to students (OKLA. STAT. TIT. 70, § 5-147)	Not in statute	Yes 60 min/week for grades K-5, and 150 min/week for grades 7-12. (OKLA. STAT. TIT. 70, §11-103)	Not in statute	Yes Schools must offer incentives such as lower prices for healthful foods (OKLA. STAT. TIT. 70, § 5-147)
Oregon	Not in statute	Not in statute	Not in statute	Not in statute	Time requirement not in statute Schools must offer physical education (OR. REV. STAT. § 329.025)	Not in statute	Not in statute
Pennsylvania	Yes Advisory Health Council	Not in statute Schools may enter partnerships with other	Not in statute	Not in statute	Time requirement not in statute Schools must offer physical	Not in statute	Not in statute

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	Responsible for studying the health needs of schools (PA. STAT. ANN. TIT. 24, § 14-1422)	organizations in order to study ways of improving nutritional benefits of school meals (PA. STAT. ANN. TIT. 24, § 13-1337)			education (PA. STAT. ANN. TIT. 13, § 13-1327)		
Rhode Island	Not in statute	Not in statute Department of Elementary and Secondary Education is authorized to study and review current nutritional standards of school meals and make recommendations for improvement (R.I. GEN LAWS § 16-8-12)	Not in statute	Not in statute	Yes 20 min/day for grades 1-12 (R.I. GEN. LAWS § 16-22-4)	Not in statute	Not in statute
South Carolina	Yes State department must make available a Coordinated	Yes State board required to set standards (S.C. CODE	Yes District boards required to establish health and nutrition	Yes Elementary schools must have Physical Education	Yes K-5 (starting 2006-07) 150 mins. Physical education and	Yes Student fitness status is assessed and must be reported	Not in statute

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	School Health Model. Requires districts to maintain Coordinated School Health Advisory Council Students Health and Fitness Act of 2005 (S.C. CODE ANN. § 59-10-320, 330)	ANN. § 59-10-310, 320)	policies for elementary schools designed to limit vending and related sales; Coordinated School Health Advisory Councils determine what may be sold in vending machines (S.C. CODE ANN. § 59-10-310, 320)	Activity Director. State sets certified physical education teacher ratios. (S.C. CODE ANN. § 59-10-30)	activity per week, with goal of 30 minutes daily. In 2006-07, a minimum of 60 minutes a week must be provided in physical education, phasing in to 90 minutes a week. (S.C. CODE ANN. § 59-10-10 AND 59-10-30)	to parents at 5 th , 8 th and high school levels. Districts must report number of minutes provided. (S.C. CODE ANN. § 59-10-10)	
South Dakota	Not in statute	Not in statute	Not in statute	Not in statute	Not in statute	Not in statute	Not in statute
Tennessee	Yes Obesity Study and Prevention Fund (TENN. CODE ANN. § 6-1-2001)	Yes State board must develop minimum nutrition standards for school meals (TENN. CODE ANN. § 49-6-2307) 2005 Resolution urging department of	Yes State board required to set minimum standards for items offered for sale in vending machines (TENN. CODE ANN. § 49-6-2307)	Not in statute	Not in statute	Not required, but districts authorized to implement body mass index; where carried out, results must be reported to department of health (and individual results reported to parents) (S.B. 247, 2005)	Not in statute

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		health and department of education to develop and implement suitable programs to reduce obesity (H.J.R. 85)					
Texas	Yes Local Heath Advisory Councils Responsible to make recommendations on health curriculum (TEX. EDUC. CODE ANN. § 28.002)	Not in statute Nutrition services addressed through Coordinated School Health Program (TEX. EDUC. CODE ANN. § 38.013)	Not in statute	Position not in statute Requires training for school personnel responsible for implementation of coordinated health program (TEX. EDUC. CODE ANN. § 38.013)	Yes Recommended amount of 30 min/day (TEX. EDUC. CODE ANN. § 28.002)	Yes Department of Public Health is encouraged to collect data around low-income youth who engage in risky health habits including lack of physical activity and poor nutrition (TEX. HEALTH & SAFETY CODE ANN. § 62.052)	Not in statute
Utah	Not in statute	Not in statute	Not in statute	Not in statute	Not in statute	Not in statute	Not in statute
Vermont	Yes Advisory Council on Wellness Assists with the	Not in statute Advisory Council will develop nutrition standards for	Restrictions not in statute Advisory Council will develop standards for	Yes Creates the position of Educational Consultant II to	Time requirement not in statute Fitness curricula will be developed by Advisory	Yes Web site must be developed to display data from wellness survey	Yes Provides for grant program to implement wellness program

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	coordination of school wellness programs (VT. STAT. ANN. TIT.16, § 216)	school meals (VT. STAT. ANN. TIT. 16, § 216)	snack foods available at school (VT. STAT. ANN. TIT. 16, § 216)	oversee implementation of policy (VT. STAT. ANN. TIT. 16, § 216)	Council (VT. STAT. ANN. TIT. 16, § 216)	for public review (VT. STAT. ANN. TIT. 16, § 216) Data collected by the Department of Health on height and weight of students grades K-6 may also be reported (VT. STAT. ANN. TIT. 16, § 216)	(VT. STAT. ANN. TIT. 16, § 216)
Virginia	Yes School Health Advisory Board (VA. CODE ANN. § 22.1-275.1)	Not in statute Schools are encouraged to incorporate parents in educating children around good nutrition (VA. CODE ANN. § 22.1.207.3)	Not in statute	Not in statute	Time requirement not in statute Schools must offer physical education (VA. CODE ANN. § 22.1-253.13:1)	Not in statute	Not in statute
Washington	Yes Advisory Committee on Nutrition and Physical Education (WASH. REV.	Not in statute Requires development of model policy (WASH. REV. CODE §	Not in statute Requires development of model policy. (WASH. REV. CODE § 28A.210.360)	Not in statute	Yes Model policy must include a requirement of 20 min/day of physical activity (WASH. REV.	Not in statute	Not in statute

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	CODE § 28A.210.360)	28A.210.360)			CODE § 28A.210.360)		
West Virginia	Yes Healthy Lifestyles Office within Department of Health and Human Resources (W. VA. CODE § 5-1E-5)	Not in statute	Yes Restricts beverages in vending machines (healthy only through junior high level; at high school, 50% must be healthy beverages) (W. VA. CODE § 18-2-6a)	Not in statute	Yes K-5: at least 30 minutes Grades 6-8: one period each day for one semester Grades 9-12: one credit for graduation or alternate program (W. VA. CODE § 18-2-7a)	Yes Body mass index measures reported to the state department of education Health education required, and state board required to prescribe standardized health education assessment (W. VA. CODE § 18-2-7a)	Not in statute
Wisconsin	Not in statute	Not in statute Schools do require instruction in good nutrition habits (WIS. STAT. § 118.01)	Not in statute	Not in statute	Time requirement not in statute Schools must offer physical education (WIS. STAT. § 118.01)	Not in statute	Not in statute
Wyoming	Yes Joint Committee on School Health	Not in statute Superintendent must review	Not in statute	Not in statute	Time requirement not in statute Schools must	Not in statute	Not in statute

	State has created a task force or committee to improve nutrition and/or fitness in schools	State has set nutritional standards for school meals beyond federal regulations	State law restricts the sale of competitive foods	State addresses employment of a physical activity coord. and/or a nutrition specialist	State mandates physical activity requirements (# min/# days)	State requires reporting on health/nutrition program	State provides incentives/rewards for health related programs
	(WYO. STAT. ANN. § 35-1-701)	school meal programs to expand and evaluate their nutritional benefits to students (WYO. STAT. ANN. § 21-2-202)			offer physical education (WYO. STAT. ANN. § 21-9-101)		
Totals	17	11	11	10	12	14	7

This StateNote was compiled by Jon-Michael Hanna, Spring 2005 Intern with the Education Commission of the States.

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Helping State Leaders Shape Education Policy



Target Attendance and Graduation Rates And How Rates Are Calculated

By Kathy Christie

January 2005

The intent of the No Child Left Behind Act (NCLB) is to hold states accountable for improving performance of all students. State definitions of adequate yearly progress (AYP) must include graduation rates for high schools and an additional indicator for middle and elementary schools. States must determine whether schools make adequate yearly progress as measured by the following:

- Progress by all students – as measured by annual statewide tests – toward proficiency in language arts/reading and math by 2013-14
- The progress of each subgroup of students – racial/ethnic, low income, students with disabilities and those with limited proficiency in English – toward proficiency on these tests
- Ninety-five percent participation of each subgroup in the tests
- Progress by all students on the two indicators: graduation rates, in the case of high schools, and a state-determined indicator for elementary and middle schools.

This StateNote reports on the last bullet – target attendance and graduation rates for all states and territories. Table 1 – which will likely be the most useful in this document – illustrates the target attendance rate and graduation rate, by state. Table 2 provides further information on attendance rate calculations and describes the indicator used in states that do not use attendance. Table 3 provides detailed information on how each state calculates its graduation rate (and other notes such as definitions of a dropout).

Sources Used:

Glossaries or explanatory text on report cards; state technical documents, Consolidated State Applications Accountability Workbooks, U.S. Department of Education Decision Letters, administrative rules, state statute, other state publications, and in several instances (when no other information was available), personal communication.

Highlights

Total number of states that use attendance: 37 plus the District of Columbia

Total number states that do NOT use attendance: 13

Attendance rate target range: 80% to 95.8%

Graduation rate target range: 50% to 95%

TABLE 1: State Targets for Attendance and Graduation Rates

State	Target Attendance Rate	Target Graduation Rate	Source
Alabama	95% or improvement from previous year	For 2004-05, 10% drop-out rate or improvement from previous year	2004 Interpretive Guide Alabama State Accountability System
Alaska	85%	55.58%	Consolidated State Application Accountability Workbook , Amended, with approval, June 7, 2004
Arizona	93.5 or .5% gain from previous year	70.5%	Report Card http://www.ade.az.gov/srcs/ReportCards/54362004.pdf
Arkansas	Schools for which the attendance rate is more than one standard deviation below the mean will not meet adequate yearly progress.	If more than one standard deviation below the mean (86.74167), school will not meet adequate yearly progress – unless improvement from previous year	Consolidated State Application Accountability Plan , Amended June 2004 (Approved, United States Department of Education (USDOE))
California	Not Applicable (N/A) Does not use attendance	Meet at least one: <ul style="list-style-type: none"> ▪ 82.8% target ▪ + 0.1% one-year change ▪ + 0.2% two-year average change ▪ Meet an annual status target that begins at 82.8% and increases at a rate similar to the schedule of annual measurable objectives in English language arts and mathematics. OR If no graduation rate is available or the primary mission of the school is to return students to the regular classroom in a comprehensive high school, an alternate method is used.	2004 AYP Criteria Summary http://www.cde.ca.gov/ta/ac/ay/documents/aprcriteria04.pdf State of California Consolidated State Application Accountability Workbook , Amended September 15, 2004 (approved by USDOE)
Colorado	N/A	55.3%	Report card
Connecticut	N/A	70% or annual improvement	Report card Consolidated State Application Accountability Workbook , Modified August 13, 2004 (approved by USDOE)
Delaware	N/A	75% School Year Graduation Target 2003-04: 75%	Report card

State	Target Attendance Rate	Target Graduation Rate	Source
		2004-05: 76.5% 2005-06: 78% 2006-07: 79.5% 2007-08: 81% 2008-09: 82.5% 2009-10: 84% 2010-11: 85.5% 2011-12: 87% 2012-13: 88.5% 2013-14: 90%	
District of Columbia	90% or improvement of 1%	Not yet available	Report card
Florida	N/A	1% improvement	Florida Department of Education Fact Sheet http://www.fldoe.org/NCLB/FactSheet-AYP.pdf Consolidated State Application Accountability Workbook, Revised March 26, 2003 (approved by USDOE)
Georgia	N/A	60% or improvement	Consolidated State Application Accountability Workbook
Hawaii	N/A	70%	Report card
Idaho	N/A	90% by 2012-13 or improvement	Consolidated State Application Accountability Workbook
Illinois	88%, increasing annually to a final target of 92% in 2013-2014	65%, increasing annually as follows: 2005: 67% 2006: 69% 2007: 72% 2008: 75% 2009: 78% 2010: 80% 2011: 82% 2012: 84% 2013-2014: 85%.	Report card Accountability Workbook , revised May 2004 (approved by USDOE)
Indiana	95%	95%	511 IAC 6.2-7-8 Other indicators
Iowa	95.8% in 2003-2004 At least one of the following criteria must be met: 1. District rate is greater than or equal to state goal. 2. District rate falls within Confidence Interval. 3. District rate has improved from previous year.	89.4% in 2003-2004 At least one of the following criteria must be met: 1. District rate is greater than or equal to state goal. 2. District rate falls within Confidence Interval. 3. District rate has improved from previous year.	2004 State Report card Personal communication, Xiaoping Wang, Iowa Department of Education

State	Target Attendance Rate	Target Graduation Rate	Source
Kansas	90% or show improvement	75% or show improvement	Kansas Adequate Yearly Progress Revised Guidance, Revised July 2004
Kentucky	N/A	2004: 75.50% 2005: 77.75 % 2006: 80.00% (aligns with state statute of 5% or below dropout by 2006) 2007: 82.25% 2008: 84.50% 2009: 86.75% 2010: 89.00% 2011: 91.25% 2012: 93.50% 2013: 95.75% 2014: 98.00% (Also recognizes and honors students with severe disabilities)	2004 NCLB Interpretative Guide, Kentucky Department of Education (V 2.03, Updated August 13, 2004)
Louisiana	90% or .1% improvement	90% (Non-dropout rate)	Bulletin 111, Chapter 1, Sec. 511 Consolidated Application Accountability Workbook , Amended 2004 (approved by USDOE)
Maine	80%	60%	http://www.ed.gov/admins/lead/account/letters/acme2.html
Maryland	Improvement by at least one tenth of one percent. Ultimate attendance rate of 94% by school year 2013-2014.	81% in 2004 or show improvement over the previous year of one tenth of one percent. Increasing intermediate targets in years 2005, 2008 and 2011, with ultimate goal of 90% (3% standard for dropout rate).	http://www.ed.gov/admins/lead/account/stateplans03/mdcsa.pdf Report Card
Massachusetts	92% or 1% increase compared to the prior year. Next phase: intermediate attendance and graduation rate targets for years 2005 and 2006 will be set by the state board in 2005	Interim indicator is the grade 12 "competency determination" rate – passing state MCAS tests as a prerequisite for high school graduation – for 2003 and 2004 = 70%. Will begin reporting graduation rates in 2006-07.	Consolidated Application Accountability Workbook , Revised August 12, 2004 (approved by USDOE)
Michigan	85% 2008-2009: 90%	80% for 2002-03; 85% for 2005-06; 90% for 2008-09; 90% in effect through 2013-14. Or, if, over a period of two	Michigan Consolidated State Application Accountability Workbook , Revised May 22, 2003

State	Target Attendance Rate	Target Graduation Rate	Source
		years, reduce by 10% the percentage of students representing the gap between the 85% target and the school's actual rate ("safe harbor"). (Example: school attendance rate: 70%; 85% minus 70% = 15% gap; 15 times 10% = 1.5. School target becomes 71.5% in order to make AYP.)	
Minnesota	90% or improvement on track to meeting target	80% or growth toward it	Minnesota Consolidated State Application Accountability Workbook , Updated September 29, 2004
Mississippi	93% (or an increase from prior year)	72% (or an increase from prior year)	Report card
Missouri	Improvement Once 95% is reached, the goal is to maintain	Standard for minimum graduation rate is 65%. Other indicator is "progressing rate."	Consolidated Application Accountability Workbook , Updated September 7, 2004
Montana	80% or improvement from prior year	80% or improvement from prior year	Report Card Consolidated State Application Accountability Workbook , Revised June 6, 2003
Nebraska	N/A	83.97% or progress toward it	Overview: Q & A on Adequate Yearly Progress www.nde.state.ne.us/2003SA/2003PDFS/AYPQA.pdf
Nevada	90% or improvement	50% or improvement	A Guide to No Child Left Behind & Adequate Yearly Progress Analyses in Nevada http://www.doe.nv.gov/nclb/ayp/questions/guide.htm#other_indicators The Nevada Adequate Yearly Progress Technical Manual , June 11, 2004 http://www.doe.nv.gov/nclb/ayp/questions/ayp_manual.pdf
New Hampshire	95%	2007: 75.2% 2008-2010: 79.2% 2011: 83.1% 2012: 87% 2013: 90.9% 2014: 95%	Consolidated State Application Accountability Workbook for The State of New Hampshire , Amended March 30, 2004 Rhode Island School and District Performance and Accountability System August 2004 – School Performance Classifications, An Explanation of the Process

State	Target Attendance Rate	Target Graduation Rate	Source
New Jersey	90%	Reduce dropout rate by .5% per year until the prior year's statewide dropout rate percentage is reached	Consolidated Application Accountability Workbook , Revised August 16, 2004 (approved by USDOE) District Report Card
New Mexico	92%	75%	New Mexico Public Education Department, Questions and Answers About Adequate Yearly Progress (AYP)
New York	N/A	55%	Personal communication, Ira Schwart, November 30, 2004
North Carolina	A 90% daily attendance rate or improvement (0.1 percentage point) from the previous year.	A 90% graduation rate or improvement (0.1 percentage point) from the previous year.	Report Card
North Dakota	93%	89.9%	Report Card A Guide to the 2003-04 AYP Report, ND Department of Public Instruction
Ohio	93% or improvement over prior year	73.6% or improvement over prior year	Report Card
Oklahoma	1.5 standard deviations below the mean, which is 91.2%, or improvement from previous year.	School completion component score that is one and a half standard deviations below the mean or improvement. For 2000-2001, the state average graduation rate was 85.6%, with a standard deviation of 11.2%. Target is set at 1.5 standard deviations from the mean, which is 68.8% – or improvement from previous year.	Consolidated State Application Accountability Workbook , August 26, 2004
Oregon	92.0% Both of these indicators may be met by the two-year weighted average or the rate for the most current year.	68.1% Both of these indicators may be met by the two-year weighted average or the rate for the most current year.	2003-04 AYP Policy and Technical Manual May 2004, Revised July 2004
Pennsylvania	90% or any improvement from previous year	80% or any improvement from previous year	Pennsylvania Consolidated State Application Accountability Workbook , Revised May 8, 2004
Rhode Island	90%, with a final goal of 95%	95% by 2013-2014; for 2005, goal is 75.3%; 2003 target was 71.4% Interim years: 2006, 2007: 75.3%	Rhode Island School and District Performance and Accountability System August 2004 Report Card Rhode Island School and District

State	Target Attendance Rate	Target Graduation Rate	Source
		2008-2010: 79.2% 2011: 83.1% 2012: 87% 2013: 90.9%.	Accountability System Technical Bulletin, Revised and Updated October 13, 2004 http://www.ridoe.net/assessment/NEWS/Accountability_Technical_Bulletin_2004_FINAL.pdf
South Carolina	95.3%	At least equal to or greater than prior year, or three-year average greater than the prior year	Report Card
South Dakota	94% or improvement over prior year	90% or improvement over prior year	South Dakota Consolidated Application Accountability Workbook , approved by USDOE on June 17, 2004
Tennessee	93% or improvement over prior year	90% or improvement over prior year To show sufficient improvement, districts and schools must be on track to meet the 90% graduation rate benchmark by 2013-14	No Child Left Behind: Summary of Recent Changes (http://www2.state.tn.us/k-12/aypsumrecchanges.pdf) http://www2.state.tn.us/k-12/aypprogressprimer.pdf
Texas	90% or improvement	70% or improvement	http://www.tea.state.tx.us/ayp/2004/guide.pdf
Utah	93% or improvement	85.7%	Report Card
Vermont	N/A	75%	Consolidated Application Accountability Workbook, State of Vermont Revised December 2, 2004
Virginia	94% (and for safe harbor only, a performance target of 70% in science until the state has the capacity to disaggregate attendance data in 2003-2004 and graduation rate data in 2005-2006 or earlier)	57%	Decision Letter on Request to Amend Virginia Accountability Plan July 8, 2004 (amendments approved by USDOE) Consolidated Application Amended Accountability Workbook Revised May 26, 2004
Washington	Reduction of 1% of unexcused absences: or improvement	66%, increasing over the years until it reaches 85% in 2013-14	Washington's Consolidated Application Accountability Workbook Amendments resubmitted June 16, 2004 and approved June 18, 2004
West Virginia	90% or improvement	80% or improvement	Report cards §126-13-5. Annual Performance Measures for Accountability (West Virginia State Board Policy 2320) H.B. 4001 (2004)

State	Target Attendance Rate	Target Graduation Rate	Source
Wisconsin	90% of the statewide average for 2001-02, or growth	90% of the statewide average for 2001-02, or growth	Wisconsin Department of Public Instruction Consolidated State Application Accountability Workbook Last Revised May 14, 2004 (approved by USDOE)
Wyoming	N/A	80% or improvement	Wyoming Department of Education Press Release, August 23, 2004 Consolidated Application Accountability Workbook 2003-2004 Revised Submission August 11, 2004 (approved by USDOE)
Territories			
American Samoa	Unable to locate	Unable to locate	
Puerto Rico	N/A Does not use attendance	Unable to locate	Puerto Rico Consolidated Application Accountability Workbook
Virgin Islands	Unable to locate	Unable to locate	

TABLE 2: How Attendance Rates Are Calculated

State	Attendance Rate Details (where available)	Source
Alabama	Average Daily Attendance (ADA) is calculated by dividing the aggregate attendance days reported by the number of days that the school was in session during the reporting period. ADA is converted to a percentage by dividing the ADA by the average daily membership for that period. Reporting period is 40 days in length.	Report card glossary
Alaska	Aggregate daily attendance during the regular school year divided by the aggregate daily membership for the school year	Consolidated State Application Accountability Workbook , amended, with approval, June 7, 2004
Arizona	Must meet attendance rate of at least 93.5% over the first 100 days of the academic year. Calculated by dividing the average daily attendance by the average daily membership (ADM).	State of Arizona Consolidated State Application Accountability Workbook Revised August 16, 2004 (approved by USDOE)
Arkansas	Percent is calculated by dividing the three-quarter average daily attendance by the three-quarter average daily membership.	Consolidated State Application Accountability Plan , Amended April 2003 (approved by USDOE)
California	Does not use attendance. <u>Other indicator:</u> 560 Academic Performance Index (API) or 1 point growth For 11 or more valid scores: 560 API or 1 point growth OR For fewer than 11 valid scores: Confidence Interval, Adjusted API Table	2004 AYP Criteria Summary - Adequate Yearly Progress (PDF) Summary of criteria for 2004 Adequate Yearly Progress
Colorado	Does not use attendance.	http://www.cde.state.co.us/ayp/otherind.asp

State	Attendance Rate Details (where available)	Source
	<u>Other indicator:</u> Overall, and within each sub-group, 1% of students must score advanced in reading and math.	
Connecticut	Does not use attendance. <u>Other indicator:</u> 70% basic or above in writing or improvement	Consolidated State Application Accountability Workbook , Modified August 13, 2004
Delaware	Does not use attendance. <u>Other indicator:</u> In 2004, the Other Academic Indicator (OAI) was changed to an increase in the average of scale scores for students performing at Performance Levels 1 and 2 in reading and mathematics combined, or a decrease in the percentage of students performing at Performance Level 1 in reading and mathematics combined.	Educational Accountability: A Partnership of School, Community and Family, Delaware Department of Education
District of Columbia	Attendance calculated by dividing the total daily attendance over the full academic year by the total daily enrollment taken over the same period. Schools are required to record and report both daily attendance and enrollment.	Consolidated State Application Accountability Workbook , Revised June 3, 2003
Florida	Does not use attendance. <u>Other indicator:</u> 1% increase in performance on the writing assessment	Consolidated State Application Accountability Workbook , Revised March 26, 2003 (approved by USDOE)
Georgia	Does not use attendance. <u>Other indicator:</u> Middle Grades Writing Assessment (MGWA) The 2003-04 AYP process allowed elementary and middle schools to choose from a menu of nine other indicators. The selected indicator(s) are reported in detail for each school in an LEA and then at the state level.	Consolidated State Application Accountability Workbook , revised August 12, 2004 (approved by USDOE)
Hawaii	Does not use attendance. <u>Other indicator:</u> Retention rate (target less than 3%) A. Elementary Schools: The percentage of students for the target school year in grades 1 through 5 (or 6) whose grade level is the same or lower in the subsequent school year. B. Middle, Intermediate, or multi-level Elementary/Intermediate Schools: The percentage of students for the target school year in the school's highest grade (8 or 9) whose grade level is the same or lower in the subsequent school year.	http://arch.k12.hi.us/pdf/NCLB/AYP_Grad-Retention.pdf
Idaho	Does not use attendance. <u>Other indicator:</u> Language usage test. For 2003-04, the goal was for the percentage of proficient or better to improve, hold steady or be above 66% when compared to 2002-03 results. Until graduation rate data is available, this goal is a proxy for graduation rate as well.	Consolidated State Application Accountability Workbook , August 2004
Illinois	<i>Attendance rate</i> is the aggregate days of student attendance divided by the sum of the aggregate days of student attendance and aggregate days of student absence, multiplied by 100.	Accountability Workbook , Revised May 2004 (approved by USDOE, June 14, 2004)

State	Attendance Rate Details (where available)	Source
	<p>Attendance Rate = $(A / (A + B)) \times 100$ A = Sum of the number of students in attendance each school day of the year. B = Sum of the number of students absent each school day of the year.</p> <p>School districts that submit raw data on time are asked to verify their attendance rates when they are computed.</p> <p>Edit checks are built into the process to ensure accuracy; for example, schools submitting data that result in attendance rates outside of an acceptable range (70%-99%) are contacted for verification.</p>	
Indiana	<p>Defined under 511 IAC 1-3-3 as the aggregate days of attendance in a school or school district divided by the aggregate days of enrollment. Attendance information is collected by student subgroup through the Student Test Number System. Attendance rate is included (in the aggregate) for AYP, and disaggregated (as necessary) for use when applying the exception clause to make AYP.</p> <p>Sec. 3. (a) For purposes of computing ADA for the regular school year, school corporations shall count all students enrolled in grades K through 12. (b) Attendance shall be taken twice during each full student instructional day, once in the morning session and once in the afternoon session. A student in attendance during any part of the day, up to and including one-half of the day, shall be counted as one-half. A student in attendance for more than one-half of the day shall be counted as one. A full student instructional day shall be counted as one in determining the number of student instructional days in the regular school year. (c) Attendance shall be taken once during each partial student instructional day. A student in attendance during any part of the day shall be counted as one-half. A partial student instructional day counts as one-half in determining the number of student instructional days in the regular school year.</p>	<p>Consolidated State Application Accountability Workbook, Amended May 14, 2004 (approved, USDOE, May 20, 2004)</p> <p>511 IAC 1-3-3 Average daily enrollment</p>
Iowa	Average Daily Attendance Rate is defined as the aggregate days of student attendance in a school or school district divided by the aggregate days of enrollment.	<p>Consolidated State Application Accountability Workbook, Revised June 2003, approved by USDOE February 2004</p>
Kansas	Determined by dividing the average daily attendance by the total average daily membership.	Report Card 2003-2004
Kentucky	<p>Does not use attendance rate.</p> <p><u>Other indicator:</u> For elementary and middle schools, the Commonwealth Accountability Testing System (CATS) Accountability Index, which covers other content areas as well as reading and math. For schools or districts that contain elementary, middle and high school levels, both the Accountability Index and graduation rate are used for the other academic indicator. For elementary and middle schools, meeting the requirement for the other academic indicator is</p>	2004 NCLB Briefing Packet Report card

State	Attendance Rate Details (where available)	Source
	defined as an: <ul style="list-style-type: none"> ▪ Accountability Index of 80 or higher, OR ▪ Accountability Index equal to or greater than the biennial goal for the corresponding year, OR ▪ Accountability Index that exceeds that of the prior year. 	
Louisiana	One-year evaluations compared to a two-year baseline. For NCLB, state is using a one-year measure. Attendance data is collected at the student level, must pass multiple edit rules, and is substantiated through verification reports. All attendance data is audited and validated through a two-stage process. First, a "paper" review is conducted, followed by an onsite audit of a random sampling of schools as well as those schools showing any data irregularity.	Consolidated State Application Accountability Workbook Amended 2004 (approved by USDOE)
Maine	Unable to locate	
Maryland	Attendance rate reflects the percentage of students present in school for at least half the average school day during the school year. The percent average daily attendance is calculated by dividing the aggregate number of students in attendance by the aggregate number of students in membership for the September to June school year. For reporting purposes, attendance and absence are counted in half-day day units. A student is counted as present for half a day if in attendance any part of the school day. A student is counted as absent for half a day if absent any part of the school day. Students in attendance for more than half a day are counted as present for a full day. Students absent for more than half a day are counted as absent for a full day. Students are counted present only if actually at school or if at another place at a school activity sponsored by the school and supervised by a member of the school staff. The following definitions are the minimum standards for attendance as defined by the state board. Local boards may set more stringent standards. A student is counted present only if actually at school or present at another place at a school activity that is sponsored by the school and is personally supervised by a member or members of the school staff. This may include authorized independent study, work-study programs, field trips, athletic events, contests, music festivals, student conventions, instruction for homebound students, and similar activities when officially authorized under policies of the local school board. It does not include making up school work at home, or activities supervised or sponsored by private groups or individuals. Excused (lawful) and unexcused (unlawful) absences are both counted as absences.	http://www.ed.gov/admins/lead/account/stateplans03/mdcsa.pdf
Massachusetts	Attendance and enrollment data are taken directly from the Student Information Management System (SIMS) and are an indication of the number of days a student attended school in that district and the number of days a student was enrolled in that district, respectively. The attendance rate is calculated by dividing the total number of days a student attended school by	School Leaders' Guide to the 2004 Cycle III Accountability and Adequate Yearly Progress (AYP) Reports Updated October 18, 2004

State	Attendance Rate Details (where available)	Source
	<p>the total number of days enrolled. Students are included in district-level attendance rates if they attended any school in the district for any portion of the school year. As a result, it is possible for a student to be included in multiple schools statewide. However, students are only included in the calculation for a school if they are enrolled in that school on October 1 and at the end of the school year. Students are not counted towards multiple schools and only the amount of time a student spent at the school in which they were enrolled on October 1 is factored into the calculation. Therefore, all students in a district are counted towards the district AYP attendance rate, but not all of the students contributed to the attendance rate of a particular school because a student might not have been enrolled in that district on October 1. Typically, full membership is 180 days, although some schools have longer requirements. The attendance rate required to make AYP in 2004 was 92%, or improvement of at least 1% from the previous year. Determinations are only made for groups of six or more students.</p>	
Michigan	<p>Each student's total possible number of attendance days that year, based on the student's date of enrollment.</p> <ul style="list-style-type: none"> ▪ Each student's actual days of attendance, out of the total attendance days possible for that student. ▪ A school's attendance rate will be the aggregate total number of days of actual attendance for all students in the school, divided by the aggregate total number of possible days of attendance for all students, based upon each student's date of enrollment, times 100, to obtain a percentage figure. 	<p>Michigan Consolidated State Application Accountability Workbook Revised May 22, 2003</p>
Minnesota	<p>Formula for attendance rate is the Average Daily Attendance (ADA) divided by the Average Daily Membership (ADM).</p> <p>The ADA and ADM for each grade, school, or district, are added together and the resulting figures are used for each grade, school, or district summary. (Grade level ADA/Grade Level ADM) multiplied by 100 = Attendance Rate for that grade. This will be used to calculate an average attendance rate for the school or district.</p> <p>ADA is normally computed by taking the number of days a student was marked in attendance and dividing by the number of instructional days reported for that grade and school. ADM is normally computed by taking the number of days the student was reported as enrolled and dividing by the number of instructional days reported for that grade and school. Slight variations in the ADA and ADM computations are made for students whose membership and attendance is reported in terms of hours.</p>	<p>Minnesota Consolidated State Application Accountability Workbook, Updated September 29, 2004</p>
Mississippi	<p>Attendance rate is calculated by dividing the average daily attendance across months 1-9 by the average net membership across months 1-9 and multiplying by 100. That yields an average attendance rate for the school year.</p>	<p>Mississippi Statewide Accountability System as Approved by the U.S. Department of Education, March 25, 2004</p>

State	Attendance Rate Details (where available)	Source
		Consolidated State Application Accountability Workbook
Missouri	Number of hours attended divided by number of hours enrolled	Consolidated Application Accountability Workbook Updated Sept. 7, 2004
Montana	Montana Office of Public Instruction collects “present” and “absent” information at two points in the school year: October and February. This process establishes the “average daily attendance” or ADA as required by Administrative Rules of Montana, 10.15.103(3) and 10.20.102(6).	Consolidated State Application Accountability Workbook Revised June 6, 2003
Nebraska	Does not use attendance. <u>Other indicator:</u> tatewide writing assessments – improvement at Grade 4, 62%; at Grade 8, 61%. (The state goal is the percent of students at the proficient and advanced levels of performance.) Each group, school and district must meet the state goal or demonstrate progress (any increase in the percentage of students at the proficient level from the previous year) to have made AYP for this other academic indicator.	Overview: Q & A on Adequate Yearly Progress www.nde.state.ne.us/2003SA/2003PDFS/AYPQA.pdf
Nevada	ADA refers to the average percentage of students present in a school over the course of the year. The target goal for ADA is 90% or improvement from previous year.	A Guide to No Child Left Behind & Adequate Yearly Progress Analyses in Nevada http://www.doe.nv.gov/nclb/ayp/questions/guide.htm#other_indicators
New Hampshire	Defined as the Average Daily Membership (ADM) reported to the NH Department of Education.	Consolidated State Application Accountability Workbook for The State of New Hampshire , Amended March 30, 2004 (approved, USDOE)
New Jersey	Attendance is calculated by multiplying the number of students on roll by the number of days present, divided by the number of students on roll multiplied by 180, the minimum possible number of days for attendance. (N.J.A.C. 6:3-9.2). <u>Student Attendance Rate:</u> Calculated by dividing the sum of days present in each grade level by the sum of possible days for all students in each grade. The school and state totals are the sum of days present in all applicable grade levels divided by the total possible days for all students.	Consolidated State Application Accountability Workbook Revised August 16, 2004 State Report Card
New Mexico	Currently, the state data management system relies upon district-assigned student identification numbers. This practice tends to cause duplication and confusion; however, the New Mexico State Department of Education (NMSDE) statistician and an externally contracted statistician match every assessment data entry by name, student ID number and date of birth. During the 2003 legislative session, the New Mexico Legislature appropriated funds for the development and implementation of a statewide, unique student identification system. When implemented, the NMSDE will be able to match assessment and student data management systems to determine attendance, enrollment, participation, etc. The statewide student identification system will ensure validity and	Consolidated State Application Accountability Workbook , Revised May 16, 2003

State	Attendance Rate Details (where available)	Source
New York	<p>reliability through an ongoing audit process.</p> <p>Currently does not use attendance.</p> <p><u>Other indicator:</u> Grades 4 and 8 science scores The science tests will be replaced by annual attendance rate no later than the 2006–07 school year.</p>	<p>Accountability Peer Review: New York State, January 6, 2003 Revision (Accountability plan approved by USDOE)</p> <p>Personal communication, Ira Schwart, New York State Education Department November 30, 2004</p>
North Carolina	<p>The average percentage of students who attend school daily.</p> <p>Calculated by dividing the final Average Daily Attendance (ADA) in the school year by the final Average Daily Membership (ADM) in the school year.</p> <p>A student is counted as attending school if he/she is present on days when school is in session, present at another activity sponsored by the school as part of the school's program, or supervised by a member of the school staff. This percentage is reported as an average since student attendance changes slightly from one day to the next. Pre-kindergarten students are not included in the attendance averages.</p> <p>District and state counts are the averages for schools in the same grade range category (elementary; middle; high; combined elementary, middle and high; combined elementary and middle; or combined middle and high).</p>	<p>Report Card</p> <p>North Carolina Department of Public Instruction, Financial & Business Services, School Business Division, Principal's Monthly Report, 2003-04</p>
North Dakota	<p>Total actual attendance days for all enrolled students in the grades tested (divided by) total enrolled days for all enrolled students in the grades tested.</p> <p>Attendance data are collected through the state's pupil membership reporting system. A statistical test is applied to ensure confidence that any AYP determination is reliable.</p>	<p>A Guide to the 2003-04 AYP Report ND Department of Public Instruction</p>
Ohio	<p>The ratio of the number of enrolled students actually in attendance during the course of a school year to the number of enrolled students that school year.</p> <p>Attendance rate is calculated by multiplying the sum of the total aggregate days of attendance times one hundred and then dividing that product by the sum of the total aggregate days of membership plus the total aggregate days of unexcused absences.</p> <p>The total aggregate days of membership is the sum of the total aggregate days of attendance plus the total aggregate days of excused absence.</p> <p>Total aggregate days (of membership, attendance, excused absence and unexcused absence) are the sum of the days for the school district for all students in grades kindergarten through 12 grade, including those students who the district is instructing and students who are residents of the district and are attending an educational service center, joint vocational</p>	<p>OAC 3301-18-01 http://www.ode.state.oh.us/emis/</p>

State	Attendance Rate Details (where available)	Source
	<p>school district or a postsecondary institution.</p> <p>Attendance days for a student are defined as the actual number of days the student was in attendance in the district for the entire year.</p> <p>Attendance days include in-school suspensions, school sponsored field trips and the number of days a student received instructional services from the school district while expelled or while serving an out-of-school suspension.</p> <p>The Attendance rule allows a suspended or expelled student who receives instructional services during the suspension or expulsion to be counted as in attendance.</p> <p>An enrolled student is defined in Division C of Section 3317.03 of the Ohio Revised Code as: "those pupils who are attending school, those who have attended school during the current school year and are absent for authorized (excused) reasons, those students described by division G (a scholarship student of a pilot project district) of this section, and those handicapped children currently receiving home instruction."</p>	
Oklahoma	Total Days Attended divided by Total Days Membership.	Consolidated State Application Accountability Workbook , August 26, 2004
Oregon	<p>Weighted average of enrollment multiplied by times the attendance rate for each year.</p> <p>The attendance rate is the percentage of students attending in grades 1-12 and is calculated as the ratio of Total Days of Attendance to Total Daily Membership.</p> <p>Total Days Attendance is calculated by summing the number of students present in the school each day, across all the days of the school year.</p> <ul style="list-style-type: none"> ▪ Total Daily Membership is the total number of days that could have been attended by students in the school. It is calculated by summing the number of students enrolled in the school on each day across all the days of the school year. ▪ Enrollment is the number of students in membership in the school on October 1. <p>Attendance is represented by Satisfactory student behavior rating on Oregon School and District Report Cards.</p>	2003-04 AYP Policy and Technical Manual May 2004 Revised July 2004
Pennsylvania	Determined by average daily attendance (ADA) divided by average daily membership (ADM)	Pennsylvania Consolidated State Application Accountability Workbook Revised May 8, 2004, approved by USDOE, June 2004
Rhode Island	For 2004 classifications, data rounding used for participation rates and for attendance rates. For attendance rates, a rate of 89.5 or higher allowed to meet the current criterion of 90.0% attendance. Data rounding is not used for the graduation rate.	Rhode Island School and District Accountability System Technical Bulletin Revised and updated October 13, 2004

State	Attendance Rate Details (where available)	Source
South Carolina	<p>Divide 135-day average daily attendance by 135-day average daily membership (the aggregate number of days present divided by the number of days the school is in session).</p> <p>A pupil is counted present if he is present in class during homeroom, or at the time when attendance is normally taken. A pupil may also be counted present if he attends classes later in the school day and otherwise meets the guidelines for attendance set forth in local board policies.</p> <p>A pupil is counted absent if he is not present in class during homeroom, or at the time when attendance is normally taken. If the pupil attends classes later in the school day, the absence may be changed to tardy according to the guidelines set forth in local board policies.</p>	<p>http://www.myschools.com/reports/97pups1.htm</p> <p>Report card http://www.sde.state.sc.us/</p>
South Dakota	<p>The attendance rate is reported as a percentage and is calculated by dividing the aggregate days of attendance by the aggregate days of membership for all students enrolled.</p>	<p>Report Card</p> <p>South Dakota Consolidated Application Accountability Workbook Approved by USDOE June 17, 2004</p>
Tennessee	<p>Tennessee has a mandatory attendance software package that is used for calculating financial information based on average daily attendance as well as average daily membership.</p> <p>Membership and Attendance accounting for each student will be on the basis of the amount of time a student is enrolled for an instructional day. For schools that do not utilize a schedule based on <i>periods</i>, a student who is enrolled for the entire day would be 1.0 ADM.</p> <p><u>Section D-102, Student Membership and Attendance:</u> Accountability Procedures Manual: A pupil in grade K-12 who is in attendance at least half of the state-required minimum school day (6 1/2 hours for grades 1-12; four hours for K) shall be counted as being present for that day. A student who is in attendance less than half the state-required minimum school day shall not be counted present for any portion of that day.</p> <ol style="list-style-type: none"> 1. School systems should follow guidelines approved by the local school board regarding what constitutes the majority of the class period for students who leave early or arrive late. 2. In determining half the state minimum school day, the beginning of the general instructional day must be used. Neither the arrival time of school buses, departure time of school buses, nor breakfast program, shall be considered part of the instructional day. (Accounting for perfect attendance is a matter of local policy.) <p><u>D-107 Illegal Reporting of Attendance:</u> Systems may establish policies that include opportunities for students to attend make-up sessions outside the regular school day in order to regain credit/time lost due to absence from school. However, if a student is absent from school, he/she is considered absent for ADA purposes. To direct teachers to change attendance reports when a student was actually absent is a violation of</p>	<p>Consolidated State Application Accountability Workbook, Revised June 14, 2004 (approved by USDOE)</p> <p>STUDENT MEMBERSHIP AND ATTENDANCE ACCOUNTABILITY PROCEDURES MANUAL</p>

State	Attendance Rate Details (where available)	Source
	Tennessee Code Annotated § 49-5-201 which states that teachers shall record accurately the number of pupils present and the number absent each day.	
Texas	<p>Attendance Rate is based on attendance of all students in Grades 1-12 for the entire school year. Due to the timing of the availability of data, the Attendance Rate is a prior-year measure. For example, the Attendance Rate evaluated as part of the 2004 AYP calculation is the 2002–03 Attendance Rate. The Attendance Rate is calculated as follows: Total number of days students were present in 2002–03 divided by total number of days students were in membership in 2002–03 x 100</p> <p>For the attendance rate to be evaluated in the AYP calculation at the all-students level, the district or campus must have at least 7,200 total days in membership (40 students x 180 school days). Districts and campuses with fewer than 7,200 total days in membership are not required to meet the attendance rate standard. If a district or campus meets the minimum size requirement for the attendance rate for the current year, improvement from the prior year is calculated even if the district or campus does not meet the minimum size requirement on the attendance rate for the prior year. Improvement is not calculated if the district or campus does not have an attendance rate for the prior year.</p>	2004 Adequate Yearly Progress (AYP) Guide September 2004
Utah	<p>Divides the sum of days in attendance by the sum of days in membership across all students in the school and local education agency.</p> <p>"Attendance" is the total number of days a student attended a specific school. A student is counted as "in attendance" on a school day if the student was counted on the class roll by a teacher as being "present" – in Grade 1-6, at any time during the day; and in Grades 7-12, in at least one period of the day. The formula used for calculating the attendance rate reflects actual student behavior in the aggregate, on the one hand, and the school's differential responsibility for each student, on the other: a student enrolled for a shorter period with perfect attendance appropriately enhances the school's performance, but a student enrolled for a longer period with poor attendance is appropriately given more weight by virtue of having more days in membership, so the school has an incentive to improve that student's attendance.</p>	<p>State of Utah Consolidated Application Accountability Workbook Revised June 4, 2003 (approved by USDOE)</p>
Vermont	<p>Does not use attendance.</p> <p><u>Other indicator:</u> VT Developmental Reading Assessment and the Reading: Basic Understanding reporting area of the New Standards Reference Exam (Grade 8). Both indicators will aggregate two years of student results and will be able to be disaggregated by all subgroups, as necessary. Criteria for not making AYP would have 15% or more of students ranked as Below the Standard and Little or No Evidence. Two years of results will be combined and a confidence interval of .01 will be used.</p>	<p>Consolidated State Application Accountability Workbook, revised December 10, 2004</p>
Virginia	Prior to the beginning of a school year, each school division must choose either attendance or performance on state science assessments as the other academic indicator. The	<p>Consolidated State Application Amended Accountability Workbook,</p>

State	Attendance Rate Details (where available)	Source
	<p>choice of using either attendance rate or science state assessment results as the other academic indicator also will apply to the "safe harbor" AYP calculation methodology.</p> <p>To facilitate reporting of attendance prior to the beginning of the school year, Virginia will institute a new data collection requirement for the annual March 31 average daily membership (ADM) data collection, beginning in March 2004.</p>	Revised May 26, 2004 (approved by USDOE)
Washington	<p>The percentage of student enrollment days in the school year that students had an unexcused absence. The definition of an unexcused absence is a local decision, so the definition differs among schools and districts. In general, a student who has an unexcused absence has not attended a majority of hours or periods in a school day, or has not complied with a more restrictive district policy, and has not met the conditions for an excused absence (see RCW 28A.225.020).</p> <p>Each district is required to set policy for excusing absences. An unexcused absence is defined as the failure to meet the district's policy for excused absences. An unexcused absence pursuant to RCW 28A.225.020 means a child has failed to attend the majority of hours or periods in an average school day or has failed to comply with a more restrictive school district's policy for excused absences.</p> <p>The rate for AYP purposes is calculated as follows:</p> $\frac{\text{Total \# of student days of unexcused absences in the year}}{\text{Average monthly headcount}} \times \text{Number of student days in the school year}$	<p>Report Card</p> <p>Washington's Consolidated Application Accountability Workbook Amendments Resubmitted June 16, 2004 and approved June 16, 2004</p>
West Virginia	<p>The following absences are excluded:</p> <p>(A) Student absences excused in accordance with state board rules</p> <p>(B) Students not in attendance due to disciplinary measures</p> <p>(C) Absent students for whom the attendance director has pursued judicial remedies to compel attendance to the extent of his or her authority.</p>	H.B. 4001 (2004), which amended W. VA Code §18-2E-5
Wisconsin	<p>Data is based on information collected in state and school district student information systems. The state department will incorporate spot audits into onsite services to check accuracy of data. Graduation rates and average daily attendance calculated using individual student records in Wisconsin (to be implemented in 2004-05) should increase validity and reliability.</p>	<p>Consolidated State Application Accountability Workbook Last Revised May 14, 2004</p>
Wyoming	<p>Does not use attendance.</p> <p><u>Other indicator:</u> Reduction in the percentage of students scoring in the novice (lowest performance level) category.</p>	<p>Consolidated Application Accountability Workbook 2003-2004 Revised Submission August 11, 2004 (approved by USDOE)</p>
Territories		
American Samoa	Could not locate	
Puerto Rico	<p>Does not use attendance.</p> <p><u>Other Indicator:</u> Uses "proficiency in English as a second language" measured through the English as a second language (ESL) test. The ESL test has been newly developed along with the Math and Reading test, and is aligned with the Puerto Rico ESL Academic Standards of 2000.</p>	<p>Consolidated Application Accountability Workbook May 1, 2003</p>

State	Attendance Rate Details (where available)	Source
Virgin Islands	Could not locate	

TABLE 3: How Graduation Rates are Calculated

State	Graduation Rate Definitions & Notes	Source
Alabama	<p>The projected four-year dropout rate is a measure of the cumulative proportion of the 9th grade class that would drop out prior to graduation if that year's grade specific dropout rate were to remain constant over the four years until that class is to graduate.</p> <p>Step 1: Calculate the number of dropouts by grade (Grades 9,10,11, and 12) Step 2: Compute the average by dividing each sum by the enrollment for that grade. Example: Grade 9: 10 dropouts / 250 enrolled = .04 Grade 10: 20 dropouts in 160 enrolled = 20/160 = .125 Grade 11: 5 dropouts in 300 enrolled = 5/300 = .0167 Grade 12: 20 dropouts in 200 enrolled = 20/200 = .1 Step 3: Compute the probability that a student remains all four years: (a) Get (1- the decimal value from 2) for each grade: (1-0.04) = .96 (1 - 0.125) = .875 (1-0.017) = .983 (1-0.1) = .9 (b) Multiply these probabilities together: (.96)*(.875)*(.983)*(.9) = .743 (c) Subtract from 1.000: 1.000-.743 = .257. The projected rate is 25.7% over four years.</p>	Report card
Alaska	Uses methodology recommended by the National Center for Education Statistics	Consolidated State Application Accountability Workbook , amended, with approval, June 7, 2004
Arizona	<p>The graduation rate is a four-year, longitudinal measure of how many students graduate from high school. Any student who receives a traditional high school diploma within the first four years of starting high school is considered a four-year graduate as defined by the Arizona Department of Education's <i>Graduation Rate Study</i>. A four-year rate is derived from dividing the sum of all four-year graduates in each year by the sum of those who should have graduated and did not transfer to another qualified educational facility or die. By examining a cohort of students who began high school at the same time, the graduation rate assesses how many students actually complete high school within a four-year period. It should be noted that this calculation of the graduation rate does not include dropouts as transfer students or those who obtain a Graduate Equivalent Diploma (GED).</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> $\text{Graduation Rate} = \frac{\text{Number of Cohort members who graduated after four years}}{\text{Original Cohort Membership} + \text{Transfers In} - \text{Transfers Out} - \text{Deceased}} \times 100$ </div>	State of Arizona Consolidated State Application Accountability Workbook Revised August 16, 2004 (approved by USDOE)
Arkansas	The computation of graduation rate is a four-year model that tracks student enrollment by cohort groups, beginning with a 9th grade cohort and following their progress through grade 12. Students who drop out and subsequently complete the GED program are counted	Consolidated State Application Accountability Plan as submitted August 10, 2004

State	Graduation Rate Definitions & Notes	Source
	<p>as a dropout and are not counted as a high school graduate.</p> <p><u>Graduation Rate</u> (also known as Completion Rate): The graduation rate is used to track the progress of the same cohort of students as they enter the 9th grade and graduate four years later. The data elements for this calculation are accumulated over a four-year period.</p> <p>Step 1: Dropout rates for each affected grade for each year are calculated first. The dropout rate is found by dividing the number of students who dropped out of that grade by October 1 enrollment for that grade.</p> <p>Step 2: Completion rates for each affected grade for each year are calculated. This rate is found by subtracting the grade's dropout rate from one (1).</p> <p>Step 3: Completion rates for each of the four grades are multiplied together.</p> <p>Step 4: The results in Step 3 are multiplied by 100.</p>	<p>(approved by USDOE August 17, 2004)</p>
California	<p>The graduation rate is calculated by dividing the number of high school graduates by the sum of dropouts for grades 9 through 12, in consecutive years, plus the number of graduates. A procedure established by NCLB determined the statewide graduation rate goal of 82.8%.</p>	<p>2004 AYP Criteria Summary - Adequate Yearly Progress (PDF) Summary of criteria for 2004 Adequate Yearly Progress</p>
Colorado	<p>The graduation rate is a cumulative or longitudinal rate that calculates the number of students who actually graduate as a percent of those who were in membership and could have graduated over a four-year period (namely, from grades 9-12).</p> <p>The rate is calculated by dividing the number of graduates by the membership base. The membership base is derived from end-of-year count of eighth graders four years earlier (i.e., in the spring of 1995), and adjusted for the number of students who have transferred into or out of the district during the years covering grades 9 through 12.</p>	<p>http://www.cde.state.co.us/cdereval/rv2003GradLinks.htm</p>
Connecticut	<p>Number of June 2006 four-year graduates, with regular diploma (may include special education students who have until age 21 to earn a regular diploma)</p> <p style="text-align: center;"><u>divided by</u></p> <p>Number of June 2006 graduates plus number of 2005-06 12th grade dropouts; plus number of 2004-05 11th grade dropouts; plus number of 2003-04 10th grade dropouts; plus number of 2002-03 9th grade dropouts.</p> <p>The individual student data for each class tracked beginning with 9th grade in October 2002. Able to calculate the graduation rate for each subgroup for the class of 2006.</p> <p>In the interim, Connecticut plans on using an alternative measure based on schools' reported aggregate graduation data that is currently collected. The graduation rate will be calculated as described above, but will be based on aggregate data reported by districts and used in the determination of AYP for high schools.</p> <p>Because of this current aggregate nature of the way these data are collected, Connecticut will only be able to report on the subgroups of</p>	<p>Consolidated State Application Accountability Workbook, Modified August 13, 2004 (approved by USDOE)</p>

State	Graduation Rate Definitions & Notes	Source
	race, gender and special education until 2006. In the interim, Connecticut will use the CAPT writing standard (at least 70% basic or above, or improvement based on previous year) disaggregated to determine Safe Harbor.	
Delaware	The graduation rate is the number of students in one cohort who started in the school/district in 9th grade and graduated four years later with a regular diploma or in the timeframe specified by the IEP divided by the same number plus those who have dropped out during the four-year period. Students earning a GED certificate will not be counted as graduates but will be included in the denominator for calculation of graduation rate. Delaware has individual student data from DELSIS and graduation/exit data, thus can calculate the graduation rate by disaggregated subgroup. School, district and state in-school report cards have reported the graduation rate since the late 1990s.	Consolidated State Application Accountability Workbook , Revised June 30, 2004 (approved by USDOE)
District of Columbia	Could not locate final definition.	
Florida	<p>In Florida, the number of graduates from a four-year adjusted cohort is divided by the total number of students in the adjusted cohort. The adjusted cohort (denominator) is determined through a multi-step process in which subtracted from the 9th grade cohort are the students who transfer out of the school or are deceased, and add the students transferring into the school who, at the time of their enrollment, are on the same schedule to graduate as students from the first group.</p> <p>Uses the prior year graduation rate for the calculation of AYP and the state report card.</p> <p>Florida has five high school graduation options:</p> <ul style="list-style-type: none"> ▪ Standard Diploma ▪ Certificate of Completion ▪ State of Florida/High School Equivalency Diploma ▪ Special Diploma ▪ Special Certificate of Completion. <p>Only those students receiving a standard diploma or a State of Florida/High School Equivalency Diploma are counted in the NCLB graduation rate. The State of Florida/High School Equivalency Diploma differs significantly from the typical GED program. This exit option is based on an agreement with the American Council on Education and s. 1003.435(4), Florida Statutes. The participants in this program must meet performance standards established by rules of the state board <u>and</u> pass the GED instead of the FCAT. All State of Florida diplomas issued under this option have equal status with other high school diplomas for all state purposes including admission to any state university or community college. The performance standards are aligned with the Sunshine State Standards and students achieving this diploma are considered to be as proficient as any student receiving a standard diploma.</p>	Consolidated State Application Accountability Workbook , Revised March 26, 2003 (approved by USDOE)
Georgia	The percentage of students who graduate in the standard number of years (four years for a 9-12 school) from a Georgia public high school with a regular diploma (not including a GED or certificate not fully aligned with the state's academic standards and not including Special Education diplomas). Students receiving GEDs are counted	Consolidated State Application Accountability Workbook , Revised for 2003-2004; subsequent submission: August 12, 2004

State	Graduation Rate Definitions & Notes	Source
	as dropouts and are included in the denominator for calculating graduation rates.	(approved by USDOE)
Hawaii	<p>For the district/state: The percentage of first-time 9th grade students who graduate with a diploma within four years, excluding students who have transferred out of the Hawaii public school system.</p> <p>For schools: The percentage of first-time 9th grade students who graduate with a diploma within four years, excluding students who have transferred out of the school.</p> <ul style="list-style-type: none"> ▪ The denominator of the graduation rate is the number of first-time 9th grade students from the state's beginning-of-the-school-year official enrollment count, excluding students transferring out.* ▪ The numerator of the graduation rate is the number of students receiving a diploma** within four school years. <p>*The term "transfer" excludes "dropouts" as defined in the calculation of dropout rates under the Common Core of Data survey conducted by the National Center for Education Statistics (NCES).</p> <p>**The term "diploma" is defined as completion of the State of Hawaii approved educational program and receipt of a BOE or DOE diploma in recognition. Special education students who are not working toward a diploma may receive a certificate if they complete the program specified in their IEP. Students who receive these IEP completion certificates are not counted as graduates.</p>	http://arch.k12.hi.us/pdf/NCLB/AYP_Grad-Retention.pdf
Idaho	<p>When graduation rate is available, this statistic will reflect data reported by school districts on a "cohort" or "class" of students over a four-year period beginning with the group's 9th grade year. Idaho uses a formula established by the National Center for Education Statistics for calculating this rate.</p> <p>Until graduation rate data is available, the language usage test is a proxy for graduation rate. For 2003-04, the goal was for the percentage of proficient or better, to improve, hold steady or be above 66% when compared to 2002-03 results on the ISAT language usage test.</p> <p>Effective for 2004-2005 the proxy for disaggregation of high school subgroups will be a growth index, and graduation rate disaggregation will not be available until the full implementation of ISIMS.</p> <p>Graduation rate is measured using the number of students who graduate from a public high school with a regular diploma (not including a GED or any other diploma not fully aligned with the state's academic standards) in the standard number of years. Idaho includes in the graduation rate the number of students with disabilities who are entitled to services up to the age of 21 where the Individual Education Plan warrants the additional time to meet graduation requirements.</p> <p>Graduation rate (G) is defined by NCES as the proportion of students that begin in 9th grade and go on to complete 12th grade with a diploma. Idaho includes students who complete high school under the IEP exception. A General Education Development (GED) certificate does not meet requirements that are comparable for receipt of a regular high school diploma.</p>	<p>Consolidated State Application Accountability Workbook, August 2004 (approved by USDOE)</p>

State	Graduation Rate Definitions & Notes	Source
Illinois	<p>Graduation rate is the number of current year graduates divided by the number of freshman class four years previously, less students who transferred out, plus students who transferred in, multiplied by 100. It is essentially a cohort rate.</p> <p>Graduation rate = $(B / (A - C + D)) * 100$</p> <p>A = <u>Freshman Class</u>: the number of students enrolled for the first time in grade 9 four years ago (namely, freshman class enrollment in fall 1998).</p> <p>B = <u>Graduates</u>: the number of students who graduated in the current school year (that is, July 2001 through June 2002). Graduates include only students who were awarded regular diplomas; students with GEDs and other nonregular completion certificates are not included.</p> <p>C = <u>Transferred out</u>: the number of students from the freshman class (A) who transferred to another school, or died, prior to graduation.</p> <p>D = <u>Transferred in</u>: the number of graduates from among all the graduates (B) who were not members of the original freshman class (A). Included are students who transferred in from other schools in the last four years, and also students who graduated in fewer or more than four years. Since these students are counted in the numerator, they are also counted in the denominator to ensure that the graduation rate does not exceed 100%.</p>	<p>Accountability Workbook, as revised May 2004 (approved June 14, 2004)</p>
Indiana	<p>A cohort refers to a class of students within a high school who have the same expected graduation year. Expected graduation year means the reporting year beginning three years after the reporting year in which a student is first considered by a school corporation to have entered grade 9. Graduation rate means the percentage of students within a cohort who graduate during their expected graduation year. (Indiana State Board of Education; 511 IAC 6.2-2.5-5; filed Jul 14, 2004)</p> <p>511 IAC 6.2-2.5-9 Calculation of graduation rate Sec. 9. The graduation rate for a cohort in a high school is the percentage determined under STEP SEVEN of the following formula: Step One: Determine the grade 9 enrollment at the beginning of the reporting year three years before the reporting year for which the graduation rate is being determined. Step Two: Add: (A) the number determined under STEP ONE; and (B) the number of students who: (i) have enrolled in the high school after the date on which the number determined under STEP ONE was determined; and (ii) have the same expected graduation year as the cohort. Step Three: Add: (A) the sum determined under STEP TWO; and (B) the number of retained students from earlier cohorts who became members of the cohort for whom the graduation rate is being determined. Step Four: Add: (A) the sum determined under STEP THREE; and (B) the number of students who: (i) began the reporting year in a cohort that expects to graduate during a future reporting year; and (ii) graduate during the current reporting year.</p>	<p>Report card</p> <p>511 IAC 6.1-1-2 Definitions</p> <p>511 IAC 6.2-2.5-9</p>

State	Graduation Rate Definitions & Notes	Source
	<p>Step Five: Subtract from the sum determined under STEP FOUR the number of students who have left the cohort for any of the following reasons:</p> <ul style="list-style-type: none"> (A) Transfer to another public or nonpublic school. (B) Removal by the student's parents under IC 20-8.1-3-34 to provide instruction equivalent to that given in the public schools. (C) Withdrawal because of a long-term medical condition or death. (D) Detention by a law enforcement agency or the department of correction. (E) Placement by a court order or the division of family and children. (F) Enrollment in a virtual school. (G) Graduation before the beginning of the reporting year. (H) Students who have attended school in Indiana for less than one year and whose location cannot be determined. (I) Students who cannot be located within the boundaries of the school corporation and have been reported to the Indiana clearinghouse for missing and exploited children. <p>Step Six: Determine the total number of students who have graduated during the current reporting year.</p> <p>Step Seven: Divide:</p> <ul style="list-style-type: none"> (A) the number determined under STEP SIX; by (B) the remainder determined under STEP FIVE. <p>(Indiana State Board of Education; 511 IAC 6.2-2.5-9; filed July 14, 2004)</p> <p>Prior to the 2005-2006 school year:</p> <ul style="list-style-type: none"> (i) "Dropout rate" means the number determined under STEP THREE of the following formula: Step One: Determine the number of students enrolled on October 1 or the date closest to October 1 that school is in session. Step Two: Determine the number of students who drop out of school during the current school year and the previous summer recess. Step Three: Determine the quotient of: (A) the amount determined under STEP TWO; divided by (B) the amount determined under STEP ONE. (k) "Graduation rate", for classes of students who graduate prior to the 2005-2006 school year, means the number determined under STEP THREE of the following formula: Step One: Determine the dropout rates for grades 9, 10, 11, and 12. Step Two: Determine the remainder of: (A) 1.0; minus (B) the amount determined under STEP ONE for each of the above four grades. Step Three: Determine the product of the four amounts determined under STEP TWO. 	
Iowa	<p>Graduation rate calculation: $GR_i = \frac{G_i}{\{G_i + D_i + D(i-1) + D(i-2) + D(i-3)\}}$ Where: GR_i is the graduation rate for a given year (i).</p>	2004 State Report card

State	Graduation Rate Definitions & Notes	Source
	<p>G_i is the number of students achieving a regular high school diploma for year i.</p> <p>D_i is the number of dropouts in grade 12 for year i.</p> <p>$D(i-1)$ is the number of dropouts in grade 11 for the first previous year ($i-1$).</p> <p>$D(i-2)$ is the number of dropouts in grade 10 for the second previous year ($i-2$).</p> <p>$D(i-3)$ is the number of dropouts in grade 9 for the third previous year ($i-3$).</p> <p>Regular diplomas are given to students for completing all unmodified district graduation requirements in the standard number of four years. Included are students receiving regular diplomas from an alternative placement within the district, or who have had the requirements modified in accordance with a disability.</p>	
Kansas	<p>2003 NCLB / AYP graduation formula:</p> $\frac{\text{Graduates} - (\text{retentions} + \text{non-regular diplomas})}{\text{divided by}}$ <p>Graduates + 2003 grade 12 dropouts + 2002 grade 11 dropouts + 2001 grade 10 dropouts + 2000 grade 9 dropouts</p> <p>The definition of graduation in Kansas was expanded to include IEP graduates, which includes the following: (a) Only students with disabilities; (b) Students through the age of 21; (c) Students who are graduating with a regular diploma; (d) Students who have been in high school for more than four years; and (e) Students who have completed their course of study as specified in their IEPs. Students who have received GEDs and transfers are not included in the group. Dropouts are included in calculating graduation rate.</p>	<p>Report card: http://online.ksde.org/rcard/definitions.aspx?org_no=D%&rpt_type=3#graduation</p>
Kentucky	<p>Graduation rate is defined as:</p> $\frac{[\text{number of prior-year grade 12 completers (standard diploma within four years, including students with disabilities whose Individual Education Plan (IEP) stipulate they will need more than four years to obtain a standard diploma)]}{\text{divided by}}$ $[\text{number of prior-year grade 12 completers (include standard diplomas plus certificates of completion plus students with no IEP who will take longer than four years to graduate) plus number of dropouts from the prior 12th grade class who dropped out as 12th graders plus the number of dropouts from the prior 12th grade who dropped out as 11th graders plus number of dropouts from the prior 12th grade class who dropped out as 10th graders plus number of dropouts from the prior 12th grade class who dropped out as 9th graders}]$ <p>In addition to students who receive four-year diplomas, the following students qualify as graduates: Students who do not graduate in four years, but have an Individual Education Plan (IEP) documenting their need for more than four years of secondary school education to complete their program.</p>	<p>2004 NCLB Briefing Packet</p> <p>2004 NCLB Interpretative Guide – Kentucky Department of Education (V 2.03, Updated August 13, 2004)</p>
Louisiana	<p>§513. Dropout Index Calculations</p>	<p>Bulletin 111, Chap. 1, Sec.</p>

State	Graduation Rate Definitions & Notes	Source
	<p>A. A dropout index score for each school shall be calculated. The index shall be calculated using the prior two years' average dropout rates as compared to the state's goal.</p> <p>B. The national definition of dropout shall be adhered to, but in certain instances the Louisiana Department of Education shall calculate an "Adjusted Dropout Rate" for accountability purposes.</p> <p>C. Non-Dropout Rate (NDO) = 100 - Dropout Rate (DO)</p> <p>NOTE: DO is expressed as a percentage.</p> <p>D. 7-8 dropout index formula = (25 x NDO) – 2300.0</p> <p>E. 9-12 dropout index formula = 187.5 – (12.5 x dropout rate)</p> <p>F. Combination dropout index formula = [(7-8 dropout index x number of 7-8 students) + (9-12 dropout index x number of 9-12 students)] / total 7-12 enrollment.</p>	513
Maine	<p>Graduation rate for high schools includes all recipients of any type of certificate or diploma (as well as students who have dropped out of or transferred into a high school) in the denominator and will include only those students receiving a standard diploma in the standard number of years in the numerator.</p> <p>"N" is 10 and confidence intervals are used since graduation is a performance measure.</p> <p>Graduation rate is computed for the prior year's class to allow a fifth year option for students who have this in their Individual Education Plan (IEP) or Personal learning Plan (PLP)</p> <p>Graduation rate is the number of students who received a valid diploma (Certificates of Attendance, Adult Education Diploma and GED are not counted in the graduation rate) divided by the total number of students in the cohort.</p> <p>The cohort includes the students who started in 9th grade plus the transfers, minus the students who left and did not enroll in another school.</p>	http://www.maine.gov/education/news/nclb/ATM%20AYP%20Update-10-15-03.pdf
Maryland	<p>National Center for Education Statistics synthetic graduation rate formula. Annual targets from 2003 to 2014 in a stepped format, with increasing intermediate targets in years 2005, 2008 and 2011. The graduation requirement is met if the annual target is met or the graduation rate improves from the previous year.</p>	<p>Consolidated Application Accountability Workbook, Revised August 17, 2004 (approved August 23, 2004, USDOE)</p>
Massachusetts	<p>Graduation rate is the number of graduates with a regular diploma who completed in four years divided by the number of 9th grade dropouts/retentions plus the number who completed without a regular diploma.</p> <p>The dropout rate is the number of students who dropped out from grades 9-12 over a one-year period, from July 1 to June 30, minus the number of returned dropouts, divided by the October 1 enrollment. For more information, see http://www.doe.mass.edu/infoservices/reports/dropout/.</p> <p>Revision: Massachusetts will not include foreign exchange students in the graduation rate when such students are not officially enrolled in the school.</p>	<p>Consolidated Application Accountability Workbook, Revised August 17, 2004 (approved August 23, 2004, USDOE)</p>
Michigan	<p>Computed following 9th grade students as a cohort through the years</p>	<p>Michigan Consolidated</p>

State	Graduation Rate Definitions & Notes	Source
	<p>of high school (a four-year cohort, grades 9-12). Graduation rate is calculated on the percentage of the cohort that who earns a regular diploma. When students exit from a school district, an exit code for the student must be entered into the Single Record Student Database (SRSD) at the Center for Educational Performance and Information (CEPI). These codes will be used to determine what students will remain in the cohort being followed, to calculate the graduation rate.</p> <p>Students with the following CEPI codes will be considered as in the cohort and will be included in the calculation of graduation rate:</p> <ul style="list-style-type: none"> 01 – Graduated from general education with a diploma 02 – Graduated from general education with a diploma and applied to a degree granting college or university 03 – Graduated from an alternative program 04 – Graduated and applied to a non-degree granting institution 05 – Completed general education with an equivalency certificate 06 – Completed general education with other certificate 07 – Dropped out of school 10 – Expelled from the school district (no further services) 11 – Enlisted in military or Job Corps. 13 – Incarcerated 16 – Unknown 17 – Placed in a recovery or rehabilitative program 19 – Expected to continue in the same school district 20 – Special Education student – received certificate of completion 21 – Special Education student – reached maximum age for service 22 – Special Education student – no longer receiving services and returned to general education program. <p>The cohort will be reduced by students who exit from school during the high school grades according to the following CEPI exit codes:</p> <ul style="list-style-type: none"> 08 – Enrolled in another district in Michigan 09 – Moved out of state 12 – Deceased 14 – Enrolled in home school 15 – Enrolled in a non-public school 25 – Special Education student – enrolled in special education in another district 26 – Special Education student – enrolled in another district, not in special education. <p>The following CEPI exit codes would require the student to remain in the denominator but would not be counted as “graduating” in the calculation of graduation rate:</p> <ul style="list-style-type: none"> 05 – Completed general education with an equivalency certificate 06 – Completed general education with other certificate 07 – Dropped out of school 16 – Unknown 20 – Special education student – received certificate of completion 21 – Special education student – reached maximum age for services 22 – Special education student – no longer received services and returned to general education program. <p>The following CEPI exit codes will be used to calculate dropout rate:</p> <ul style="list-style-type: none"> 07 – Dropped out of school 16 – Unknown 	<p>State Application Accountability Workbook, Revised May 22, 2003</p>

State	Graduation Rate Definitions & Notes	Source
Minnesota	<p>The calculation does not include students who graduate with GEDs or any other diploma not aligned to the state's academic standards.</p> <p>Students are counted as dropped if they are reported as a drop and do not re-enroll in another school during the four year period. Minnesota currently is not able to control for students who finish high school within four years from their start date.</p> <p>The methodology allows for a consistent computation for all schools and districts in the state, and includes students who change schools part way through their high school career. The computation is based on students who receive diplomas in year four of the emulated cohort.</p> $\frac{\text{Number of graduates year 4}}{\text{Dropouts (Grade 9 Year 1 + Grade 10 Year 2+ Grade 11 Year 3 + Grade 12 Year 4) + Completers Year 4}}$	<p>Consolidated State Application Accountability Workbook, updated Sept. 29, 2004 (approved, USDOE Sept. 30, 2004)</p>
Mississippi	<p>The graduation rate is calculated by dividing the number of the year's graduates by the number of 9th grade students four years earlier. The adjusted 9th grade enrollment reflects the number of new students entering the school, the number moving out, and the number failing over the four-year period.</p>	Report card
Missouri	<p>The quotient of the number of graduates in the current year as of June 30th divided by the sum of the number of graduates in the current year as of June 30th plus the number of 12th graders who dropped out in the current year plus the number of 11th graders who dropped out in the second preceding year plus the number of 9th graders who dropped out in the third preceding year.</p> $(\text{Graduates} / (9\text{-}12 \text{ Cohort Dropouts} + \text{Graduates})) \times 100$	<p>5 CSR 50-340.200</p> <p>Report Card</p>
Montana	<p>Montana's graduation rate is an estimated cohort group rate that is calculated by the method recommended by the NCES:</p> $g_t / (c + g_t + d^{12}_t + d^{11}_{(t-1)} + d^{10}_{(t-2)} + d^9_{(t-3)})$ <p>Where:</p> <ul style="list-style-type: none"> g = # of graduates receiving a standard high school diploma in standard # of years c = completers of high school by other means t = year of graduation d = dropouts 12, 11, 10, 9 = class level <p>All students graduating in Montana receive a standard high school diploma and will be counted as a graduate. Students receiving a GED are not included as graduates when calculating graduation rates. Montana's definition of a dropout is consistent with the requirements of the NCES Common Core of Data (CCD) reporting. According to Montana's definition, a dropout is an individual who:</p> <ul style="list-style-type: none"> ▪ Was enrolled in school on the date of the previous year October enrollment count or at sometime during the previous school year and was not enrolled on the date of the current school year October count; or ▪ Was not enrolled at the beginning of the previous year but was 	<p>Consolidated State Application Accountability Workbook Revised June 6, 2003</p>

State	Graduation Rate Definitions & Notes	Source
	<p>expected to enroll and did not reenroll during the year (“no show”) and was not enrolled on the date of the current school year October count; and</p> <ul style="list-style-type: none"> ▪ Has not graduated from high school or completed a state- or district-approved high school educational program; and ▪ Has not transferred to another school, been temporarily absent due to a school-recognized illness or suspension, or died. <p>(Montana Dropout Statistics Collector’s Handbook, http://www.opi.state.mt.us/pdf/acd.dohandbook.pdf).</p> <p>Previous year graduation rate used (2002 graduation rate in 2003) for all AYP determinations. For purposes of AYP (other than “safe harbor”) the calculation of the graduation rate applies to the school and district level, but not to the subgroup level.</p>	
Nebraska	<p>Local school boards are responsible for establishing the requirements for high school graduation. For AYP reporting, NCLB requires a cumulative graduation rate that considers the number of students who actually graduate as a percent of those who were in membership and could have graduated over a four-year period from grades9 through 12.</p> <p>Definition does not allow for the inclusion of dropouts and does not allow the use of transfer to avoid counting a student as a dropout.</p>	<p>Adequate Yearly Progress (AYP) under No Child Left Behind (NCLB) Guidance Revised for the 2003-04 Reporting Retrieved from: www.nde.state.ne.us/stars/documents/AYPGuidance2003-04revised.pdf</p>
Nevada	<p>Graduation rate is based on a 9th grade cohort of students.</p> <p>Two substantive differences exist between graduation rate and the other AYP indicators. First, the need for completion information makes it impossible to calculate the indicator for the “current” school year. In other words, for the 2002-03 AYP determinations, graduation rates reflecting the graduating class of 2001-02 had to be used. Second, the graduation rate indicator collapses information across a four-year time span while the other indicators rely primarily on a single year of information. This means that change with respect to graduation rate is likely to take more time to observe.</p> <p>Until the 2006-07 school year, average daily attendance will be used as a proxy for the economically disadvantaged, limited English proficient, and students with disabilities subgroups.</p> <p>Nevada adapted the NCES definition of completion rate which incorporates completers and dropouts. “Completers” include standard and advanced diploma recipients, adjusted diploma recipients, and certificate of attendance recipients. Graduation rate only counts diploma recipient completers in the numerator excluding adjusted diploma recipients. The denominator includes all diploma recipients, certificate of attendance recipients, dropouts (9th, 10th, 11th, and 12th), and GED recipients.</p> <p>For the 2001-2002 school year, graduation rate is equal to:</p> $\frac{\text{\# of diploma recipients (01-02) (excluding adjusted diploma recipients)}}{\text{\# of diploma recipients (01-02) (all recipients) + certificate of attendance recipients (01-02) + GED recipients (01-02) + 9th grade dropouts (98-99) + 10th grade}}$	<p>A Guide to No Child Left Behind & Adequate Yearly Progress Analyses in Nevada http://www.doe.nv.gov/nclb/ayp/questions/guide.htm#other_indicators</p> <p>Consolidated State Application Accountability Workbook, submitted August 26, 2004 (approved October 6, 2004 by USDOE)</p>

State	Graduation Rate Definitions & Notes	Source
	<p style="text-align: center;">dropouts (99-00) + 11th grade dropouts (00-01) + 12th grade dropouts (01-02)</p> <p>Prior year graduation rates used to calculate AYP. The state board is expected to revise the 50% target graduation rate.</p>	
New Hampshire	<p>New Hampshire plans to use a modified definition of graduation rate used by the National Center for Education Statistics until such time as a data collection system allows an accurate graduation rate (does not include GED). New Hampshire may use this modified rate until the 2005-2006 school year. (From USDOE Decision Letter dated June 25, 2003)</p> <p>Intends to transition to a graduation rate definition consistent with NCLB requirements. New Hampshire's graduation rate will be calculated as the percentage of students who complete high school and earn a regular diploma within the standard number of years. The standard numbers of years for students with IEP/504 plans are specified in those documents.</p> <p>NH Graduation Rate = Completer Rate X Regular Diploma Rate Where, Completer Rate = 100% – Cumulative Dropout Rate% and Regular Diploma Rate in the standard # of years = # of completers with regular diplomas earned in the standard # of years Number of completers with regular + nonstandard diplomas</p> <p>Dropouts are defined as students who leave school prior to graduation for reasons other than transfer to another school or death of student. In New Hampshire, four is the standard number of years for students who do not have IEPs or 504 plans. An additional year may be considered for completion to accommodate variations across districts and schools including, but not limited to: (a) the number of credits required for graduation from public schools. Many high schools go beyond the minimum number of credits for graduation (set at the state level). For example, a student may transfer from a school requiring 20 credits to a school requiring 23 credits, a public school may not accept all credits from a private school, or variations in course offerings may make it necessary for a student to take a few courses during the fifth year. (b) the number of credits from private schools that are accepted when a student transfers to a public school, and (c) the needs of students who are enrolled in Dropout Recovery/Intervention Programs developed at the local level. Students attending public schools that have an active dropout recovery program may need a fifth year to complete high school graduation requirements. If this is not allowed there would be a disincentive to recover students before they permanently drop out. Graduation rate is included (in the aggregate) for AYP, and disaggregated (as necessary) for use when applying the exception clause to make AYP.</p> <p>A student is a dropout:</p> <ol style="list-style-type: none"> 1. On the day following the student's declaration of dropout status, if age 18 or older. 2. On the day following the parent's or guardian's declaration of dropout status, if age 16 or older. 3. On the 16th consecutive day of failure to attend school, when the absence has not been excused by the school board and when the student is 18 or older. 4. On the 16th day following the <u>end</u> of an expulsion period if the 	<p>Dropout Reporting Procedures For the 2002-2003 School Year NH Department of Education Division of Program Support Bureau of Information Services September 3, 2003</p> <p>Consolidated State Application Accountability Workbook, Amended March 30, 2004 (approved August 17, 2004 by USDOE)</p>

State	Graduation Rate Definitions & Notes	Source
	<p>student has failed to return to school or to enroll in another school or home schooled program and the student is 18 or older.</p> <ol style="list-style-type: none"> 5. On the day a district removes a student from the attendance roster because he has reached age 21 and has not yet graduated. (A district may permit continued attendance for a student over 21.) 6. On the 16th consecutive day of failure to attend an adult education program that the school board has approved as an alternative program. This student will be considered a dropout from the public school last attended. (Students in adult education programs are generally considered dropouts. See the more detailed discussion of adult education programs in the next section.) 7. On the day a student leaves school to pursue a GED. <p>A student is not a dropout:</p> <ol style="list-style-type: none"> 1. During a period of suspension or temporary expulsion. 2. If she/he has transferred to another approved public or private school or home schooled program within NH, or an out-of-state school. Transfer status is indicated by: (a) a request for the transfer of records or other notification by the receiving school; or (b) a written statement by a parent or guardian indicating the student will be attending another school, but declining to provide the name of the school because of safety concerns; or (c) the truant officer verifies that the student has moved out of the district. 	
New Jersey	<p>Beginning with the 2004-2005 school year and all subsequent years, New Jersey will begin to implement graduation rate and add a new cohort each year. Graduation rate will be defined and calculated by the method recommended by the National Center for Education Statistics:</p> $\text{Graduation Rate} = \frac{(\# \text{ of SY [2002-03] 2004-2005 Graduates} + \text{Summer [2003]2005 Graduates})}{\# \text{ of Grade 9 Dropouts in SY [1999-2000] 2001-2002} + \# \text{ of Grade 10 Dropouts in SY [2000-2001] 2002-2003} + \# \text{ of Grade 11 Dropouts in SY [2001-2002] 2003-2004} + \# \text{ of Grade 12 Dropouts in SY [2002-2003] 2004-2005}} \times 100$ <p>Based on the National Center for Education Statistics' definition, this calculation provides an estimate for the cohort of students that began high school four years ago.</p> <p>The calculation is derived by taking the number of school-year graduates plus the summer graduates following the school year and dividing by a combination of the following:</p> <p>School year plus summer graduates plus number of grade 9 dropouts four years prior plus number of grade 10 dropouts three years prior plus number of grade 11 dropouts two years prior plus number of grade 12 dropouts for this report card year. The product is then multiplied by 100 to get the graduation rate.</p>	<p>Consolidated State Application Accountability Workbook Revised August 16, 2004 (approved, USDOE, August 18, 2004)</p> <p>State Report Card</p>
New Mexico	<p>"Graduation rate" means the percentage of the students who graduated from a high school divided by the number of students who were enrolled in the schools' 40th day of the same year. This calculation will be used until four-year cohort data can be collected. The 9th grade students from school year 2003-2004 will be the first cohorts, graduating in school year 2006-2007</p>	<p>NMAC 6.19.1, .3, .7, .8, .9 New Mexico 6.19.1 NMAC 6.19.1.7 (regulations adopted August 2004)</p>

State	Graduation Rate Definitions & Notes	Source
New York	<p>Graduation rate is based upon the percentage of students, measured from the beginning of high school, who graduate from high school with a regular diploma within four years. (See below for an exception related to schools that offer a high school diploma and additional certification.) In addition, New York also holds schools accountable for students who transfer into a school after the beginning of high school.</p> <p>New York uses as the denominator (beginning with the students who first entered 9th grade in the 2003–04 school year, July 31–June 30) the count of students who meet Condition 1 and either Condition 2 or Condition 3 below:</p> <ol style="list-style-type: none"> 1. Enrolled in 9th grade (anywhere) for the first time in a particular year (year 1) or, for ungraded students with disabilities, attained age 17 during that school year, AND 2. Were enrolled in the school or LEA on the first Wednesday of October* in year 1 and did not transfer to another program leading to a high school diploma, OR 3. Transferred into the school or LEA after the first Wednesday of October* in year 1 and were continuously enrolled in the school or district for a period of five months (excluding July and August), except that students who first enrolled in the school after the first Wednesday in October of year 4 will not be included in the denominator. <p>The graduation rate will be the percentage of these students who earned a regular high school diploma no later than the end of year 4.</p> <p>An exception will be made for high schools where a majority of students participate in a state-approved five-year program that results in the receipt of certification in a career or technology field in addition to a high school diploma. For those schools, the graduation rate will be the percentage of those students defined in Conditions 1 and 2 who earned a regular high school diploma no later than the end of year 5.</p> <p>*The official count of school enrollment is taken each year on the first Wednesday in October.</p> <p><u>Dropout rate</u> measures the rate of dropouts, which refers to any student, regardless of age, who left school prior to graduation for any reason except death and did not enter another school or high school equivalency preparation program or other diploma program.</p>	<p><i>Understanding Your School Report Card</i> February 2004 New York State Education Department</p>
North Carolina	<p>Of the students who graduate with a regular diploma, this reflects the percentage who graduated in four years or less. It does not reflect all 9th graders who entered high school four years earlier.</p> <p>Initially defining “graduation rate for public high schools” as “[t]he percentage of students who graduate from high school with a regular diploma in the standard number of years.”</p> <p>The 2002-03 ABCs masterbuild files will be coded to reflect diploma recipients. The same files will indicate the date when students took End-of-Grade (EOG) tests in 8th grade. Calculating the elapsed time between 8th grade EOG tests and diploma receipt will ascertain the number of years. Schools will be given the capability to manually record the necessary information for students who do not have 8th</p>	<p>Report Card</p> <p>Consolidated State Application Accountability Workbook, May 11, 2004 (approved July 2004)</p>

State	Graduation Rate Definitions & Notes	Source
	<p>grade EOG data (for example, students who moved into the state after the 8th grade or who previously attended private schools).</p> <p><u>Timeline for Moving to a Cohort Definition of Graduation Rate:</u> For the longer term, the first step establishes a baseline for membership in 9th grade during the 2002-03 school year. Current student information management systems in North Carolina do not have the capability to track students over a four-year period anywhere in the state. Therefore, districts asked to generate student rosters for 9th graders in 2002-03 and retain them for future reference. Local education agencies and/or schools record the transition outcomes for each student on the roster over four years and maintain that information so that it could be matched with the diploma recipient information collected through the 2005-06 masterbuild files (or other data collection that may be more appropriate at that time). Thus the first year in which a cohort based graduation rate could be calculated would be the 2005-06 school year, and the first year in which "progress" could be ascertained using a cohort definition for two successive graduation rates would be 2006-07.</p>	
North Dakota	<p><u>Graduate rate:</u> Counts as graduates within the standard number of years students with disabilities and limited English proficient students who graduate within the extended graduation schedule set forth in their individualized education plans developed by their IEP team or LEP service team.</p> $\frac{\text{Number of Graduates}}{\text{Number of Graduates} + \text{Dropouts Yr1} + \text{Dropouts Yr2} + \text{Dropouts Yr3} + \text{Dropouts Yr4}}$ <p>The school's graduation rate is compared to the state's graduation goal and a test of statistical significance is performed, where required, to ensure the proper AYP status.</p>	<p>Decision Letter, August 17, 2004, USDOE</p> <p>A Guide to the 2003-04 AYP Report, North Dakota Department of Public Instruction</p>
Ohio	<p>Sample calculation:</p> $\frac{\begin{aligned} &\# \text{ of FY2002 graduates} + \text{Summer 2002 Graduates} \\ &\text{(Reported in FY2003K)} \\ &\text{divided by} \\ &\# \text{ of grade 9 dropouts in FY1999} + \\ &\# \text{ of grade 10 dropouts in FY2000} + \\ &\# \text{ of grade 11 dropouts in FY2001} + \\ &\# \text{ of grade 12 dropouts in FY 2002} + \\ &\# \text{ of summer graduates 2002 (Reported in FY 2003K)} \\ &\times 100 \end{aligned}}$ <p>The graduation rate is an estimated cohort group rate that is calculated by the method recommended by the National Center for Educational Statistics.</p> <p>Students receiving non-standards based diplomas or GEDs are not included as graduates when calculating graduation rates. The following website address contains the Student Data Elements section of Ohio's educational management system: http://www.ode.state.oh.us/emis/documentation/manual/2003/chapter_2.asp, and includes information about the calculation of the graduation rate.</p>	<p>EMIS Guidelines State of Ohio Consolidated Application Accountability Workbook, January 2003 (approved by USDOE)</p>
Oklahoma	<p>Graduation rate is included (in the aggregate) for AYP, and disaggregated (as necessary) for use when applying the exception</p>	<p>Consolidated State Application Accountability</p>

State	Graduation Rate Definitions & Notes	Source
	<p>clause to make AYP.</p> <p>Beginning in 2004-2005, the graduation rate is calculated using an estimated cohort group rate, which is a recommended method by the National Center of Educational Statistics. The calculation is shown below:</p> $ \begin{array}{r} \text{Number of Students Graduating with a Regular} \\ \text{Diploma including summer graduates} \\ \text{in 2003-2004} \\ \\ \text{divided by} \\ \\ \text{Number of Students Graduating with a Regular} \\ \text{Diploma including summer graduates} \\ \text{in 2003-2004} \\ \\ \text{+} \\ \text{Number of Grade 12 Dropouts in 2003-2004} \\ \text{+} \\ \text{Number of Grade 11 Dropouts in 2002-2003} \\ \text{+} \\ \text{Number of Grade 10 Dropouts in 2001-2002} \\ \text{+} \\ \text{Number of Grade 9 Dropouts in 2000-2001} \\ \text{+} \\ \text{Number Receiving GEDs} \end{array} $ <div style="border: 1px solid black; width: 50px; height: 20px; margin-left: 100px; text-align: center; line-height: 20px;">X 100</div>	<p>Workbook, August 26, 2004 (approved by USDOE, Sept. 1, 2004)</p>
Oregon	<p>Weighted average of enrollment times graduation rate for each year Graduation rate = Number of students graduating with a regular diploma divided by (number of students graduating with a regular diploma + number of dropouts in grades 9 – 12)</p> <p>Graduates</p> <ul style="list-style-type: none"> • Students are counted as graduates if they receive a regular high school diploma, including an adult high school diploma. The Oregon high school diploma requires at least 22 credits to earn. <p>Not Graduates</p> <ul style="list-style-type: none"> • Students are not counted as graduates if they receive modified diplomas based on completion of a special education individualized education program. • Students are not counted as graduates if they receive credentials that require fewer than 22 credits to earn. • Students are not counted as graduates if they finish their senior year and did not receive any credentials. • Students are not counted as graduates if they earn a GED. <p>Enrollment is the number of students in membership in grades 9 –12 on October 1. Equivalent to percentage of Oregon 9th grade students who receive a regular diploma within four years.</p>	<p>2003-04 AYP Policy and Technical Manual May 2004</p>
Pennsylvania	<p><u>Graduation rate</u>: Measured over time by comparing the number of students receiving a regular high school diploma in a given year against the total number of students entering that 9th grade class four years earlier. Uses the NCES calculation methodology for graduation rate, both in the aggregate and, when necessary, disaggregated. This calculation method utilizes the number of graduates that have earned a standard diploma in the numerator divided by the number of graduates and recipients of non-standard diplomas plus dropouts</p>	<p>Pennsylvania Consolidated State Application Accountability Workbook Revised May 8, 2004 (approved, USDOE)</p>

State	Graduation Rate Definitions & Notes	Source
	<p>from the current year and the previous three years in the denominator.</p> <p>Until cumulative four-year data are available, will use the National Center for Educational Statistics (NCES) graduation rate synthetic methodology for reporting disaggregated data. The synthetic formula uses the graduates in the numerator. The graduates plus the 12th grade dropouts, 11th grade dropouts, 10th grade dropouts, and 9th grade dropouts from the same (current) year are used in the denominator.</p>	
Rhode Island	<p>The proposed formula for graduate rate is as follows:</p> $\text{Graduation Rate} = \frac{\# \text{ of FY 2002 Graduates}}{\# \text{ of FY 2002 Graduates} + \# \text{ of Grade 9 dropouts in FY 1999} + \# \text{ of Grade 10 dropouts in FY 2000} + \# \text{ of Grade 11 dropouts in FY 2001} + \# \text{ of Grade 12 dropouts in FY 2002} + \dots}$ <p>Then we will complete the transition to cohort reporting over the next three years as we implement a universal student identifier system.</p> <p>The percentage of students, from the Class of 2003, who dropped out of school; this percentage is calculated using four years of data, that is, by tracking the students from this graduating class from the time they entered high school four years ago.</p>	<p>Consolidated Application Accountability Workbook (approved by USDOE)</p> <p>Report Card</p>
South Carolina	<p>The percentage of original 9th grade students who earn standard high school diplomas who graduate in four years or less (in other words, on time).</p> <p>Formula, School/District</p> <ol style="list-style-type: none"> 1. Student Count <ul style="list-style-type: none"> ▪ 9th Grade Student Count for school year beginning four years before year of graduation (count is taken from the 9th grade Master Classification List). ▪ Subtract 9th grade repeaters ▪ Subtract all students who transferred out of school/district ▪ Add all students who transferred into school/district ▪ Equals Total Number of Students 2. Diplomas <ul style="list-style-type: none"> ▪ Number of students receiving regular diplomas in four years ▪ Equals Total Number of Diplomas 3. Graduation Rate <p>Divide (Step Two by Step One)</p> <p>All IEP non-diploma track student counts are included. GED is not included.</p> <p>Procedures: Collected by state department, office of research</p> <p>Reported by: school districts Timeframe: 190 Days – Available 2003 Addendum: After Summer School</p>	<p>Report card http://www.sde.state.sc.us/</p> <p>South Carolina Accountability Workbook Revised June 18, 2004 (approved by USDOE)</p>

State	Graduation Rate Definitions & Notes	Source
South Dakota	<p>Divide the total number of graduates (completers) by the total number of graduates (completers) plus 11th and 12th grade dropouts.</p> <p>The formula below will be fully implemented in four years. In school year 2003 include 12th grade data only; in school year 2004 include 11th and 12th grade data; in school year 2005 include 10th through 12th grade and in school year 2006 full implementation with the inclusion of data for grades 9th through 12th grades.</p> <p>The formula:</p> $\frac{\text{High School Completers in Year 4}}{\text{Dropouts (Gr 9, year 1 + Gr 10, year 2 + Gr 11, year 3 + Gr 12, year 4) + HS Completers, Year 4}}$ <p>This calculation is based on the recommendation of NCES in a publication "Public High School Dropouts and Completers from Common Core of Data: School Year 1998-99 through 1999-2000."</p> <p><u>Definition of Terms (based on NCES recommendations):</u></p> <p><i>Dropout:</i> An individual who</p> <ul style="list-style-type: none"> • Was enrolled in school at some time during the previous school year; and • Was not enrolled at the beginning of the current school year; and • Has not graduated from high school or completed a state or district approved educational program; and • Does not meet any of the following exclusionary conditions: <ul style="list-style-type: none"> ○ Transfer to another public school district, private school, or state- or district-approved educational program (including correctional or health facility programs); ○ Temporary absence due to suspension or school-excused illness; or ○ Death. <p><i>High School Completers:</i></p> <ul style="list-style-type: none"> • Diploma recipients – individuals who are awarded a high school diploma. This would not include students that may receive a non-standard diploma (for example, a GED or certificate of completion). <p>Students with disabilities who complete the required coursework for graduation will receive a regular high school diploma. A student with an IEP who meets these criteria will be counted as a high school completer. However, students with an IEP who do not graduate in the standard number of years and who do not meet all required coursework for graduation will not be considered a high school completer.</p>	<p>Report Card</p> <p>South Dakota Consolidated Application Accountability Workbook Approved by USDOE on June 17, 2004</p>
Tennessee	<p>Tennessee has a mandatory attendance software package which is used for calculating financial information based on average daily attendance as well as average daily membership. In this way, students are assigned student numbers and are coded as withdrawing, transferring, and dropouts. The system is precise and monitored by state personnel as the per-pupil expenditure follows the student from system to system. Each student is tracked from school to school and system to system with an identifying number for the entire state system. This process guarantees that no student who has dropped out of school will be counted as a transfer or in any</p>	<p>Consolidated State Application Accountability Workbook Revised June 14, 2004 (approved by USDOE)</p>

State	Graduation Rate Definitions & Notes	Source
	<p>calculation of the Graduation Rate.</p> <p>The state calculates graduation rates in a uniform manner for all schools and school districts. The graduation rate does not include students who obtain a GED, a special education diploma, or certificate of attendance. The graduation rate is a cumulative or longitudinal rate that will consider the number of students who actually graduate as a percent of those who were in membership and could have graduated over a four-year period from grade 9 through 12 including summer term attendance. The number of graduates is divided by the sum of graduates plus dropouts + completers over four years. The denominator for this rate is: Grads + 12th grade dropouts from current year + completers + 11th grade dropouts one year previously + 10th grade dropouts two years previously + 9th grade dropouts three years previously.</p> <p>Estimates the percent of students who complete high school on time with a regular diploma: Regular On-Time Graduates divided by Regular On-Time Graduates + Other Graduates + Dropouts</p> <p>“Regular on-time graduates” are students who receive a regular high school diploma within four years and one summer and special education students or English Language Learner (ELL) students who receive regular diplomas within five years and one summer. “Other graduates” include students receiving certificates of attendance, special education diplomas and GED certificates. Dropouts include students from the 2003-04 graduating class who dropped out of school in the 9th grade (2000-01), 10th grade (2001-02), 11th grade (2002-03), and 12th grade (2003-04).</p>	<p>http://www2.state.tn.us/k-12/aypgradrate.pdf</p>
Texas	<p>Graduation Rates are rounded to one decimal place before improvement is calculated. Therefore, 0.1 is the minimum improvement required. Districts and campuses that meet the 70% Graduation Rate standard are not also required to show improvement. Graduation Rate Minimum Size Requirement All Students: For the Graduation Rate to be evaluated in the AYP calculation at the all students-level, the district or campus must have at least 40 students in the completion/student status rate class. Districts and campuses with fewer than 40 students in the completion/student status rate class are not required to meet the Graduation Rate measures.</p> <p>If a district or campus meets the minimum size requirement for the Graduation Rate for the current year, improvement from the prior year is calculated even if the district or campus does not meet the minimum size requirement on the Graduation Rate for the prior year. Improvement is not calculated if the district or campus does not have a Graduation Rate for the prior year.</p>	<p>http://www.tea.state.tx.us/ayp/2004/guide.pdf</p>
Utah	<p>Utah restricts the cohort to grades 10 through 12 since Utah high schools, which may implement any of three different grade spans, have only these three grades in common; in fact, nearly half have only these three grades – Grades 7-12 (21% of high schools), Grades 9-12 (33%), and Grades 10-12 (46%).</p> <p>Specifically, the cohort graduation rate will be operationalized as follows: The number of students who graduated from 12th grade in the current year divided by the sum of: (1) these same graduates, and (2) the number of students who dropped out of 12th grade in the</p>	<p>Utah Consolidated Application (approved by USDOE)</p>

State	Graduation Rate Definitions & Notes	Source
	<p>current year, (3) 11th grade in the prior year, and (4) 10th grade in the year before that.</p> <p>Regular diploma graduates may include students with disabilities who can be retained as "seniors" until the age of 22. As long as such students are retained, their cohort status will be adjusted, so that their completion status will be included in the calculation of the graduation rate for the graduating class of the year in which it is finally determined.</p>	
Vermont	<p>Academic indicator for all students is graduation rate. Academic indicator for subgroups is grade 10 Basic Reading.</p> <p>Counted as a graduate if received certificate of attendance or GED. Also counted as a graduate if student is in an institution such as military that offers secondary education program.</p> <p>On April 15, 2003, the state board formally approved a five-year definition of graduation for the purposes of school accountability. However, this cannot be calculated and reported accurately until 2005. In the meantime, Vermont will use the four-year calculation for the all-student AYP group. Also will use the 10th grade New Standards Reference Exam: Basic Reading indicator for subgroup disaggregation until 2005, when it will be possible to disaggregate the graduation rate. Vermont has deferred a request for a five-year rate until 2005 when the impact data will be available to submit with the request to move to that rate.</p> <p>The longitudinal completion rate is calculated by dividing the total number of graduates in a particular class and dividing it by the cumulative number of dropouts over the four-year period when the specified class would have attended high school. This rate attempts to estimate the graduation rate for a single class of students when actual cohort data are unavailable.</p>	<p>Report card http://data.ed.state.vt.us/accountability/03/LEA_T129_03.pdf</p> <p>Consolidated Application Accountability Workbook State of Vermont Revised December 2, 2004.</p> <p>Vermont School Report</p>
Virginia	<p>The standard number of years for graduation is defined as four years or less. A detailed explanation of the formula as it applies to Virginia follows:</p> $GR_i = \frac{G_i}{G_i + (\text{number of students receiving Special Diploma, Modified Standard Diploma, Certificate of Attendance and GED certificates for year.}) + D_i + D_{(i-1)} + D_{(i-2)} + D_{(i-3)}}$ <p>Where:</p> <p>GR_i is the graduation rate for a given year (i) between 2002 and 2014</p> <p>G_i is the number of students achieving a regular high school diploma (excluding Special Diploma, Modified Standard Diploma, Certificate of Attendance, and GED certificates) for Year i</p> <p>D_i the number of dropouts in grade 12 for year i</p> <p>$D_{(i-1)}$ is the number of dropouts in grade 11 for the previous year ($i-1$)</p>	<p>Virginia Board of Education Consolidated State Application Amended Accountability Workbook Revised: May 26, 2004, Based on USED Letter of Approval, May 25, 2004 VBOE Letter of Response, June 8, 2004</p> <p>http://www.ed.gov/admins/lead/account/letters/va.doc</p>

State	Graduation Rate Definitions & Notes	Source
	<p>$D_{(i-2)}$ is the number of dropouts in grade 10 for the previous year (i-2)</p> <p>$D_{(i-3)}$ is the number of dropouts in grade 9 for the previous year (i-3)</p> <p>Graduation rates reflect only students who receive Standard or Advanced Studies Diplomas.</p> <p>Graduation rates are calculated by dividing the number of students receiving a diploma during a school year by the total of the following:</p> <ul style="list-style-type: none"> • The number of students receiving a diploma, certificate of attendance, or GED • The number of students who dropped out in grade 12 • The number of students in grade 11 who dropped out during the previous year • The number of students in grade 10 who dropped out two years earlier • The number of students in grade 9 who dropped out three years earlier. <p>Virginia currently defines graduation rate as “a percent of 9th grade membership four years later” but plans to implement a student record system over the next three to five years that will enable Virginia to calculate a longitudinal rate and will decrease unreliability. In the transition, Virginia will calculate graduation rate using the NCES method. For calculating ‘safe harbor,’ Virginia uses an alternative additional indicator that can be disaggregated until 2005-06.</p>	
Washington	<p>Estimated Cohort Graduation Rate (class of 2002): This rate represents only those students with an expected graduation year of 2002. These students would have started grade 9 in the fall of 1998 and were expected to graduate “on time” in four years.</p> <p>Percentage of students who graduate from public high school with a regular diploma (not including a GED-or any other diploma not fully aligned with the state’s academic content standards) in the standard number of years. The period of time required for students with disabilities to graduate is specified in each individualized education program (IEP). Students with disabilities who earn a diploma by completing the requirements of an IEP in the required period of time are counted as graduates.</p> <p>The graduation rate is calculated as follows: The number of graduates, with a regular diploma in four years <u>divided by</u> The number of graduates with a regular diploma in four years plus the number of students who dropped out of high school in that cohort grades 9 through 12 plus students who have continued to be enrolled but not graduated.</p>	<p>Report Card</p> <p>http://www.k12.wa.us/dataadmin</p> <p>Washington’s Consolidated Application Accountability Workbook Amendments Resubmitted June 16, 2004 and approved June 18, 2004</p>
West Virginia	4.10. West Virginia's graduation rate is measured using the number	West Virginia Board of Education Policy 2520

State	Graduation Rate Definitions & Notes	Source
	<p>of students who graduate from a public high school with a regular diploma, not including a Graduate Equivalency Diploma (GED) or any other diploma not fully aligned with the state's academic standards, in the standard number of years. For students with disabilities, the student's Individualized Education Plan (IEP) will determine the standard number of years for graduation.</p> <p>4.10.1. The calculation for the graduation rate is the method recommended by the National Center for Education Statistics (NCES). The formula is:</p> <p>Total number of four year graduates divided by the sum of the total number of four year graduates plus the dropouts for the four years of high school for this class of graduates</p> $g_t / (g_t + d_t^{12} + d_{(t-1)}^{11} + d_{(t-2)}^{10} + d_{(t-3)}^9)$ <p>G = graduates d = dropouts t = year of graduation 12, 11, 10, and 9=class level</p> <p>For the AYP determination, the graduation rate calculation will be used for accountability at the public school/LEA/state education agency (SEA) levels, but will not be used for each subgroup. However, for public schools/LEAs that use the safe harbor provision to meet AYP for the achievement indicator, the graduation rate standard must be met by each of the nine subgroups. Schools will be considered as having met the AYP if they meet or exceed the standard or if they have made improvement toward the standard.</p>	
Wisconsin	<p><u>Graduation rate</u>: The number of “graduates” divided by the number of “graduates” plus “cohort dropouts” over four years, expressed as a percentage.</p> <p><u>Graduate</u>: A student who met graduation requirements for a regular diploma during a school year prior to the beginning of the fall semester of the next school year. This would include any student who graduated at mid-year, who transferred into or re-entered the high school during the year (even if the student was not included in the third Friday in September school enrollment count), who graduated in the spring of the school year, or who accumulated required credits during summer school. Students who receive an alternative diploma such as a HSED, GED or “certificate of attendance” are not counted as graduates.</p> <p><u>Dropout</u>: A student who was enrolled in the school at some time during a school year; was not enrolled at the beginning of the next school year (third Friday in September); has not graduated from high school or completed a state or district-approved educational program; and does not meet any of the following exclusionary conditions:</p> <ol style="list-style-type: none"> 1. Has not transferred to another public school district, private school, or state- or district-approved educational program 2. Is temporarily absent due to expulsion, suspension, or school-approved illness 3. Has died. <p><u>Cohort dropout</u>: Any student who was a 12th grade dropout for the year reported, an 11th grade dropout for the prior year, a 10th grade dropout for two years prior, or a 9th grade dropout for three years</p>	<p>Report card</p> <p>Consolidated State Application Accountability Workbook Last Revised May 14, 2004 (approved by USDOE)</p>

State	Graduation Rate Definitions & Notes	Source
Wyoming	<p>prior.</p> <p>Defined as the total number of graduates divided by the total number of students who left school, including students who completed high school and drop-outs from that class over the past four years.</p> <p>The rate incorporates four years worth of data and thus, is an estimated cohort rate. It is calculated by dividing the number of students who receive a regular diploma by the sum of dropouts from grade 9 through 12 in consecutive years, plus the number of students completing high school. If a hypothetical graduating class began as 9th graders in Year 1, this four-year completion rate would look like:</p> <p style="text-align: center;">Students Receiving a Regular Diploma in Year 4 divided by</p> <p style="text-align: center;">Dropouts (Grade 9 Year 1 + Grade 10 Year 2 + Grade 11 Year 3 + Grade 12 Year 4) + Students Completing High School Year 4</p> <p>This formula used by the department of education is an “exiter” rate. The denominator is the total of all “exiters” from a school over a four-year period for a grade cohort. The exiters are the 9th grade drop-outs three years ago, the 10th grade drop-outs two years ago, 11th grade drop-outs last year, and this year’s 12th grade drop-outs plus completers. The numerator is the count of this year’s regular diploma recipients. The rate answers, “What percent of students exiting education do so with a regular diploma?”</p>	<p>Consolidated Application Accountability Workbook 2003-2004 Revised Submission August 11, 2004 (approved by USDOE)</p>
Territories		
American Samoa	Could not locate	
Puerto Rico	<p>Computes the high school graduation rate (HSGR) using and adaptation of the method recommended by the National Center for Education Statistics, as follows:</p> $\text{HSGR}(i) = \text{TG}(i) / \text{TNC}(i) \times 100$ <p>where...</p> $\text{TG}(i) = \text{NG}(i) + \text{NGS}(i)$ $\text{TNC}(i) = \text{NG}(i) + \text{NGS}(i) + \text{N10DO}(i-2) + \text{N11DO}(i-1) + \text{N12DO}(i)$ <p style="text-align: center;"><i>and...</i></p> <p><i>i</i> = The specific school year for which the computation is made</p> <p>HSGR(<i>i</i>) = High School Graduation Rate for school year <i>i</i> TG(<i>i</i>) = Total graduates with regular diploma who completed high school in three years for school year <i>i</i> TNC(<i>i</i>) = Estimated size of the high school cohort for school year <i>i</i> NG(<i>i</i>) = Number of graduates with regular diploma who completed high school in three years during the regular school year <i>i</i> NGS(<i>i</i>) = Number of graduates with regular diploma who completed high school in three years during the summer of school year <i>i</i></p>	<p>Consolidated Application Accountability Workbook May 1, 2003</p>

State	Graduation Rate Definitions & Notes	Source
	NG10DO($i - 2$) = Number of grade 10 dropouts in school year $i - 2$ NG11DO($i - 1$) = Number of grade 11 dropouts in school year $i - 1$ NG12DO(i) = Number of grade 12 dropouts in school year i Dropouts = Students who leave school prior to graduation for reasons other than transfer to another school in PR or moving from the island.	
Virgin Islands	Could not locate.	

Kathy Christie, vice president for knowledge management & the ECS Clearinghouse, compiled this StateNote.

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Helping State Leaders Shape Education Policy



Access to Kindergarten: Age Issues in State Statutes

Updated February 2005

This *StateNote* documents how state lawmakers have addressed kindergarten-related age issues, including compulsory school age, kindergarten entrance age, early entrance to kindergarten, skipping kindergarten and kindergarten exemption.

Kindergarten Entrance Age

The entrance age cut-off dates for kindergarten are not uniform across states.

- Only five states (California, Connecticut, Hawaii, Michigan, Vermont), the District of Columbia, and the Virgin Islands have cut-off dates between December 1 and January 1. This practice leads to a robust mix of 4-year-olds and 5-year-olds enrolled in kindergarten. Hawaii passed legislation to change the cut-off date from December 31 to August 1, beginning with the 2006-07 school year.
- Thirty-five states and Puerto Rico have kindergarten entrance cut-off dates between August 31 and October 16. These policies lead to fewer 4-year-olds entering kindergarten, but classrooms consist of a combination of 4- and 5-year-olds entering each fall.
- Three states (Alaska, Indiana and Missouri) have cut-off dates on or before August 15. While legislative intent cannot be determined without additional research, it can be supposed that these states want to ensure all children are 5 years old before they enter kindergarten. Hawaii passed legislation to change the cut-off date from December 31 to August 1, beginning with the 2006-07 school year.
- Another six states (Colorado, Massachusetts, New Hampshire, New Jersey, New York and Pennsylvania) leave the entrance-age question up to local district decision.

Early Entrance

No matter where the age of entry is set, most kindergarten classrooms have an age span of at least one year among students. Further contributing to this age span are allowances for early entrance to kindergarten. Statutes in 27 states allow children to enter kindergarten before they reach age eligibility; one state does not permit early entrance; and 22 state laws, as well as laws in the District of Columbia, Puerto Rico, and the Virgin Islands, are silent on the issue.

Compulsory School Attendance

Only eight states, the District of Columbia, Puerto Rico and the Virgin Islands have a compulsory school age of 5 that effectively, if not explicitly, mandates kindergarten attendance for all children. Compulsory attendance ages in the other states range from age 6-8. These laws allow parents and schools to delay a

child's entrance into kindergarten for a year. The reasons for delaying entry into kindergarten include beliefs that some children are not yet developmentally ready to succeed and beliefs that older children are more able to adapt to the intellectual, social-emotional and academic demands of kindergarten.

Permissive Kindergarten Attendance, Skipping Kindergarten and Kindergarten Exemption

Fourteen states, the District of Columbia, Puerto Rico and the Virgin Islands require students to attend kindergarten. Of those states and territories, only Tennessee does not allow exemptions from kindergarten attendance. Delaying entrance to kindergarten and skipping kindergarten altogether – whether because the state does not mandate kindergarten attendance, because a student enters early into 1st grade or because a student exempts out of school until compulsory school age – raise equity issues because both the causes and the effects of such practices vary. For instance, access to high-quality early childhood education programs and/or enriched educational environments at home are likely effective replacements for kindergarten at age 5. Children from better-educated and wealthier families, however, are more likely to have access to such experiences than poorer children from less-educated homes.

Key:

Decision – (parties listed)

A decision to allow early admittance to individual children on a case-by-case basis may be made by the parties listed.

Policy – (authorities listed)

The authorities listed may adopt a policy to allow early admittance; this policy must be applied equally to every student seeking early admittance.

Gifted

A child may be allowed early admittance if s/he is determined to be gifted.

LEA

Local education agency

NA

Not Applicable. Kindergarten attendance is not mandatory in this state.

Not permitted

Under no circumstances may a child be allowed early admittance.

Not specified

This issue is not addressed in state statute.

Parent request

A child may be exempted from kindergarten upon the request of a parent or guardian.

Readiness

A child may be allowed early admittance if it is determined the child is ready to attend at a younger age. A child may be admitted to 1st grade without attending kindergarten if a readiness screening is passed.

Transfer

A child who was enrolled in another state or district may continue to attend the grade s/he was enrolled in when transfer to the new district or state occurred. If a child has completed kindergarten in another district or state, s/he may be admitted to 1st grade.

State	Compulsory School Age	Kindergarten Entrance Age (Child must be 5 on or before this date)	Early Entrance to Kindergarten Allowed?	Student Attendance in Kindergarten	Skipping Kindergarten Allowed (Enter 1st grade at age 5)?	Kindergarten Exemption Allowed?
Alabama	7	September 1	Transfer	Permissive	Transfer	NA
Alaska	7	August 15	Transfer	Permissive	Not specified	NA
Arizona	6	September 1	Decision – parent, child, teacher and principal	Permissive	Decision – parent, child, teacher and principal	NA
Arkansas	5	September 15	Transfer	Mandatory	Not specified	Readiness and Parent request
California	6	December 2	Decision – school district and parent	Permissive	Decision – school district and parent	NA
Colorado	7	LEA option	Not specified	Permissive	Not specified	NA
Connecticut	5	January 1	Decision – local school board	Mandatory	Not specified	Parent request
Delaware	5	August 31	Decision – local school authorities	Mandatory	Not specified	Parent request
District of Columbia	5	December 31	Not specified	Mandatory	Not specified	Not specified
Florida	6	September 1	Not specified	Permissive	Not specified	NA
Georgia	6	September 1	Transfer	Permissive	Transfer	NA
Hawaii	6	December 31 August 1 (effective 2006-07)	Not specified	Permissive	Not specified	NA
Idaho	7	September 1	Not specified	Permissive	Transfer	NA

State	Compulsory School Age	Kindergarten Entrance Age (Child must be 5 on or before this date)	Early Entrance to Kindergarten Allowed?	Student Attendance in Kindergarten	Skipping Kindergarten Allowed (Enter 1st grade at age 5)?	Kindergarten Exemption Allowed?
Illinois	7	September 1	Decision – school district	Permissive	Not specified	NA
Indiana	7	July 1	Decision – parent and superintendent	Permissive	Not specified	NA
Iowa	6	September 15	Not specified	Permissive	Readiness	NA
Kansas	7	August 31	Transfer	Permissive	Transfer	NA
Kentucky	6	October 1	Not specified	Permissive	Not specified	NA
Louisiana	7	September 30	Gifted	Mandatory	Readiness	Readiness
Maine	7	October 15	Transfer	Permissive	Not specified	NA
Maryland	5	October 31 (Will change to September 30 in 2005-06. Will change to September 1 in 2006-07.)	Not specified	Mandatory	Not specified	Parent request or Readiness
Massachusetts	6	LEA option	Not specified	Permissive	Not specified	NA
Michigan	6	December 1	Not specified	Permissive	If district does not offer kindergarten	NA
Minnesota	7	September 1	Not specified	Permissive	Policy – local school board	NA
Mississippi	6	September 1	Not specified	Permissive	Not specified	NA

State	Compulsory School Age	Kindergarten Entrance Age (Child must be 5 on or before this date)	Early Entrance to Kindergarten Allowed?	Student Attendance in Kindergarten	Skipping Kindergarten Allowed (Enter 1st grade at age 5)?	Kindergarten Exemption Allowed?
Missouri	7	August 1 LEA Option between August 1 and October 1 for metropolitan districts.	Not specified	Permissive	Not specified	NA
Montana	7	September 10	Decision – board of trustees	Permissive	Not specified	NA
Nebraska	6	October 15	Transfer or Readiness	Permissive	Not specified	NA
Nevada	7	September 30	Not permitted	Mandatory	Not permitted	Parent request and Readiness
New Hampshire	6	LEA option	Not specified	Permissive	Not specified	NA
New Jersey	6	LEA option	Decision – local school board	Permissive	Not specified	NA
New Mexico	5	September 1	Not specified	Mandatory	Not specified	Parent request
New York	6	LEA option	Not specified	Permissive	Not specified	NA
North Carolina	7	October 16	Transfer or Gifted	Permissive	Decision – principal	NA
North Dakota	7	September 1	Transfer or Readiness	Permissive	Transfer or Gifted	NA
Ohio	6	September 30 or August 1	Policy – school district	Mandatory	Not specified	Parent request and Readiness
Oklahoma	5	September 1	Not specified	Mandatory	Not specified	Parent request

State	Compulsory School Age	Kindergarten Entrance Age (Child must be 5 on or before this date)	Early Entrance to Kindergarten Allowed?	Student Attendance in Kindergarten	Skipping Kindergarten Allowed (Enter 1st grade at age 5)?	Kindergarten Exemption Allowed?
Oregon	7	September 1	Policy – local school board	Permissive	Policy – local school board	NA
Pennsylvania	8	LEA option	Not specified	Permissive	Policy – state board of education	NA
Puerto Rico	5	August 31	Not specified	Mandatory	Not specified	Not specified
Rhode Island	6	September 1	Not specified	Mandatory	Not permitted	Not specified
South Carolina	5	September 1	Transfer or Decision – school district	Mandatory	Decision – school district	Parent request
South Dakota	6	September 1	Transfer	Permissive	Transfer	NA
Tennessee	6	September 30	Not specified	Mandatory	Not permitted	Not permitted
Texas	6	September 1	Readiness and Policy – school district	Permissive	Transfer	NA
Utah	6	September 2	Not specified	Permissive	Not specified	NA
Vermont	6	January 1 or LEA option between August 31 and January 1	Not specified	Permissive	Not specified	NA
Virgin Islands	5	December 31	Not specified	Mandatory	Not specified	Not specified
Virginia	5	September 30	Readiness	Mandatory	Not specified	Parent request
Washington	8	August 31	Decision – LEA	Permissive	Decision – LEA	NA
West Virginia	6	September 1	Decision – county board	Mandatory	Decision – county board	Readiness

State	Compulsory School Age	Kindergarten Entrance Age (Child must be 5 on or before this date)	Early Entrance to Kindergarten Allowed?	Student Attendance in Kindergarten	Skipping Kindergarten Allowed (Enter 1st grade at age 5)?	Kindergarten Exemption Allowed?
Wisconsin	6	September 1	Policy – school district	Permissive	Policy – school district	NA
Wyoming	7	September 15	Not specified	Permissive	Not specified	NA

This ECS StateNote was originally completed by Kristie Kauerz, program director, and Jessica McMaken, researcher, as part of ECS' study, Full-Day Kindergarten: An Exploratory Study of Finance and Access in the United States, which is funded by a grant from the Foundation for Child Development.

Full details on each category in this *StateNote* are available online in ECS' searchable database of kindergarten policies. The database may be accessed at www.ecs.org/kindergarten.

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StateNotes

Kindergarten

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How States Fund Full-day Kindergarten

Updated August 2005

State funding levels, established in state policy, create incentives or disincentives for district provision of full-day kindergarten. This *ECS StateNote* shows how each state's funding formula addresses kindergarten. It does *not* show the relative dollar amount that each state invests in kindergarten nor does it analyze whether states are adequately funding kindergarten. Specifically, this *StateNote* addresses two key questions:

- (1) How do states' funding formulas for half-day kindergarten and full-day kindergarten compare?
- (2) How do states' funding formulas for full-day kindergarten and 1st grade compare?

Looking strictly at the relationship between states' funding for half- and full-day kindergarten, the following is true¹:

- Ten states (Alaska, Georgia, Illinois, Massachusetts, Nebraska, New Mexico, New York, Oklahoma, Pennsylvania and Wisconsin) provide more funding for full-day kindergarten than is provided for half-day programs.
- Thirty-eight states and the District of Columbia fund both full- and half-day kindergarten at the same level.

Giving districts the same amount of funding regardless of whether they provide full- or half-day kindergarten in effect creates a disincentive to offer full-day programs. After all, why should a district choose to offer a more expensive, full-day program, when it can offer a half-day program for the same amount of money?

The relationship between funding for half- and full-day kindergarten programs does not, however, fully describe whether the state provides an incentive or disincentive to provide full-day kindergarten. To get a clearer picture of state incentives and disincentives, the relationship between a state's funding level for kindergarten and 1st grade also should be examined. In fact, offering funding for full-day kindergarten that is equal to or

¹ Two states (Hawaii and Rhode Island) do not have funding formulas that lend themselves to this kind of analysis. See notes for each state below.

greater than that provided for 1st grade provides an incentive for districts to offer full-day kindergarten programs. Based on this more complete analysis:

- **Eight states provide an incentive to districts to offer full-day kindergarten.** These include Alaska, Georgia, Illinois, Nebraska, New Mexico, New York, Oklahoma, and Wisconsin. These are states that: (1) provide a higher level of funding for full-day kindergarten than is provided for half-day kindergarten; and (2) provide funding for full-day kindergarten that is equal to or greater than the amount funded for 1st grade. In five of these states, the level provided for full-day kindergarten is the same as that provided for 1st grade. Three states (Georgia, New Mexico and Oklahoma) provide higher levels of funding for full-day kindergarten than are provided for 1st grade.
 - Technically, Pennsylvania state statute provides a similar incentive to districts to offer full-day kindergarten. In practice, however, the funding formula is not actually used to distribute education funding. Since the 1992 school year, the Pennsylvania General Assembly has allocated education funds to districts based on the amount received in fiscal year 1990-91, with state-mandated adjustments each year. Within this ad hoc distribution of funds, there is no standard formula that clearly provides an incentive to districts to offer full-day kindergarten.
- **Eighteen states provide a disincentive to districts to offer full-day kindergarten.** These include Arizona, Colorado, Delaware, Idaho, Indiana, Kansas, Kentucky, Maryland, Minnesota, Montana, Nevada, New Hampshire, New Jersey, North Dakota, Ohio, Oregon, Utah and Wyoming). These are states that: (1) provide no difference in funding for full- and half-day kindergarten; and (2) provide kindergarten funding at a lower level than that provided for 1st grade. Three of these states (Colorado, New Hampshire and New Jersey) do offer additional categorical funding for full-day kindergarten programs in some districts or for some children.
- **Twenty-one states and the District of Columbia provide no clear incentive or disincentive for districts to offer full-day kindergarten.** Of these:
 - Two states (North Carolina and South Carolina) and the District of Columbia fund all kindergarten programs at a higher level than 1st grade. No funding distinction, however, is made between full- and half-day kindergarten programs. This policy provides an incentive for districts to offer both half-day and full-day kindergarten programs, but does not explicitly prioritize full-day kindergarten.
 - One state (Massachusetts) provides more funding for full-day kindergarten than for half-day kindergarten, but the amount is still less than that provided for 1st grade. This funding policy prioritizes full-day kindergarten over half-day kindergarten, but does not provide equitable funding between full-day kindergarten and 1st grade.
 - Eighteen states fund all kindergarten programs at the same level as 1st grade but make no distinction between full- and half-day kindergarten programs. This policy provides funding equity between kindergarten and 1st grade, but does not provide an explicit incentive for full-day kindergarten. These states include Alabama, Arkansas, California, Connecticut, Florida, Iowa, Louisiana, Maine, Michigan, Mississippi, Missouri, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington and West Virginia.

Helpful Definitions: Funding Formulas:

- **Foundation programs.** Most states use what is known as a foundation (or base) program to provide funding to school districts. Under these programs, states set a base amount of funding for students – or a foundation level – that is paid to districts with state and local funding. The amount that the state contributes to each district's foundation amount is based on the district's relative wealth. Thus, the state provides more funding to poorer districts and less funding to wealthier districts. Within foundation programs, states often provide additional funding to groups of students (e.g., at risk, special education, English language learners) or to different grade levels. This *ECS StateNote* describes how the funding levels for half-day kindergarten, full-day kindergarten and 1st grade differ for each state.

- Categorical programs** are designed by states to provide funding to districts for a specific program or service. Categorical funding is intended to supplement monies supplied to districts in the state's funding formula. This *ECS StateNote* shows which states provide additional funds to qualifying districts for full-day kindergarten programs. The qualifying districts are almost always those districts with a large proportion of low-income students.

KEY:

M = Mandatory

P = Permissive

NA = Not Applicable

Note: All information is for fiscal year 2001-02.

State	District offering of kindergarten	District offering of full-day kindergarten	Is half-day kindergarten funded at the same level as full-day kindergarten?	Is full-day kindergarten funded at an equal or higher level than 1 st grade?	Difference between funding for half-day kindergarten, full-day kindergarten and 1 st grade	State categorical programs that provide additional funding for full-day kindergarten
Alabama	M	M	Yes	Yes	NA	None
Alaska	P	P	No	Yes	Full-day kindergarten students are funded at the same level as 1st-grade students. Part-time kindergarteners are funded between 25% and 75% of full funding, based on student attendance.	None
Arizona	M	P	Yes	No	All kindergarten students are funded at half the level of 1st-grade students.	None
Arkansas	M	M	Yes	Yes	NA	None
California	M	P	Yes	Yes	NA	None

State	District offering of kindergarten	District offering of full-day kindergarten	Is half-day kindergarten funded at the same level as full-day kindergarten?	Is full-day kindergarten funded at an equal or higher level than 1 st grade?	Difference between funding for half-day kindergarten, full-day kindergarten and 1 st grade	State categorical programs that provide additional funding for full-day kindergarten
Colorado	M	P	Yes	No	A limited number of at-risk students receive twice as much funding for enrollment in a full-day kindergarten program (see categorical program). All other kindergarten students are funded at half the level of 1st-grade students.	"Colorado Pre-School Program" funds full-day kindergarten for up to 1,000 at-risk students.
Connecticut	M	P	Yes	Yes	NA	"Priority School District Grants Program" funds are distributed to the state's poorest districts and can be used for several different education programs, including full-day kindergarten.
Delaware	M	P	Yes	No	All kindergarten students are funded at half the level of 1st-grade students.	None
District of Columbia	M	P	Yes	Yes	All kindergarten students are funded at a level that is 13.6%, or \$917, higher than 1st-grade students.	None
Florida	M	P	Yes	Yes	NA	None
Georgia	M	M	No	Yes	Full-day kindergarten students are funded at twice the level of half-day kindergarten students and at a level that is 28% higher than that for 1st grade.	None
Hawaii	M	P	The state operates as a single school district, thus there is no state formula for distribution of funds in the traditional sense.			None
Idaho	P	P	Yes	No	All kindergarten programs are provided with one teacher for	None

State	District offering of kindergarten	District offering of full-day kindergarten	Is half-day kindergarten funded at the same level as full-day kindergarten?	Is full-day kindergarten funded at an equal or higher level than 1 st grade?	Difference between funding for half-day kindergarten, full-day kindergarten and 1 st grade	State categorical programs that provide additional funding for full-day kindergarten
					every 16-40 students. 1st grade programs are provided with one teacher for every 12-20 students.	
Illinois	M	P	No	Yes	Full-day kindergarten students are funded at twice the level of half-day kindergarten students.	None
Indiana	M	P	Yes	No	All kindergarten students are funded at half the level of 1st-grade students.	None
Iowa	M	P	Yes	Yes	NA	None
Kansas	M	P	Yes	No	All kindergarten students are funded at half the level of 1st-grade students.	None
Kentucky	M	P	Yes	No	All kindergarten students are funded at half the level of 1st-grade students.	None
Louisiana	M	M	Yes	Yes	Full-day kindergarten is mandatory, therefore all kindergarten students receive full funding compared to other grades.	None
Maine	M	P	Yes	Yes	NA	None
Maryland	M	M	Yes	No	All kindergarten students are funded at half the level of 1st-grade students.	None
Massachusetts	M	P	No	No	Full-day kindergarten students are funded at twice the level of half-day kindergarten students and at a level that is \$31 per	"Kindergarten Development Grants" provide \$15,000 to districts to transition to full-day kindergarten. After the

State	District offering of kindergarten	District offering of full-day kindergarten	Is half-day kindergarten funded at the same level as full-day kindergarten?	Is full-day kindergarten funded at an equal or higher level than 1 st grade?	Difference between funding for half-day kindergarten, full-day kindergarten and 1 st grade	State categorical programs that provide additional funding for full-day kindergarten
					year less than that for 1st-grade students.	transition, districts receive up to \$18,000 per classroom to help cover ongoing costs. Priority is given to low-performing districts.
Michigan	M	P	Yes	Yes	NA	None
Minnesota	M	P	Yes	No	All kindergarten students are funded at half the level of 1st-grade students.	None
Mississippi	M	M	Yes	Yes	Full-day kindergarten is mandatory, therefore all kindergarten students receive full funding compared to other grades.	None
Missouri	M	P	Yes	Yes	NA	None
Montana	M	P	Yes	No	All kindergarten students are funded at half the level of 1st-grade students.	None
Nebraska	M	P	No	Yes	Full-day kindergarten students are funded at twice the level of half-day kindergarten students.	None
Nevada	M	P	Yes	No	All kindergarten students are funded at 60% of the level of 1st-grade students.	None
New Hampshire	P	P	Yes	No	All kindergarten students are funded at half the level of 1st-grade students.	"Alternative Kindergarten Program" provides an additional \$1,200 per student for districts who offer full-day kindergarten programs for the first time.

State	District offering of kindergarten	District offering of full-day kindergarten	Is half-day kindergarten funded at the same level as full-day kindergarten?	Is full-day kindergarten funded at an equal or higher level than 1 st grade?	Difference between funding for half-day kindergarten, full-day kindergarten and 1 st grade	State categorical programs that provide additional funding for full-day kindergarten
New Jersey	P	P	Yes	No	All kindergarten students are funded at half the level of 1st-grade students.	“Early Childhood Program Aid” provides an additional \$465 or \$750 per student based on the district’s percentage of at-risk students.
New Mexico	M	P	No	Yes	Full-day kindergarten students are funded at twice the level of half-day kindergarten students and at a level that is 20% higher than that for 1st-grade students.	For full-day kindergarten students who qualify, a “Full-Day Kindergarten Program” provides twice the funding level of half-day kindergarten students.
New York	P	P	No	Yes	Full-day kindergarten students are funded at twice the level of half-day kindergarten students.	“Full-Day Kindergarten Incentive Aid” provides an additional \$4.88 million for full-day kindergarten programs.
North Carolina	M	M	Yes	Yes	All kindergarten programs are provided with one teacher for every 19 students. First grade programs are provided with one teacher for every 20 students.	None
North Dakota	P	P	Yes	No	All kindergarten students are funded at a level that is 63%-85% less than that for 1st-grade students, based on district size.	None
Ohio	M	P	Yes	No	All kindergarten students are funded at half the level of 1st-grade students.	None
Oklahoma	M	P	No	Yes	Full-day kindergarten students are funded at a level that is 13% more than that for half-day kindergarten students and 10% more than that for 1st-grade students.	None

State	District offering of kindergarten	District offering of full-day kindergarten	Is half-day kindergarten funded at the same level as full-day kindergarten?	Is full-day kindergarten funded at an equal or higher level than 1 st grade?	Difference between funding for half-day kindergarten, full-day kindergarten and 1 st grade	State categorical programs that provide additional funding for full-day kindergarten
Oregon	M	P	Yes	No	All kindergarten students are funded at half the level of 1st-grade students.	None
Pennsylvania	P	P	No **	Yes **	Full-day kindergarten students are funded at twice the level of half-day kindergarten students. **	None
			** Pennsylvania state statute contains an education funding formula that has not actually been used for over a decade. Since the 1992 school year, the state's General Assembly has allocated education funds to districts based on the amount received in fiscal year 1990-91, with state-mandated adjustments each year. Within this ad hoc distribution of funds, there is no standard formula that clearly provides an incentive to districts to offer full-day kindergarten.			
Rhode Island	M	P	Districts receive state funding based on the amount received in FY 1997-98 with state mandated increases each year and adjustments for categorical funds. Because there is no "foundation formula," there are no weights for various grade levels.			The state has three categorical programs, all offering additional funding for full-day kindergarten programs.
South Carolina	M	M	Yes	Yes	All kindergarten students are funded at a level that is 5% more than that for 1st-grade students.	"Early Childhood Assistance Program" provides 26% additional funding for at-risk students in grades K-3. The money can be used for full-day kindergarten programs.
South Dakota	M	P	Yes	Yes	NA	None
Tennessee	M	P	Yes	Yes	NA	None
Texas	M	P	Yes	Yes	NA	"Kindergarten & Pre-Kindergarten Grants" provide funds that can be used for full-day kindergarten programs.
Utah	M	P	Yes	No	All kindergarten students are funded at a level that is 55% of the funding level for 1st-grade	None

State	District offering of kindergarten	District offering of full-day kindergarten	Is half-day kindergarten funded at the same level as full-day kindergarten?	Is full-day kindergarten funded at an equal or higher level than 1 st grade?	Difference between funding for half-day kindergarten, full-day kindergarten and 1 st grade	State categorical programs that provide additional funding for full-day kindergarten
					students.	
Vermont	M	P	Yes	Yes	NA	None
Virginia	M	P	Yes	Yes	NA	None
Washington	P	P	Yes	Yes	NA	None
West Virginia	M	M	Yes	Yes	Full-day kindergarten is mandatory, therefore all kindergarten students receive full funding compared to other grades.	None
Wisconsin	M	P	No	Yes	Full-day kindergarten students are funded at twice the level of half-day kindergarten students.	"Five Year Old Kindergarten Program" provides \$5 million to Milwaukee schools for full-day kindergarten programs.
Wyoming	M	P	Yes	No	All kindergarten students are funded at half the level of 1st-grade students.	None

This *ECS StateNote* was originally completed in June 2003 by Michael Griffith, policy analyst; Kristie Kauerz, program director; and Jessica McMaken, researcher, as part of ECS' study, *Full-Day Kindergarten: An Exploratory Study of Finance and Access in the United States*, which is funded by a grant from the Foundation for Child Development.

For full details on each category in this *ECS StateNote*, visit ECS' online searchable database of kindergarten policies in all 50 states at www.ecs.org/kindergarten.

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StateNotes

Kindergarten

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State Statutes Regarding Kindergarten

Updated April 2005

Compulsory School Attendance

- Only eight states, the District of Columbia, Puerto Rico, and the Virgin Islands have a compulsory school age of 5 that effectively, if not explicitly, mandates kindergarten attendance for all children.
- Compulsory attendance ages in the other states range from age 6-8.

Kindergarten Entrance Age

- Only five states (California, Connecticut, Hawaii, Michigan and Vermont), the District of Columbia and the Virgin Islands have cut-off dates between December 1 and January 1. This practice leads to a robust mix of 4-year-olds and 5-year-olds enrolled in kindergarten.
- Thirty-five states and Puerto Rico have kindergarten entrance cut-off dates between August 31 and October 16. These policies lead to fewer 4-year-olds entering kindergarten, but classrooms consist of a combination of 4- and 5-year-olds entering each fall.
- Three states (Alaska, Indiana and Missouri) have cut-off dates on or before August 15. While legislative intent cannot be determined without additional research, it can be supposed that these states want to ensure all children are 5 years old before they enter kindergarten.
- Another six states (Colorado, Massachusetts, New Hampshire, New Jersey, New York and Pennsylvania) leave the entrance-age question up to local district decision.

District Offering of, and Pupil Attendance in, Kindergarten

- 43 states, the District of Columbia, Puerto Rico, and the Virgin Islands mandate that school districts offer at least half-day of kindergarten programs
- 14 states, the District of Columbia, Puerto Rico, and the Virgin Islands mandate that age-eligible children attend at least a half-day of kindergarten

District Offering of, and Pupil Attendance in, Full-Day Kindergarten

- Nine states mandate that school districts offer full-day kindergarten programs
- Only two states (Louisiana and West Virginia) mandate that age-eligible children attend full-day kindergarten

KEY:

M = Mandatory

P = Permissive

LEA = Local Education Agency

State	Compulsory School Age ⁱ	Kindergarten Entrance Age ⁱⁱ	District Offering of Kindergarten	Pupil Attendance in Kindergarten	District Offering of Full-Day Kindergarten	Year Full-Day Law Enacted	Pupil Attendance in Full-Day Kindergarten
Alabama	7	5 on or before September 1	M	P	M	1990	P
Alaska ⁱⁱⁱ	7	5 before August 15	P	P	P		P
Arizona	6	5 before September 1	M	P	P		P
Arkansas	5 ^{iv}	5 on or before September 15	M	M	M ^v		P
California	6	5 on or before December 2	M	P	P ^{vi}		P
Colorado	7	LEA Option	M	P	P		P
Connecticut	5 ^{vii}	5 on or before January 1	M	M	P		P
Delaware	5	5 on or before August 31	M	M	P		P
District of Columbia	5	5 on or before December 31	M ^{viii}	M	P		P
Florida	6 ^{ix}	5 on or before September 1	M	P	P		P
Georgia	6	5 by September 1	M	P	M ^x	1985	P
Hawaii	6	5 on or before December 31 (In 2006-07, the date will change to on or before August 1.)	M	P	P		P
Idaho	7	5 on or before September 1	P	P	P		P
Illinois	7	5 on or before September 1 ^{xi}	M	P	P ^{xii}		P
Indiana	7	5 on or before July 1	M	P	P		P
Iowa	6	5 on or before September 15	M	P	P		P
Kansas	7	5 on or before August 31	M	P	P		P
Kentucky	6	5 by October 1	M	P	P		P
Louisiana	7	5 on or before September 30	M	M	M	1990	M ^{xiii}
Maine	7	5 on or before October 15	M	P	P ^{xiv}		P
Maryland	5	5 by October 31 (In 2005-06, this will change to September 30. In 2006-07, this will change to September 1.)	M	M ^{xv}	M ^{xvi}	2002	P
Massachusetts	6	LEA Option	M	P	P ^{xvii}		P
Michigan	6	5 on or before December 1 ^{xviii}	M ^{xix}	P	P		P
Minnesota ^{xx}	7	At least 5 on September 1	M	P	P		P

State	Compulsory School Age ⁱ	Kindergarten Entrance Age ⁱⁱ	District Offering of Kindergarten	Pupil Attendance in Kindergarten	District Offering of Full-Day Kindergarten	Year Full-Day Law Enacted	Pupil Attendance in Full-Day Kindergarten
Mississippi	6	5 on or before September 1	M	P	M		P
Missouri	7	5 before August 1 (LEA option between August 1 and October 1 for metropolitan districts)	M	P	P		P
Montana	7	5 on or before September 10	M	P	P		P
Nebraska	6	5 on or before October 15	M	P	P		P
Nevada	7	5 on or before September 30	M	M ^{xxi}	P		P
New Hampshire	6	LEA Option	P	P	P		P
New Jersey	6	LEA Option	P	P	P		P
New Mexico	5	5 before September 1	M	M	P ^{xxii}	2000	P
New York	6	LEA Option	P ^{xxiii}	P	P		P
North Carolina	7	5 on or before October 16	M	P	M ^{xxiv}		P
North Dakota	7	5 before September 1	P	P	P		P
Ohio	6	September 30 or August 1	M	M ^{xxv}	P		P
Oklahoma	5	5 on or before September 1	M	M	P		P
Oregon	7	5 on or before September 1	M	P	P		P
Pennsylvania	8	LEA Option	P	P	P		P
Puerto Rico	5	5 on or before August 31	M	M	P		P
Rhode Island	6	5 on or before September 1	M	M	P		P
South Carolina	5 ^{xxvi}	5 on or before September 1	M	M	M ^{xxvii}	1998	P
South Dakota	6 ^{xxviii}	5 on or before September 1	M	P	P		P
Tennessee	6	5 on or before September 30	M ^{xxix}	M	P		P
Texas	6	5 on or before September 1	M	P	P		P
Utah	6	5 on or before September 2	M	P	P		P
Vermont	6	5 on or before January 1 ^{xxx}	M	P	P		P
Virgin Islands	5	5 on or before December 31	M	M	P		P
Virginia	5 ^{xxxi}	5 on or before September 30	M	M	P		P
Washington	8	5 on or before August 31	M	P	P		P
West Virginia	6	5 on or before September 1	M	M	M	1996	M ^{xxxii}
Wisconsin	6	5 on or before September 1	M	P	P ^{xxxiii}	1987	P
Wyoming	7	5 on or before September 15	M	P	P		P

-
- ⁱ Most states allow parents to apply for a waiver if they do not wish for their children to attend kindergarten. In Nevada, Rhode Island, Tennessee and West Virginia the compulsory school attendance age is over 5. Kindergarten attendance is mandatory, thereby allowing parents to hold children out of kindergarten until they reach 6 years of age.
- ⁱⁱ Children may begin kindergarten in the school year that they reach the specified age by the specified date. For example, in Hawaii, a child may begin kindergarten at age 4 as long as his 5th birthday is during the school year and prior to December 31.
- ⁱⁱⁱ Alaska has no state law regarding district offering of kindergarten.
- ^{iv} In Arkansas, parents may elect for the child not to attend kindergarten if the child will not be age 6 on September 15 of that particular school year. In such a case, the parent must file a signed kindergarten waiver form with the local district administrative office.
- ^v The Standards for Accreditation of Arkansas Public Schools section of Arkansas's Rules and Regulations requires that districts offer a full-day kindergarten.
- ^{vi} In California, full-day kindergarten is prohibited by one Education Code section and allowed in another. Education Code Section 46111 prohibits kindergarten from exceeding four hours (excluding recesses) unless children are participating in an Early Primary Program as allowed under Education Code Section 8970-8974. Ed. Code Section 8973 specifically says that kindergarten may exceed four hours if the program is not longer than the rest of the primary program and if there are opportunities for both active and quiet activities.
- ^{vii} In Connecticut, the parent of a 5-year-old child shall have the option of not sending the child to school until the child is 6 years old. The parent of a 6-year-old child shall have the option of not sending the child to school until the child is 7 years old. The parent shall exercise such option by personally appearing at the school district office and signing an option form.
- ^{viii} Because compulsory school age is 5 in the District of Columbia, all public schools are required to offer kindergarten to accommodate attendance for 5-year-old children. DC Code Section 38-202.
- ^{ix} In Florida, children are not required to attend school until they are 6 years old. If a child does not attend kindergarten at age 5, however, s/he will be required to attend kindergarten when s/he starts school at age 6.
- ^x In Georgia, full-day kindergarten is defined as 4.5 hours per day.
- ^{xi} In Illinois, districts may offer kindergarten to children age 4 to 6. Only one year of kindergarten attendance, however, will be paid for by the state unless a child who entered kindergarten at age 5 requires a second year of kindergarten for developmental purposes.
- ^{xii} In Illinois, if a district offers full-day kindergarten, it also must provide a half-day kindergarten. Parents are not required to send their children to kindergarten.
- ^{xiii} In Louisiana, kindergarten is mandatory for entrance to 1st grade unless parents request their children be tested for readiness to enter 1st grade. Readiness criteria are established by each parish.
- ^{xiv} In Maine, the Department of Education encourages districts to offer full-day kindergarten.
- ^{xv} Local boards of education may adopt regulations permitting a 4-year-old child, upon request by the parent or guardian, to be admitted to kindergarten if the local system determines that the child demonstrates the capabilities warranting early admission. In addition, the regulations maintain the option for parents to request a "Level of Maturity Waiver" for the local board to exempt from mandatory attendance for one year a kindergarten-eligible child.
- ^{xvi} Maryland passed legislation in 2002 that requires all districts to offer full-day kindergarten by the 2007-08 school year.
- ^{xvii} In Massachusetts, a state grant program allows districts to apply for a grant to fund a full-day kindergarten.
- ^{xviii} In Michigan, if a district offers semiannual promotions, a child may enroll in kindergarten for the second semester if s/he is at least 5 on March 1 of the school year.
- ^{xix} In Michigan, districts must offer a program for all students who will be 5 on or before December 1. This program does not have to be traditional kindergarten. For example, 5-year-olds may be served in a mixed-age classroom with other children. Programming for 5-year-olds must be available for one-half of the hours of the other grades.
- ^{xx} In Minnesota, districts may establish an earlier school entrance age. Districts may apply for an exemption from offering kindergarten if it would cause "extraordinary hardship." Districts are permitted to offer full-day kindergarten.
- ^{xxi} In Nevada, if a child is 6 years old and has not completed kindergarten, s/he must complete kindergarten before being admitted to 1st grade. If a child is 7 years old and has not completed kindergarten or 1st grade, s/he must undergo an assessment by the district to determine whether he is developmentally prepared to be admitted to the 1st grade. If the district determines that the child is not so prepared, s/he must be admitted to kindergarten.
- ^{xxii} In New Mexico, full-day kindergarten is being phased in from 2000-05. Beginning in the year 2000 and each subsequent year until 2005, one-fifth of New Mexico's school districts will be eligible to apply to the state for full-day kindergarten funding. Establishment of full-day kindergarten programs shall be voluntary on the part of school districts, and student participation shall be voluntary on the part of parents.

^{xxiii} In New York, district offering of kindergarten is permissive, however, “a person over 5 and under 21 years of age. . .is entitled to attend the public schools maintained in the district in which such person resides without the payment of tuition” (NY EDUC § 3202).

^{xxiv} Full-day kindergarten is universally available in North Carolina and has been since 1976.

^{xxv} In Ohio, students must complete kindergarten, or by parent request, must demonstrate to the satisfaction of the Pupil Personnel Services Committee that they possess the social, emotional and cognitive skills necessary for 1st grade.

^{xxvi} In South Carolina, if a child is not 6 on or before September 1 of the school year, his parent may elect for him not to attend kindergarten by signing a written document with the school district.

^{xxvii} In South Carolina, districts are required to offer full-day kindergarten unless they apply for a waiver due to lack of space and prohibitive cost. Parents may choose a half-day program for their children.

^{xxviii} In South Dakota, a waiver of the compulsory attendance requirement for children under 7 is granted upon the request of the parents.

^{xxix} In Tennessee, kindergarten programs must offer a minimum of four hours per day.

^{xxx} In Vermont, districts may set the entrance age cut-off date anywhere between August 31 and January 1 of the same school year.

^{xxxi} In Virginia, a child is in compliance with compulsory attendance laws if he is attending any public or approved private pre-kindergarten program.

^{xxxii} In West Virginia, students must attend full-day kindergarten unless, under extraordinary circumstances, a readiness test is passed for entrance into the 1st grade.

^{xxxiii} In Wisconsin, districts are required to offer full-day kindergarten for low-income students.

This ECS StateNote was originally compiled in August 2001 by Jessica McMaken, ECS Research Assistant. If you have any questions about this StateNote, or would like to provide updates, please contact ECS' Early Learning Initiative at 303.299.3695 or ecs@ecs.org.

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Mentor Programs for Leaders: A Policy Scan

By John Hancock

September 2005

This search is intended to focus on state policies that provide mentoring and internship programs for K-12 school leaders. The information contained here presents how policies prescribe these programs, the authorities that will implement the program and identifies the characteristics of each program implementation. All bills listed have subsequently been signed into state law.

Trends:

- Policies often delegate the design, implementation and oversight of the programs to the state department of education or the state board of education. In some cases these responsibilities are delegated directly to local authorities.
- Two strategies in the development of mentor programs have emerged. Some mentor programs are conducted within a formal principal-training framework, some are to be designed by the schools and districts and then submitted to the state board or state department of education for approval.
- Policies rarely mandate and appropriate for a comprehensive statewide policy available to all leaders. These programs are often selective due to limited funding or lack of resources that limits the effectiveness of these programs often where they are needed most.

This report is based on a search of Lexis-Nexis and state legislative Web sites, and has not been verified by the states. If your state legislates mentor programs for education leaders, please contact John Hancock at jhancock@ecs.org.

State	State Policy	Summary	Implementation	Structure
Arkansas	ARK. CODE ANN. § 6-17-1602	Improves school performance by creating the master school principal program; provides for annual bonuses for qualified principals serving in schools in academic distress.	<ul style="list-style-type: none">• Funded partly by Arkansas department of education, districts may be required to contribute funding upon participation.• Candidates must apply to this 3-year	Academy based

State	State Policy	Summary	Implementation	Structure
			<p>program. Upon completion they receive “master” status, entitling them to higher annual pay.</p> <ul style="list-style-type: none"> • Mentors evaluate each candidate individually based on Academy criteria. 	
Arkansas	<p>ARK. CODE ANN. § 6-15-440</p> <p>(Amended 2005: H.B. 2434)</p>	<p>Creates the Arkansas Leadership Academy School Support Program to train principals and teachers in schools and districts designated as being in school improvement. Specifies that any school district in school improvement may be invited, strongly encouraged or required to participate in the program as provided in the rules of the state board of education. Requires participating schools to remain in the program for at least three consecutive school years.</p>	<ul style="list-style-type: none"> • Through Master School Principal program described above. (See S.B. 46) 	State based Academy
California	<p>CAL. EDUC. CODE § 44511.(A)</p>	<p>SEC. 8: This bill would require that instruction and training in the Principal Training Program run by the state superintendent include instruction related to personnel management, including hiring, recruitment and retention practices, and misassignments of certificated personnel and instruction and training in the curriculum frameworks and instructional materials aligned to the state academic standard, including ensuring the provision of sufficient textbooks and instructional materials as required by law.</p>	<ul style="list-style-type: none"> • A.B. 75 funding also will be appropriated for uses described by Sec. 8 in addition to the already established criteria for A.B. 75 funding described above. • Requires the Commission on Teacher Credentialing to report the number of classroom teachers who participated in an internship during their credentialing process. 	District based
California	<p>CAL. EDUC. CODE § 224.5</p>	<p>Establishes the gender equity train-the-trainer grant program for the award of grants from funds available for that purpose to the governing boards of school districts and county offices of education. Requires the superintendent of public instruction, with the approval of the State Board of Education, to develop criteria for the grant applications, and the superintendent would select grant recipients.</p>	<ul style="list-style-type: none"> • Superintendent of public instruction office designs and evaluates each training program with state department of education oversight. • Mentors conduct a program to train superintendents and principals on how to conduct educational sessions regarding gender equality to all education staff. • \$110,000 is reserved for the state board of education to award grants to educators in school districts in order to receive this training from the appointed “trainer.” 	State based

State	State Policy	Summary	Implementation	Structure
Colorado	COLO.REV.STAT § 22-60.5-111	Requires the Colorado Commission on Higher Education (CCHE) to approve a plan by July 1, 2003, for establishing the program requirements for principal preparation programs at postsecondary institutions. The commission, in collaboration with the state board and postsecondary institutions that offer principal preparation programs, is to ensure the performance-based standards for licensure become the base for principal preparation programs. Requires the commission to make the final determination on the contents of the performance-based standards for licensure and the implementation of these standards. Lists additional required components of all principal preparation programs. Requires the board to adopt by January 1, 2003, performance-based principal licensure standards to aid in the development of principal preparation programs. Standards must be consistent with national standards for principal preparation and must include specified components.	<ul style="list-style-type: none"> Districts design an alternative certification program in accordance with the state Principal Authorization Program approved by the state board of education. CCHE is authorized to evaluate and change the district programs. Candidates must receive approved coaching or mentoring from a state department of education licensed principal. 4.17 (5) (c). 	District based
Delaware	DEL.CODE ANN. TIT. 14, § 1305 (Amended 2005: S.B. 163)	Adds a new section that reads: "(r) For purposes of the State educator mentoring program, a retired educator engaged in mentoring activities shall be entitled to the same stipends as otherwise provided for non-retired educator mentors. Such retired educators shall be considered a casual employee under § 5502(3) of Title 29 for purposes of pensions.	<ul style="list-style-type: none"> Paid by state board of education. Oversight of mentors established by Delaware Administrative Code § 1502 below. 	State based
Delaware	DEL.CODE ANN. TIT. 14, § 1502	Establishes regulations concerning the duties and responsibilities of educator lead mentors, mentors and new educators. All educators serving on an Initial License must successfully participate in educator mentoring to be eligible for a continuing license. In addition, educators new to Delaware or new to roles or districts within the state must participate in mentoring activities.	<ul style="list-style-type: none"> Delaware department of education monitors selection of mentors and plans the mentor process. Each new educator is assigned a mentor for his/her first year, and the mentor will provide continued support for the next two years. The new mentor also must participate in the New Educator Mentoring Program. The program is provided with \$1,500 by the state board of education to pay each mentor. 	State based
Kentucky	KY. REV. STAT. ANN. § 156.101 (Amended	Effective July 2006, requires an instructional leader to complete an intensive annual training program of a minimum of 21 hours a year and approved by the state board of education. Mandates that state board include a	<ul style="list-style-type: none"> Kentucky board of education will prescribe and oversee the leadership-training program, and provide the funds for the educators to attend such training. 	State based

State	State Policy	Summary	Implementation	Structure
	2005: H.B. 301)	provision to allow an instructional leader to annually receive three participant hours credit for duties performed as part of a beginning teacher committee. Requires a maximum of six participant hours credit be awarded annually for serving on multiple beginning teacher committees.	<ul style="list-style-type: none"> No specific location for the training has yet been established. Establishes a course of discipline if educators do not comply. 	
Maryland	MD. CODE ANN., EDUC. § 4-309.1	Requires department and Baltimore school system to jointly develop a principal development initiative pairing distinguished principals from outside the system and action support teams with principals in training in Baltimore.	<ul style="list-style-type: none"> Distinguished principals are paired up with principals in training to act as a “support” resource for these new educators. State department has oversight through Maryland Instructional Leadership Development Program. 	District based
Mississippi	MISS. CODE ANN. § 37-9-251	The School Executive Management Institute of the State Department of Education shall establish a Beginning Principal Support Pilot Program to provide eligible beginning principals in this state with continued and sustained support from a formal assigned mentor principal during the first full year of principal service.	<ul style="list-style-type: none"> Schools and districts must formulate their own mentorship program and submit the proposal to the Schools Executive Management Institute. The institute, policymakers and superintendents will choose one district within each of the five Mississippi congressional districts to partake in the program. 	District based
South Carolina	S.C. CODE REGS. § 43-165.1	Approves regulations of the board of education; relates to the principal induction program.	<ul style="list-style-type: none"> State board administers the Principal Induction Program for the duration of one year. State department of education provides a principal training academy in which each new principal is assigned a veteran mentor principal from a nearby school. Principal mentors are trained at the academy and reimbursed for all costs. Provides for an alternative option pending the approval of the academy and the state department of education. 	District Academy based
South Dakota	S.D. CODIFIED LAWS § 13-42-28	Provides for the certification of school administrators. The alternative certification program is to be delivered by an accredited college or university with an approved program or endorsement program in the discipline. It must be delivered in coordination with the Department of Education and Cultural Affairs and the employing school system. The alternative certification program shall include	<ul style="list-style-type: none"> Administrators not meeting current certification standards must propose an alternative professional development plan to the state department of education. Requirements must meet the alternative certification requirements as established by the state board of education. 	District based

State	State Policy	Summary	Implementation	Structure
		education coursework in administration, on-the-job training and mentorship.	<ul style="list-style-type: none"> Program must be delivered by an accredited college or university and must include on-the-job mentorship. 	
Texas	TEX. EDUC. CODE ANN. § 105.204	Provides for mentor program to be established at the University of Texas to provide mentors at all levels of public education in areas primarily served by the university. Does not specify any limitations of the program, presumably it can be used to mentor students perusing leadership in schools.	None found.	University based

John Hancock is a researcher with ECS.

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Statewide Leadership Academies: 50-State Report

By Arika Long and Angela Baber
October 2005

Statewide Leadership Academies

This 50-state report of statewide leadership academies profiles those that are established in statute and offer services to school leaders across the state. The information for this report was collected via Web sites (state legislatures, state departments of education and academy Web sites); no interviews were conducted. Please send updates or additions to this information to Arika Long at along@ecs.org.

Highlights

- Most programs are funded through a mixture of private-sector contributions, grant money and state funding. It remains to be seen whether many programs are sustainable after their founding grants expire.
- Curriculums vary widely across academies, but most academies use the Interstate School Leaders Licensure Consortium (ISLLC) standards for school leaders as a foundation and make alterations to the framework according to their state context.

State	Academy	Funding Streams	Partners	Curriculum	Outcomes	Notes
Alabama	Alabama Leadership Academy	Alabama Department of Education	The Alabama Leadership Academy (ALA) endeavors to maximize leadership capacity at the system and school level through an organization of regional leadership academies. ALA will pilot the state/regional cooperative academy concept in three areas of the state in 2005-06. Replication of the state/regional academy concept will begin in 2006-07 and will take three years to become a statewide initiative.	The Alabama Leadership Academy curriculum consists of 14 instructional modules created by the Southern Regional Education Board (SREB). Instructional strategies are embedded in a module structure that begins with an intensive workshop followed by school-based application, several more workshop application cycles and, finally, extended learning and follow-up at the school site that are supported and coached by local staff who have participated in the training with their school teams. Further information about the academy curriculum can be found on the department of education's Web site.	Specific information about outcomes could not be found. The overall goal of the academy is to increase the achievement of all students in Alabama by supporting the growth and development of superintendents, principals and teachers as leaders of instruction.	The Alabama Leadership Academy was invited to participate in the SREB's State Leadership Academy Network. www.alsde.edu/sections/Alabama_Leadership.htm
Alaska	Alaska Staff Development Network Leadership Academy	- Alaska Council of School Administrators - Alaska Association of Elementary School Principals - Alaska Association of Secondary School Principals - The Bill and Melinda Gates Foundation	- Alaska Staff Development Network (ASDN) - Alaska Council of School Administrator - Alaska Association of Elementary School Principals - Alaska Association of Secondary School Principals - The Bill and Melinda Gates Foundation	ASDN offers a variety of institutes for school leaders and school and district leadership teams. The 2nd Annual Summer Leadership Academy (2005) focused on five major themes over three days: understanding change, leadership for change, development of a collaborative culture at the school level, role of the district and sustaining reform. The Academy is for practicing school administrators.	Among other outcomes, the 2nd Annual Summer Leadership Academy is intended to help leaders identify cutting-edge practice and research on educational reform, deepen understanding of educational change and develop capacity for bringing about effective school, district and system reform.	ASDN is a statewide, nonprofit organization that provides staff development activities for K-12 educators and school administrators. (http://www.asdn.org/past_programs/2005_summer_leadership/)
Arizona	Arizona K-12 Center Leadership Institute for Technology (LIT)	- Bill and Melinda Gates Foundation	- Northern Arizona University The center's board of directors consists of 20 representatives from key segments of the education	LIT workshops are available to both public and private school principals and superintendents. Institutes provide the opportunity to develop strategies for increasing student achievement,	LIT's goal is to increase student achievement by providing technology workshops focused on best practice research models, change theory and technology integration in the classroom.	(http://azk12.nau.edu/)

State	Academy	Funding Streams	Partners	Curriculum	Outcomes	Notes
			community and support organizations, including: the governor's office, education committees, state university president, teachers, the Board of Regents, West Ed, the business community, universities and community colleges and multiple professional associations.	focus on systemic change, utilize assessment literacy to implement data-driven decisionmaking and create high-performance technological learning environments. Specific curriculum information could not be found.	Specific outcome information could not be found.	
Arkansas	Arkansas Leadership Academy	<ul style="list-style-type: none"> - Arkansas State Legislature - Fee for service - Grant funds 	Established in 1991 and housed at the University of Arkansas, the Arkansas Leadership Academy is a nationally recognized statewide partnership of 13 universities; 9 professional associations; 15 educational cooperatives; the Arkansas departments of Education, Higher Education and Workforce Education; the Arkansas Educational Television Network, Tyson Foods, Inc; Wal*Mart Stores, Inc. and the Walton Family Foundation for a total of 44 Partners.	The academy offers seven institutes to prepare and support leaders, which include: a master principal institute, an intensive school support institute, individual institute, a team institute, teacher institute, a principal institute and coach training. The statute establishing the academy specifies that any school district in school improvement may be invited, strongly encouraged or required to participate in the program as provided in the rules of the state board of education. Further, the law requires participating schools to remain in the program for at least three consecutive school years. Details about the academy's curriculum are available on the academy's Web site.	The academy exists to: (1) build the leadership capacity of school and district personnel, with particular emphasis on hard to staff schools; (2) train a diverse school leadership team, including, but not limited to, the school principals and teachers; (3) provide a cadre of highly experienced, trained performance coaches to work in the school or school district on a regular basis; and (4) work with the school and school district staff, school board members, parents, community members and other stakeholders as necessary to provide a comprehensive support network that can continue the school's progress and improvement after completion of the Arkansas Leadership Academy's formal intervention and support. Specific outcomes for each institute are available on the academy's Web site. One notable policy is the provision for significant incentives upon completion of the Master School Principal Program and employment as a principal in a hard-to-staff school.	Among other national recognition that the academy has received, the Southern Regional Education Board (SREB) featured the Arkansas Leadership Academy in "Hungry for Leadership" as one of the most effective leadership development activities for professionals in the southern states region. SREB also named the Academy "an exemplary leadership development program" in 2000 and selected it as one of three funded academies

State	Academy	Funding Streams	Partners	Curriculum	Outcomes	Notes
						<p>chosen for the SREB State Leadership Academy Network in 2001.</p> <p>http://www.arkleadership.org/index.htm</p> <p>http://www.arkleg.state.ar.us/footer/bills/2005/public/HB2434.pdf</p> <p>S.B 46 (1/03)</p>
California	None found.	<p>While a statewide leadership academy could not be found, AB 75 provides professional development funds for school administrators using California State Board of Education-approved providers. The Principal Training Program is administered by the California Department of Education and provides funding for Local Educational Agencies to provide quality professional development for school-site administrators. The program is collaboration among the California Department of Education, the State Board of Education, the Office of the Secretary of Education, the California County Superintendents Educational Services Association and the Bill and Melinda Gates Foundation (http://www.cde.ca.gov/pd/ai/pt/). The California Reading First Technical Assistance Center has established a State Board of Education-approved Principal Training Program under AB 75 to help principals serve as effective instructional leaders. The program institutes are for principals and assistant principals from districts that have formalized partnerships with the Center. Further information is available on the program's Web site (http://csbe.ca.gov/register/ab75.html).</p>				
Colorado	None found.					
Connecticut	Connecticut Urban Leadership Academy	- Grant funds - Districts' professional development funds	- Connecticut Department of Education	The Connecticut Urban Leadership Academy develops and supports school- and district-level leadership that is focused on improving academic achievement for all learners, with a special focus on the urban setting. Cohorts of leaders engage in sustained collaborative work over several years to solve documented achievement problems through a data-informed, continuous-improvement process. Specific curriculum information is	As a result of participation in the Academy, leaders will: develop a school improvement plan for their school/district that is focused on academic achievement, develop skill in using data to inform teaching and learning, and develop strategies and structures to promote collaborative learning in the school/district.	(http://www.state.ct.us/sde/dtl/t-ia/leadership/saelp/crec_ula.htm)

State	Academy	Funding Streams	Partners	Curriculum	Outcomes	Notes
				available on the program's Web site.		
Delaware	Delaware Academy for School Leadership	- Delaware Business/Public Education Council - State of Delaware - Department of Education - Participating school districts	- University of Delaware - Delaware Business/Public Education Council	The Delaware Academy for School Leadership is designed to provide a comprehensive series of professional development opportunities that allow practicing administrators to upgrade their competence in a variety of critical areas that impact student performance. The Academy curriculum is based on the Interstate School Leaders Licensure Consortium (ISLLC) standards. Specific curriculum information is available on the program's Web site.	Participants learn a variety of leadership skills related to the ISLLC standards. Specific outcomes could not be found.	The Delaware Academy for School Leadership was selected by the SREB to participate in a program to improve school leadership in 16 SREB states. (http://www.ipa.udel.edu/dasl/index.html)
District of Columbia	None found.					
Florida	Florida Council for Educational Change Leadership Academies	- Grant support - Private-sector support	- Florida Department of Education	The Florida Council for Educational Change offers a changing array of leadership academies to Florida leaders across the state. Among others, the Instructional Leadership Academy joins principals, assistant principals and teachers in teams to engage in leadership development that is aligned with the adopted Florida Principal Leadership Standards. The annual Florida Leadership Academy gives leaders the opportunity to expand their capacity by assessing their knowledge and developing a personal leadership plan to implement with support from mentors, cohort peers and online learning tools. Specific curriculum information is available on the Council's Web site.	The overall goal of the Leadership Academy is to develop a leadership plan that identifies strategies in personal learning, personal school site areas of responsibility and shared school site areas of implementation to improve student learning.	The Florida Council for Educational Change is the successor organization of the South Florida Annenberg Challenge Initiative. Now a statewide, 501(C)(3) nonprofit organization. Its mission is to focus on leadership to improve student achievement and address critical education

State	Academy	Funding Streams	Partners	Curriculum	Outcomes	Notes
						<p>issues.</p> <p>A scholarship is available to one team per district through the superintendent. Additional teams must pay a fee to attend.</p> <p>(http://www.educationchange.com)</p>
Georgia	Georgia Leadership Institute for School Improvement	<ul style="list-style-type: none"> - Bill and Melinda Gates Foundation - Wallace Foundation - State government - Private-sector support 	<ul style="list-style-type: none"> - Board of Regents of the University System of Georgia - Business leaders - Georgia Partnership for Excellence in Education - Georgia Professional Standards Commission - State government - K-12 educators 	There are three specific ways to participate in the Institute: through a six-day learning experience, action-learning project and extended-learning opportunities (Base Camp and Summit), a superintendents' network (Communities of Learning & Achievement), and a performance-based approach to developing new leaders (Rising Stars). Specific curriculum information is available on the Institute's Web site.	Participation in the Institute increases leaders' value to their schools and gives them the support they need to lead Georgia's schools. Specific outcomes are available on the Institute's Web site.	<p>www.galeaders.org</p>

State	Academy	Funding Streams	Partners	Curriculum	Outcomes	Notes
Hawaii	Hawaii Principals Leadership Academy	Department of Education	Hawaii Department of Education Professional Development and Educational Research Institute	The state's Reinventing Education Act of 2004 (Act 51) includes a provision for "empowering principals through a Hawaii principals academy and other means." The Hawaii Principals Leadership Academy was launched in 2004 to train principals, prospective principals (vice principals), and complex area superintendents. Four mandatory institutes are scheduled for the 2005-06 school year. Further curriculum information is available on the Department of Education's Web site.	Training courses will help principals increase skills to successfully manage school budgets, improve student achievement, establish and collaborate with School Community Councils, develop standards-based curriculum, and foster private-sector partnerships. Further information about outcomes is available on the Department of Education's Web site.	http://reac.h.k12.hi.us/050905sutpmemo.pdf
Idaho	None found.					
Illinois	Illinois Administrators' Academy (Office of Principal Preparation and Development)	Specific program information could not be found.	Specific program information could not be found.	Specific program information could not be found.	Specific program information could not be found.	Per the Illinois Educational Reform Act of 1985, professional development requirements for administrators employed in Illinois public schools include participation in one Administrators' Academy course every year. http://www.isbe.state.il.us/certification/html/admin.htm

State	Academy	Funding Streams	Partners	Curriculum	Outcomes	Notes
Indiana	Indiana Department of Education Indiana Principal Leadership Academy	- Indiana State Legislature	None found.	Extensive curriculum information is available on the program's Web site.	The Academy exists to: identify and select principals who have demonstrated a potential for professional self-growth and to develop that potential through the program; create a self-perpetuating cadre of school administrators to serve as facilitators/trainers for other administrators and teachers; create an excitement for continuous growth of Academy graduates; ensure school effectiveness by developing leaders of instructors as well as managerial technicians; and strengthen leadership skills through exposure to and in-depth application of such administration themes as leadership styles, school culture, school improvement and communication. Specific outcomes information is available on the program's Web site. Upon completion of the two-year Academy, participants receive 90 certification renewal units (6 credit hours, which fulfills administrator license renewal requirements).	In 1985 the Indiana General Assembly passed House Enrolled Act 1236, which called for the establishment of a Principal Leadership Academy. (http://www.doe.state.in.us/ipla/welcome.html)
Iowa	None found.	To address the State Board of Education's priorities for school administrative leadership, the Department of Education established the Iowa Partnership for School Leadership. Using Goals 2000 funding, the Department implemented a competitive grant program to establish new administrator mentoring and induction programs. An established statewide leadership academy, however, could not be found (http://www.state.ia.us/educate/ecese/amip/namip.pdf).				
Kansas	Kansas Department of Education Kansas Academy for Leadership in Technology (KAL-Tech)	- Bill and Melinda Gates Foundation	- Kansas State Board of Education - Office of the Governor - Kansas Department of Education - Kansas Association of School Boards - Kansas Association of Education Service Centers - Kansas Board of Regents	The Kansas Academy for Leadership in Technology addresses best practices and innovation in school planning and improvement efforts, enhancing learning and student achievement, and the integration and effective use of information technologies. Participants are paired with a professional	The overall goal of the Academy is to meet the demand for leadership development and technology learning opportunities by delivering professional development to 1,000 principals and superintendents. Specific information about outcomes is available on the program's Web site.	The Kansas Academy for Leadership in Technology is a grant program. (http://www.taken.org/gates/)

State	Academy	Funding Streams	Partners	Curriculum	Outcomes	Notes
			<ul style="list-style-type: none"> - Kansas Technology Coordinators Network - Kansas Technology Enterprise Corporation - Director of KAL-Tech 	mentor, assess their own starting points, participate in monthly meetings with peers, and develop and complete individual learning agreements. Specific curriculum information is available on the program's Web site.		
Kentucky	None found.					
Louisiana	Louisiana Educational Advancement and Development with Technology (LEADTech)	<ul style="list-style-type: none"> - Tuition - Bill and Melinda Gates Foundation 	Louisiana Department of Education	LEADTech is an intense, technology-rich, leadership-driven professional development program for Louisiana administrators. LEADTech participants experience more than 75 hours of instructional experiences within a variety of formats, including face-to-face seminars, web-based courses and hands-on technology application training workshops. Specific curriculum information is available on the program's Web site.	Participants receive graduate credit in supervision and develop a technology plan for their school or district.	http://www.doe.state.la.us/leadtech
<p>In November 2004, Louisiana received a one-year renewable grant from the Wallace Foundation to improve the training and working conditions of education leaders. The major purpose of the grant is to create the Louisiana Educational Leaders Network to develop a corps of educational leaders. Toward this end, the grant will assist the state as efforts are made to establish the Louisiana Principals Academy (http://asa.regents.state.la.us/TE/wallace_overview.pdf).</p>						
Maine	Maine Principals' Association Maine Principals' Academy	- Tuition	Members of the Maine Principals' Academy Board of Directors include principals, superintendents, and representatives from the Maine Department of Education and the University of Maine system.	The program of the Principals' Academy encourages participants to examine the following professional leadership skills: creating and facilitating a mission-driven organization, developing and implementing a process of organizational change, managing resistance to	Graduate school credits or recertification credits are available for those who successfully complete the Principals' Academy program.	http://www.sad67.k12.me.us/mpa/

State	Academy	Funding Streams	Partners	Curriculum	Outcomes	Notes
				promote positive outcomes, and assessing and enhancing personal leadership styles. Specific curriculum information is available on the program's Web site.		
Maryland	Maryland State Department of Education Maryland Principals Academy	- Maryland Department of Education	- Maryland Principals Task Force - Visionary Panel for Better Schools	The Maryland Principals' Academy is a professional development program that focuses on building the instructional leadership capacity of principals. Based on standards from a variety of professional organizations, such as the National Staff Development Council and the Interstate School Leaders Licensure Consortium, the Academy experience provides principals the tools they need to lead schools in a time of myriad state and local standards-driven reforms as well as national mandates.	The primary outcomes of the Maryland Principals Academy include: developing ideas and strategies for aligning school culture to student and adult learning needs, determining effective practices for facilitating continuous instructional improvement for all student subgroups, and establishing and maintaining a network of colleagues who will engage in continued discussion about student achievement.	(http://www.marylandpublicschools.org/MSDE/divisions/leadership/programs/MDPrincipalAcad.htm)
Massachusetts	None found.					
Michigan	None found	A principal leadership academy was established in statute in 2003 to consist of "training for school principals conducted by other school principals who have a record of demonstrated success in improving pupil performance." According to the statute (http://www.michiganlegislature.org/mileg.asp?page=getObject&objName=2003-HB-4714), the training shall include at least all of the following: (1) strategies for increasing parental involvement, (2) strategies for engaging community support and involvement, (3) creative problem solving, (4) financial decisionmaking, (5) management rights and techniques, (6) other strategies for improving school leadership to achieve better pupil performance and (7) community leadership development. In addition, the state board, in conjunction with intermediate school districts, will conduct a leadership development training program in each school district for members of the community. The law also requires school districts to provide sabbatical leaves for up to one academic year for selected master teachers who aid in professional development. Evidence of a program could not be found. The 2002 "Evaluating Educational Leadership Task Force" report provides additional information and recommendations about leadership, including establishing a statewide leadership academy (http://www.michigan.gov/documents/ITEMB_36971_7.pdf).				
Minnesota	None found.					

State	Academy	Funding Streams	Partners	Curriculum	Outcomes	Notes
Mississippi	None found.					
Missouri	Missouri Department of Education Leadership Academy	- Tuition	Missouri Regional Professional Development Centers	The Missouri Leadership Academy exists to positively impact student achievement by inspiring and developing highly effective school leaders. The Academy operates multiple professional development programs, including the Interstate School Leaders Licensure Consortium-based Satellite Academy Program (which operates as regional academies). Specific curriculum information is available on the program's Web site.	Specific information on outcomes could not be found.	(http://www.des.e.state.mo.us/divteachqual/leadership/)
Montana	None found.					
Nebraska	None found.					
Nevada	None found.					
New Hampshire	None found.					
New Jersey	None found.					
New Mexico	None found.					
New York	None found.					
North Carolina	None found.	The North Carolina Principals' Executive Program (PEP), created by legislative action in 1984 and now a part of the University of North Carolina Center for School Leadership Development, seeks to improve the education of K-12 students in North Carolina by increasing the commitment, enlarging the knowledge, and developing or improving the skills of public school administrators as instructional leaders and managers of personnel, property and budgets. Among its many leadership programs, PEP launched the Principals as Technology Leaders program, which became the model for the national program sponsored by the Bill and Melinda Gates Foundation (http://www.ncpep.org/content.php/index.htm).				
North Dakota	The North Dakota Leadership	- State legislature grants	NC LEAD's governing body is a 12-member board of directors. The board	NC LEAD offers a number of professional development programs for leaders, including	Could not be found.	(http://www.ndlead.org/index.asp)

State	Academy	Funding Streams	Partners	Curriculum	Outcomes	Notes
	and Educational Administration Development Center (NC LEAD)	- Sponsor grants - Tuition	comprises representatives of the North Dakota Council of Educational Leaders, the Department of Public Instruction, the ND Department of Career and Technical Education, the University of North Dakota, Tri-College University, the University of Mary and minorities.	an instructional leadership academy, a superintendents' academy, a leading-for-results academy and others. Specific curriculum information is available on the center's Web site.		
Ohio	None found.	The Central Ohio Principals Leadership Academy – was funded by the state Legislature (HB 282) in 2000; however, adequate funding was not provided to continue the program. Its Interstate School Leaders Licensure Consortium-based curriculum is used in a variety of ways across the state. Background information is available at the following Web sites: http://www.coe.ohio-state.edu/partner.htm#Ohio%20Principals and http://www.ode.state.oh.us/legislator/eye_on_ed/2000_MAR.PDF .				
Oklahoma	None found.	While evidence of a program could not be found, a proposed Oklahoma statute (Section 1210.807 of Title 70/SB 756) states that contingent upon the availability of funds, the Oklahoma Partnership for School Improvement Board shall award one grant for an Oklahoma Partnership for School Improvement Academy through a competitive bid process to the lowest and best bidder. The academy shall be designed to enhance the capacity of school leadership teams to improve curriculum, instruction and student achievement in underperforming schools. The academy design shall include curriculum modules that prepare leadership teams to apply research-based knowledge and processes, and to apply data-driven school improvement techniques, a delivery format that incorporates workshop sessions interspersed with school-based practice with coaching, school-based research to determine the academy's effect on student achievement, and team learning (http://www2.lsb.state.ok.us/2003-04SB/sb756_ccs.rtf).				
Oregon	None found.					
Pennsylvania	The Pennsylvania State System of Higher Education Academy for the Profession of Teaching	- State appropriations - Grant funds	- Pennsylvania Department of Education	The Pennsylvania Academy for the Profession of Teaching operates a number of professional development opportunities, including: the Governor's Academy for Urban Education, which provides training for school leadership teams, and the Leadership and Excellence for Administrators in Pennsylvania's Schools program, which builds from the Governor's Academy. Specific curriculum information is available on the program's Web site.	Specific information about outcomes is available on the program's Web site.	(http://www.pashe.edu/content/?/office/academic/Academy)

State	Academy	Funding Streams	Partners	Curriculum	Outcomes	Notes
Rhode Island	None found.					
South Carolina	South Carolina Leadership Academy and South Carolina CP&L Principals' Executive Institute	- State Legislature - State Department of Education - Grant funds - Private-sector support	State Department of Education Carolina Power and Light Company University of South Carolina Darla Moore School of Business and School of Education	South Carolina statute requires the existence of the Leadership Academy and requires principals' participation. The Principals' Executive Institute is an intensive, yearlong experience that exists to complement and build on the South Carolina Leadership Academy (participation in the leadership academy is a prerequisite). The Institute has three major focus areas: enhancing skills in business/management, leadership and educational best practice. Participating principals are matched with a CEO or business leader during and after their yearlong course of study to provide ongoing support for principals as they put their enhanced skills to work in their schools and communities. Further curriculum information is available on the Department of Education's Web site.	New school principals must be assessed for their instructional leadership and management capabilities by the Leadership Academy prior to their permanent appointment. School leaders are able to earn recertification credit or graduate credit through the Institute. Further information about outcomes is available on the Department of Education's Web site.	http://www.scstatehouse.net/code/t59c024.htm http://www.myschools.com/offices/pd http://www.myschools.com/news/1999/principal.htm
South Dakota	None found.					
Tennessee	Tennessee Department of Education Academy for School Leaders	- State Legislature	None found.	TASL programs have been structured to promote the essential knowledge and skills necessary to prepare Tennessee's administrators to implement changes in the	Specific outcomes could not be found.	In accordance with Tennessee Code Annotated 49-5-5703, school administrators

State	Academy	Funding Streams	Partners	Curriculum	Outcomes	Notes
	(TASL)			<p>educational setting which will prepare teachers and students to meet the challenges of tomorrow's world and workplace. The TASL office has used the nine Key Result Areas from the State Board of Education's 2003 Master Plan for Tennessee Schools, the six standards from the Chief State School Officers' Standards for School Leaders, and the State Department of Education's school improvement initiative as guidelines for workshop development. Specific curriculum information is available on the program's Web site.</p>		<p>and supervisors employed in positions in which 50% or more of their time is spent delivering instructional services to teachers, principals and/or other instructional, administrative or supervisory/directory personnel, are required to attend 72 hours of TASL-sponsored activities during every five-year period.</p> <p>http://www.k-12.state.tn.us/tpd/tasl.htm</p>
Texas	None found.					
Utah	None found.					

State	Academy	Funding Streams	Partners	Curriculum	Outcomes	Notes
Vermont	Vermont Institutes Leadership Academy	Could not be found.	<ul style="list-style-type: none"> - Vermont Department of Education - Vermont Principals' Association - Woodruff Institute for School Leadership at Castleton - University of Vermont - Vermont Association for Supervision and Curriculum Development - Vermont Business Round Table 	The academy offers participants a choice of one of five one-and-a-half-day strand: sustaining school leaders in professional learning communities; learning and the brain; anger, aggression and school violence; leading success for all students in artful ways; and building and implementing a local comprehensive assessment system. Additional curriculum information can be found on the program's Web site.	Graduate credit is available through the University of Vermont; specific outcomes could not be found.	http://www.vermontinstitutes.org/conferences/academy.html
Virginia	Virginia Initiative for Technology and Administrative Leadership (VITAL)	<ul style="list-style-type: none"> - Virginia Department of Education - Bill and Melinda Gates Foundation - Virginia Tech - University of Virginia - College of William and Mary 	<ul style="list-style-type: none"> - Governor's office - Virginia Department of Education - College of William and Mary - Virginia Association of School Superintendents - Virginia Association of Elementary School Principals - Virginia Tech - University of Virginia - Metirir Group - Virginia Educational Technology Alliance 	Curricular goals include: knowing how to lead and manage the systemic whole-school change processes, supporting effective professional development, attaining knowledge of technology and student learning, creating and maintaining technology plans that reflect sound decisionmaking and planning, and facilitating the effective integration of technology. Further curriculum information is available on the program's Web site.	Participants receive in-service professional development credits, which count toward recertification. Participants may work through a partner university to receive course credit. Further outcome information is available on the program's Web site.	http://www.virginiaedleaders.org/
<p>In 2004, the Virginia Department of Education awarded \$100,000 grants to five leadership-preparation partnerships between school divisions, institutions of higher education and other organizations that recognize the importance of leadership in raising student achievement. The funded programs will provide principals, assistant principals, administrators and prospective school leaders with training and mentoring to become effective instructional leaders as well as administrators (http://www.pen.k12.va.us/VDOE/NewHome/pressreleases/2004/oct05.html).</p>						

State	Academy	Funding Streams	Partners	Curriculum	Outcomes	Notes
Washington	None found.					
West Virginia	West Virginia Principals Leadership Academy	Could not be found.	- West Virginia Center for Professional Development - Regional and Local Education Agencies	The West Virginia Principals' Leadership Academy focuses on aligning content standards, assessment processes and professional development; using data to focus on specific curricular and instructional changes; organizing management systems that support teachers and instruction; and developing a school community that fosters engaging students in learning so higher achievement will result. The Academy is mandated to provide services under WV Codes §18A-3-2C and §18A-3a-2b, and all West Virginia principals are required to attend the Principals' Academy once every four years. Curriculum details are available on the program's Web site.	Could not be found.	(http://www.wvcpd.org/program/ProgramDetail.asp?7) The National Education Goals Panel designated the West Virginia Principals' Leadership Academy as a model program in 1998 and the Southern Regional Education Board selected the West Virginia Principals' Leadership Academy to join six other state academies in its State Academy Leadership Network in October 2001.
Wisconsin	None found.					
Wyoming	None found.					

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Superintendent Preparation Programs

By John Hancock
Updated October 2005

Introduction

While numerous education preparation programs across the country prepare teachers and principals for certification, far fewer train candidates specifically to be superintendents. The following 50-state scan is compiled from the 2004 National Association of State Directors of Teacher Education and Certification (NASDTEC) *Manual on the Preparation and Certification of Educational Personnel*. The information contained within the manual is compiled from data submitted by each state, but has not since been verified by the states.

“Approved” programs in this scan include programs that have met at least one or all of the following:

- State standards
- Regional accrediting standards
- National Council for Accreditation of Teacher Education standards (NCATE) or
- NASDTEC Standards.

Most superintendent preparation programs take place within accredited university programs, although some states, such as Texas and California, also offer superintendent preparation programs through academy and district programs. Other states may have accredited programs outside of universities that are not cataloged in the NASDTEC manual. Please feel free to contact John Hancock by e-mail at jhancock@ecs.org regarding any of the following information.

State	Does the state have approved programs that specifically prepare superintendents?	How many approved programs does the state have specifically for superintendent preparation?	What are the requirements for completion of the state-sponsored superintendent preparation programs?
Alabama	None found.	None	
Alaska	Yes. Administrative Certificate, Type B	2 of 5 university education programs	<p>Valid for five years.</p> <p>Requirements: Master's or higher degree and completion of an approved school administrator program from a regionally accredited institution; three years of satisfactory teaching experience on a Regular certificate (as defined under Type A); and six semester hours of regency credits. Endorsements include such areas as principal, superintendent, administrator of special education and administrator of vocational education.</p> <p>Endorsement as superintendent requires five years experience; at least three years as a regular classroom teacher; and at least one year as an administrator under an administrative certificate. Endorsement as director of special education requires three years satisfactory employment as a teacher of school psychologist under a teaching or special services certificate.</p>
Arizona	Yes. Superintendent Certificate (PreK-12)	5 of 13 university education programs	<p>Valid for six years, renewable.</p> <p>The superintendent certificate is required for superintendents, assistant or associate superintendents, district chief executive officers regardless of title and others with similar district-level administrative duties in school districts with a student population of more than 600.</p> <p>Requirements: A master's or more advanced degree, including at least 60 graduate semester hours; completion of a program in educational administration for superintendents, including at least 36 graduate semester hours of educational administrative courses; three years of verified teaching experience in grades PreK-12; a practicum as a superintendent or two years of verified experience as a superintendent assistant, superintendent or associate superintendent in grades PreK-12; a passing score on the Arizona Administrator Proficiency Assessment; a valid fingerprint clearance card.</p> <p><i>Note:</i> A valid superintendent certificate from another state may be substituted for the program in educational administration, teaching experience and practicum.</p>
Arkansas	Yes. Administrator's Certificate (K-12)	5 of 19 university education programs	<p>Valid for five years.</p> <p>Requirements: Hold, or be qualified to hold, the five-year high school or elementary teaching license; completion of graduate degree with emphasis in School Administration from an accredited authorized institution. (Authorization is NCATE accreditation). This</p>

State	Does the state have approved programs that specifically prepare superintendents?	How many approved programs does the state have specifically for superintendent preparation?	What are the requirements for completion of the state-sponsored superintendent preparation programs?
			work shall include preparation in School Administration (or the equivalent).
California	Yes. Professional Clear Credential	51 of 89 university and non-university education programs approved for all levels of administration, including superintendent preparation	<p>Valid for five years.</p> <p>Requirements: The preliminary Administrative Services credential; two years of successful full-time experience in a position while holding the preliminary credential; and a commission-approved program of advanced study and field experience. Renewable with 150 clock hours of professional growth activities and one-half year of appropriate experience.</p> <p>To earn the professional clear credential, candidates prepared outside of California may either complete a Level II program through a California college with a commission-accredited administrative services program or complete two years as a California administrator, including an individual program of professional development. Candidates prepared outside of California may earn a professional clear credential without first holding a preliminary credential by verifying completion of bachelor's degree from a regionally accredited institution of higher education; California Basic Educational Skills Test (CBEST); completion of a teacher preparation program and the equivalent elementary, secondary or special education credential based on that program; three years of elementary, secondary or special education teaching experience; and completion of an administrative preparation program and issued, or qualified for, an administrative service credential based upon that program; three years of out-of-state public school administrative experience; and submission of two rigorous performance evaluations. Out-of-state-prepared administrators with a pupil personnel, health or clinical rehabilitative services program will continue to need to obtain a prerequisite credential. The one-year nonrenewable credential is available to out-of-state prepared administrators if all requirements except CBEST are complete.</p>
Colorado	Yes. Provisional Principal and Administrator License	4 of 16 university education programs	<p>Valid for three years.</p> <p>Not endorsed. Principal License valid for all administrative or supervisory positions except chief officer of school district. Administrator license valid for all administrative or supervisory positions except building principal.</p> <p>Requirements: Principal – bachelor's or higher degree from a regionally accredited, accepted institution; institutional recommendation verifying satisfactory completion of the approved graduate program of preparation for the school principalship, including a practicum; three or more years as a licensed educator in an elementary or secondary school; evidence of passing Program for Licensing Assessments for Colorado Educators (PLACE) in content knowledge. Out-of-state applicants must also provide evidence of</p>

State	Does the state have approved programs that specifically prepare superintendents?	How many approved programs does the state have specifically for superintendent preparation?	What are the requirements for completion of the state-sponsored superintendent preparation programs?
			valid certificate or license held in another state. Renewable. Administrator – bachelor's or higher degree from a regionally accredited, accepted institution; institutional recommendation verifying satisfactory completion of the approved graduate program of preparation for school administrators, including a practicum; evidence of passing PLACE in content knowledge. Out-of-state applicants also must provide evidence of a valid certificate or license held in another state. Renewable.
Connecticut	Yes. Superintendents of Schools	3 of 14 university education programs	Requirements: Master's degree; 30 graduate hours of credit beyond the master's degree; 80 school months of successful teaching experience or service, including 30 school months of full-time administrative or supervisory experience. A one-year internship in school administration may count toward fulfillment of 10 months of this requirement. Graduate course work in each of the following areas: psychological and pedagogical foundations of learning, curriculum development and program monitoring, school administration, personnel evaluation and supervision, and contemporary educational problems and solutions.
Delaware	Yes. School Leader II	2 of 4 university education programs	Requirements: A doctoral degree in educational leadership from a regionally accredited college; or a master's degree or doctoral degree in any field from a regionally accredited college and successful completion of a Delaware-approved alternative-routes-to-certification program for school leaders/superintendents. Until approval and implementation of an alternative-routes-to-certification program occurs, candidates completing the standard certificate must provide evidence of graduate coursework in the following areas, either as part of the master's or doctoral program or in addition to it. <ul style="list-style-type: none"> ▪ Personnel Administration ▪ Supervision/Evaluation of Staff ▪ Curriculum Development and Instruction ▪ School Business Management ▪ School Law/Legal Issues in Education ▪ Human Resource Management ▪ Organizational Management ▪ Child or Adolescent Development, if not taken at the undergraduate level. A minimum of five years of experience consisting of full-time classroom teaching and/or full-time school leadership at the building or district level.
District of Columbia	None found	None	
Florida	None found	None	
Georgia	Yes. Educational Leadership	11 of 35 university education programs approved for some type of administrator	An individual with a certificate in Educational Leadership is in-field to serve as a building- or system-level education leader in roles/jobs such as superintendent, associate/assistant superintendent, curriculum director, principal, assistant principal, system-level supervisor, or in other types of administrative or supervisory positions in a school system. An

State	Does the state have approved programs that specifically prepare superintendents?	How many approved programs does the state have specifically for superintendent preparation?	What are the requirements for completion of the state-sponsored superintendent preparation programs?
		certification (NASDTEC specifies these programs as "other," so the type of administrator certification is not clear)	experience requirement accompanies this field.
Hawaii	None found	None	
Idaho	Yes. Superintendent	2 of 6 university education programs	Valid for five years, renewable. Requirements: A doctorate or an Education Specialist degree or a comparable postmaster's sixth year program; four years full-time certificated experience working with students in a K-12 school setting while under contract; an administrative internship or one year of experience as an administrator in grades K-12; verification of completion of an approved program of at least 30 semester hours of postmaster's graduate study for the preparation of school superintendents; and an institutional recommendation.
Illinois	Yes. Superintendent Endorsement.	13 of 57 university education programs	Requirements: 30 semester hours beyond the master's degree to include instructional leadership, educational planning, and public school governance and management; two years school supervisory or administrative experience; and possession of a General Supervisory or General Administrative certificate, or comparable out of state certificate
Indiana	Yes. Standard License	5 of 38 university education programs	Valid for five years. Requirements: Hold a Standard or Professional teaching license or have a specified equivalency (School Social Worker requires specific course work and licensing outside education); two years of appropriate full-time teaching experience for school counselor license; or one year of school counseling experience in an accredited school and a valid out-of-state counseling license; or a one-year internship in counseling in a school setting under the direction of an accredited college/university approved to offer counselor education; either a bachelor's degree (for nurse a BSN, and attendance worker), a master's degree, 60 semester hours of graduate course work, or a doctorate in the appropriate area, depending on the type of school service program completed; completion of an approved Indiana college or university program in the school service area applied for; and recommendation of an Indiana college or university.
Iowa	Yes. Superintendent	4 of 29 university education programs	Requirements: Hold a specialist's degree or its equivalent; a master's degree plus at least 30 semester hours of planned graduate study in administration beyond the master's degree; completion of a sequence of courses and experiences which may have been part of, or in addition to, the degree requirements. This sequence is to be at least 45 semester hours; three years experience as a building principal or other PK-12 districtwide or area

State	Does the state have approved programs that specifically prepare superintendents?	How many approved programs does the state have specifically for superintendent preparation?	What are the requirements for completion of the state-sponsored superintendent preparation programs?
			<p>education agency administrative experience. Graduates from institutions in other states who are seeking initial Iowa licensure and the superintendent's endorsement must meet the requirements for the standard license in addition to the experience requirements.</p> <p>Verified successful completion of six years of full-time teaching and administrative experience in other states, on a valid license, shall be considered equivalent experience provided that three years were as a building principal or other PK-12 administrative experience and three years of experience were as a teacher.</p>
Kansas	Yes. Conditional School Leadership License	6 of 22 university education programs	<p>Available for district leadership, building leadership or program leadership.</p> <p>Requirements: Completion of: a graduate degree; the appropriate state-approved district, building or program school leadership program as verified by the institution where the program was completed; a 3.25 cumulative GPA in graduate-level course work; recency; three years of accredited experience under a valid professional license/certificate; completion of the appropriate ETS school leadership assessment for district, building or program leadership.</p>
Kentucky	Yes. Professional Certificate for School Superintendent	7 of 27 university education programs	<p>Upon completion of an approved program of preparation and successful completion of the Praxis II for each teaching field and Principles of Learning and Teaching (PLT) for the grade level, applicants are issued a Statement of Eligibility valid for five years.</p> <p>Upon confirmation of employment, a one-year certificate is issued for the first year of employment, which is utilized as a beginning teacher internship. Upon successful completion of the beginning teacher internship, a professional certificate is issued for four years. The renewal requirements for the first, second and successive renewals are stated below. The testing and internship may be waived for out-of-state applicants who have completed two or more years of successful teaching experience in a position directly corresponding to certificate for which application is made.</p> <p>A Recency of Preparation prerequisite is required of all applicants – completion of the preparation program or six semester hours of additional graduate credit within the last five years and two years of teaching within the last 10 years. Persons who have not completed the recency of preparation prerequisite shall be issued a certificate valid for one year with the condition that the six semester hours of graduate credit be completed within the year to qualify for extension of the certificate.</p> <p>Certification in Kentucky is performance based. The qualifications for the issuance of certificates are no longer a specific number of semester hours.</p> <p>Requirements: Bachelor's degree; completion of an approved program to include nine</p>

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			teacher performance standards and a continuous assessment system to evaluate the candidate's progress and level of attainment of the performance standards; a 2.5 cumulative GPA or a 3.0 on the last 60 semester hours; and passing Praxis II scores and PLT for the grade level.
Louisiana	None found.	None	
Maine	Yes. Superintendent	1 of 12 university education programs	Requirements: Master's degree; evidence of three years of public or private school teaching experience, or three years of equivalent teaching experience in an instructional setting; evidence of three years of previous administrative experience in schools or equivalent experience in an institutional setting; evidence of a basic knowledge appropriate to this certificate demonstrated by course work in 13 specified categories; satisfactory completion of an approved internship or practicum relating to the duties of a superintendent.
Maryland	Yes. Superintendent	1 of 23 university education programs	Requirements: Master's degree; three years teaching experience; two years administrative experience; 60 semester hours of graduate course work.
Massachusetts	Yes. Superintendent (I and II).	7 of 60 university education programs	<p>Option I Possession of professional license in another education role and three years employment in the role of the license; master's or other advanced degree in an appropriate field from an accredited college or university; demonstration of successful application of the professional standards for administrators; passing score on the communication and literacy skills test.</p> <p>Option II Completion of five years of employment in an executive management/leadership role in a non-educational setting; master's degree or other advanced degree in an appropriate field from an accredited college or university; demonstration of successful application of the professional standards for administrators; passing score on the communication and literacy skills test.</p>
Michigan	None found	No programs approved specifically for preparing administrators	
Minnesota	Yes. K-12 Superintendent	6 of 27 university education programs	Entrance license is valid for two years. Requirements: Doctoral or specialist degree or a program consisting of a master's degree plus 30 semester hours in educational administration; three years of teaching experience while having a valid teaching license for that teaching assignment.
Mississippi	Yes. Administrator (A, B)	6 of 15 university education programs	<p>A. Non-Practicing Administrator, Class AA, AAA or AAAA Based upon validity period of standard license currently held; issued to an educator not currently employed in an administrative position; completion of an approved master's,</p>

State	Does the state have approved programs that specifically prepare superintendents?	How many approved programs does the state have specifically for superintendent preparation?	What are the requirements for completion of the state-sponsored superintendent preparation programs?
			<p>specialist or doctoral degree in educational administration/leadership from a state-approved or regionally/nationally accredited institution of higher learning and successful completion of School Leader's Licensure Assessment.</p> <p>B. Entry Level Administrator, Class AA, AAA, or AAAA Valid for five years; issued to an educator employed as a beginning administrator; completion of an approved master's, specialist or doctoral degree in educational administration/leadership from a state-approved or regionally/nationally accredited institution of higher learning and successful completion of School Leader's Licensure Assessment.</p>
Missouri	Yes. Superintendent	10 of 37 university education programs	<p>Valid for 10 years.</p> <p>Requirements: Possess or be eligible for a Missouri Teaching Certificate; four years of experience; completion of two-year approved graduate program in the superintendency culminating in an ED.S., Ed.D. or Ph.D. degree; and successful completion of the School Superintendent's Assessment (SSA).</p>
Montana	Yes. Superintendent	2 of 8 university education programs	<p>Requirements: An education specialist degree or doctoral degree in education leadership from an accredited professional educator preparation program or a master's degree in educational leadership from an accredited professional educator preparation program and one year of administrative experience; eligibility for the Class 1 or Class 2 teaching certificate.</p>
Nebraska	Yes. Professional Administrative	5 of 17 university education programs	<p>Valid for 10 years from date of issue.</p> <p>Requirements: Include those of basic skills competency testing, human relations training and special education competencies; and (1) a specialist's (sixth year) certificate or doctorate in educational administration from a standard institution of higher education with a state approved program for training educational administrators; (2) qualify for one or more administrative and supervisory endorsements (superintendent, principal, supervisor); (3) have received six semester hours of graduate work in educational administration within five years of the date of application, or have been serving as a school administrator at least half time for two or more years within five years of the date of application, and hold a continuing valid certificate in that same state.</p>
Nevada	Yes. School Administrator Endorsement	4 of 9 university education programs	<p>Holder of endorsements as an administrator of a school may be employed by a school district as: superintendent of schools, assistant superintendent of schools, associate superintendent of schools, principal, vice principal, supervisor, administrative assistant, and a supervisor or coordinator.</p> <p>Requirements: Master's degree; hold a valid license to teach elementary, secondary or K-12 special, excluding a business and industry endorsement, have and submit evidence to</p>

State	Does the state have approved programs that specifically prepare superintendents?	How many approved programs does the state have specifically for superintendent preparation?	What are the requirements for completion of the state-sponsored superintendent preparation programs?
			<p>the Department of three years of successful teaching experience in kindergarten or grades 1-12 in schools approved by the state and a master's degree in educational administration or have master's degree or higher and complete 36 graduate semester hours in the administration of a school to include course work in the areas listed below.</p> <ol style="list-style-type: none"> 1. Administration and organization of a school 2. Supervision of instruction 3. Evaluation and development of personnel 4. School finance 5. School law 6. Curriculum development 7. Educational research 8. Internship or field experience in school administration 9. Other courses considered to be part of an administrative program for educators.
New Hampshire	Yes. Superintendent Endorsement	1 of 14 university education programs	<p>Valid for three years and renewable.</p> <p>1. Beginning Educator Certificate Approved Education Administration Program at the doctorate level Certificate of Advanced Graduate Study (CAGS) level Transcript analysis also available.</p> <p>2. Experienced Educator Certificate Requirements: The same as for the teaching certificates.</p>
New Jersey	Yes. Provisional Administrator	9 of 22 university education programs	<p>Provisional certificate valid for one year. Regular certificate valid for life.</p> <p>Requirements: Master's degree in education administration, business or public administration, or leadership, including five areas of study; National Teacher Examination test in administration.</p>
New Mexico	Yes. New Mexico Administration Program Level 3B, Administrator License, K-12	Not found	<p>Valid for nine years.</p> <p>A valid New Mexico teaching license.</p> <p>Complete a master's degree, including an apprenticeship, completed: at a college or university with a state-approved educational administration program and consisting of a minimum of 180 clock hours; or under the supervision of a local school superintendent or a private school official at the school and consisting of a minimum of 180 clock hours (the superintendent will verify that the apprenticeship has met the State Board of Education's adopted competencies for educational administration).</p>

State	Does the state have approved programs that specifically prepare superintendents?	How many approved programs does the state have specifically for superintendent preparation?	What are the requirements for completion of the state-sponsored superintendent preparation programs?
New York	Yes. School District Administrator	28 of 108 university education programs	Valid for central office, districtwide professional administrator/supervisor. Permanent certificate – valid for life unless annulled for cause. Requirements: Bachelor's degree from a higher education institution approved by the commissioner; 60 semester hours of graduate study, including: master's degree; 24 semester hours of study in elementary and/or secondary school administration and supervision; a college supervised internship in school administration and supervision; and three years of elementary, middle and/or secondary school experience.
North Carolina	Yes. Continuing License	8 of 48 university education programs	Valid for five years. Issued on the basis of completion of approved education program and minimum Praxis scores. The School Leaders Licensure Assessment administered by Educational Testing Service is required for principal licensure. Renewable upon the completion of 15 units. One semester hour equates to 1.5 renewal units, and one year of teaching/administrative experience equals one renewal unit.
North Dakota	Yes. Superintendent	2 of 11 university education programs	Requirements: Valid teaching certificate; master's degree with a minimum of 20 semester hours of administration course work. (The program must include course work in educational administration, supervision, curriculum, educational law and school finance). The specific academic deficiencies are listed on the credential. (Course work in supervision and curriculum at the opposite level of the teaching certificate also is required); and four years of teaching experience. This must include at least two years in administration consisting of a minimum of half-time experience in either elementary or secondary principalship in an accredited school, or administrator of a non-accredited school with a 12-year program.
Ohio	Yes. The Superintendent License	16 of 51 university education programs	Added to a valid professional teacher license of an individual who holds a principal or administrative specialist license shall be valid for teaching in the areas designated on the license; for supervising programs for ages 3-21 and pre-kindergarten through grade 12; or for administrative duties in a school system. The following requirements shall be met prior to issuance of the superintendent license: (a) Three years of successful experience in a position requiring a principal or administrative specialist license (b) Completion of an approved preparation program for superintendents.
Oklahoma	Yes. Superintendent of Schools	9 of 22 university education programs	The requirements for a certificate for superintendent of schools and principal shall include not less than completion of a standard master's degree, completion of a program in education administration approved by the Oklahoma Commission for Teacher Preparation with an emphasis on curriculum and instruction, such other professional education and requirements as may be fixed by the State Board of Education, a passing score on the subject area competency examination and a minimum of two years

State	Does the state have approved programs that specifically prepare superintendents?	How many approved programs does the state have specifically for superintendent preparation?	What are the requirements for completion of the state-sponsored superintendent preparation programs?
			<p>successful teaching, supervisory or administrative experience in public schools. The standards for alternative certification for superintendents of schools and principals shall include the completion of a standard master's degree, two years of relevant experience, a passing score on the subject-area competency examination and a demonstrable understanding of the fundamentals of school administration, including the following associated competencies: leadership and school district culture; policy and governance; communications and community relations; organizational management; curriculum planning and development; instructional management; human resource management; ethics of leadership; and school law and finance.</p>
Oregon	Yes. Initial Administrator License	5 of 17 university education programs	<p>Valid for three years for building-level administrators and superintendents.</p> <p>Requirements: A master's or higher degree from a regionally accredited institution; three academic years of experience as a full-time licensed educator on a license appropriate for the assignment; completion of a school administration program; completion of practicum for early childhood or elementary students, and for middle school or high school students; a passing score on the Praxis exam for school administrators, or five years of experience administering full time in a public or regionally accredited private school; passing scores on the California Basic Skills Test or the Praxis I: Pre-Professional Skills Tests or Computer- Based Academic Skills Assessments or hold a regionally accredited doctor's degree; verification of knowledge of Oregon school law and finance; and verification of recent educational experience.</p>
Pennsylvania	Yes. Letters of Eligibility	13 of 90 university education programs	<p>Letters of Eligibility are issued for superintendent, assistant superintendent, executive director, and assistant intermediate unit executive director as evidence of the holder's legal qualification for election to a non-tenured chief school administrator and assistant chief administrator of a public school entity. Letters of Eligibility are endorsed for the positions indicated below. Upon local election, the incumbent is sworn into office and serves on a state commission as a state/local official: district superintendent, intermediate unit executive director, assistant district superintendent or assistant intermediate unit executive director.</p> <p>Letters of Eligibility are valid for the life of the holder.</p> <p>Continuing professional development is required for commissioned officers and is the responsibility of the commissioned officers.</p> <p>Requirements: Six years of certificated professional experience in the basic schools. (At least three of the six years must have been in administration or supervision); completion of an approved program of graduate study approximating 70 semester hours of graduate study in school administration and supervision preparing the candidate for the role of</p>

State	Does the state have approved programs that specifically prepare superintendents?	How many approved programs does the state have specifically for superintendent preparation?	What are the requirements for completion of the state-sponsored superintendent preparation programs?
			chief school administrator of a local educational agency; and recommendation of preparing institution.
Rhode Island	Yes. Superintendent of Schools	2 of 8 university education programs	Valid for three years. Requirements: Eligibility for a Rhode Island teaching certificate; eight years of educational experience (to include both teaching and administration); doctorate, CAGS, or master's degree; 36 semester hours of graduate-level course work in educational administration, supervision and curriculum. Nonrenewable for holder who serves three years as a superintendent in Rhode Island.
South Carolina	Yes. School Superintendent Professional Credential	4 of 30 university education programs	Valid for five years. Requirements: Valid South Carolina teacher's or principal's professional credential; minimum qualifying score on the Administration and Supervision area of the Praxis II; seven years' experience as a teacher or administrator, including at least two years of administration; completion of a doctoral or two-year post-baccalaureate program in public school administration from an institution that meets regional accreditation and state approval; recommendation of preparing institution and acceptable criminal history review via FBI fingerprint check. - or - Hold a valid out-of-state administrator, principal or other educational leadership certificate. Submit a qualifying score on a nationally recognized approved area administrator examination. Submit evidence of five years of experience as a director or assistant superintendent in a school district.
South Dakota	Yes. Superintendent	2 of 12 university education programs	Valid for five years. Requirements: A master's degree from a college or university approved for teacher education; an elementary or secondary certificate; four years of experience at the elementary or secondary school level, or both, on a valid certificate, two years of which were classroom teaching; the completion of an approved program for superintendents at a college or university; must be replaced by the Advanced Superintendent endorsement within 10 years.
Tennessee	Yes. Superintendent Endorsement (K-12)	16 of 39 university education programs	Requirements: Hold a full Tennessee License with endorsement as Principal or Superintendent of Instruction License; specified course work unless graduate is in education administration; and five years of teaching/administrative experience.

State	Does the state have approved programs that specifically prepare superintendents?	How many approved programs does the state have specifically for superintendent preparation?	What are the requirements for completion of the state-sponsored superintendent preparation programs?
Texas	Yes. Superintendent	35 of 112 approved university and non-university education programs	Requirements: Mid-management administrator or principal certificate; and complete required program and assessments [as described by the Temporary Superintendent Certificate].
Utah	Yes. Administrative/ Supervisory	3 of 9 university education programs approved for administrator preparation (all administration levels covered under a single approved program and credential)	Valid for seven years. Eligibility to hold a Level II license and one of the following in the educator's field of practice: 1. Doctor's degree 2. National Board for Professional Teaching Standards Certification.
Vermont	Yes. Superintendent	2 of 14 university education programs (superintendent certification determined on individual basis only)	Valid for three years. Requirements: Master's degree or the equivalent with a concentration in educational administration; combination of five years of experience with two or more being administrative/supervisory experience and meet the General Competencies for Administrators. In all cases an individual transcript analysis is conducted. A resume, copies of out-of-state certificate(s), transcripts.
Virginia	Yes. Division Superintendent License	15 of 37 university education programs approved for some type of administrator certification (NASDTEC specifies these programs as "other," so the type of administrator certification is not clear)	An individual may be a candidate for the Eligibility List of Division Superintendents and the renewable division superintendent license through the completion of the requirements in one of the following four options: 1. Option One (a) Hold an earned doctorate degree in educational administration or educational leadership from an accredited institution; (b) Completion of five years of educational experience in a public and/or accredited nonpublic school, two of which must be teaching experience at the PreK-12 level and two of which must be in administration/supervision at the PreK-12 level. 2. Option Two (a) Hold an earned master's degree from an accredited institution plus completed 30 graduate hours beyond the master's degree; (b) Completion of requirements for administration and supervision PreK-12 endorsement, which includes the demonstration of competencies described in the licensure regulations; (c) Completion of five years of educational experience in a public and/or accredited nonpublic school, two of which must be teaching experience at the PreK-12 level and two of which must be in administration/supervision. 3. Option Three

State	Does the state have approved programs that specifically prepare superintendents?	How many approved programs does the state have specifically for superintendent preparation?	What are the requirements for completion of the state-sponsored superintendent preparation programs?
			<p>(a) Hold an earned master's degree from an accredited institution; (b) Hold a current, valid out-of-state license with an endorsement as a division superintendent; (c) Completion of five years of educational experience in a public and/or accredited nonpublic school, two of which must be teaching experience at the PreK-12 level and two of which must be in administration/supervision.</p> <p>4. Option Four</p> <p>(a) Hold a master's degree, or its equivalent, from an accredited institution; (b) Have held a senior leadership position such as Chief Executive Officer or senior military officer; and (c) Be recommended by a school board interested in employing the individual as superintendent.</p>
Washington	Yes. Superintendent Initial Certificate	4 of 21 university education programs	<p>Valid for seven years.</p> <p>Requirements: Must hold a teaching, educational staff associate, program administrator, or principal certificate; approved master's degree; state-approved program of preparation for the superintendency; and have completed at least 45 quarter hours of graduate work in education. If an individual does not meet the continuing certification requirements during the life of the initial certificate, another initial certificate may be obtained by meeting requirements in effect at the time of application.</p> <p>Validity: Contingent upon completion of 150 clock hours of continuing education (or academic equivalent) every five years.</p>
West Virginia	Yes. Provisional Professional Certificate. Superintendent (K-12)	4 of 19 university education programs	<p>Valid for five years.</p> <p>Requirements: Master's degree; three years of management level experience; completion of an approved program leading to administrative certification (effective 07-01-94, education and training in evaluation skills).</p>
Wisconsin	Yes. School District Superintendent License	4 of 33 university education programs	<p>Valid for five years.</p> <p>Requirements: Eligibility for the school administrator license; approved school district administrator program at the educational specialist degree level or its equivalent.</p>
Wyoming	Yes. Superintendent (K-12)	1 of 3 university education programs	<p>Qualify for and hold a teaching certificate; be eligible for a principal endorsement; completion of a state program meeting the knowledge, skills and competencies as required by Wyoming standards. Must include three years' teaching experience and successful administrative experience in a K-12 setting. Must include an internship or three years of experience in the last six years.</p>

John Hancock is an ECS researcher.

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Helping State Leaders Shape Education Policy



In-state Tuition for Undocumented Immigrants

By Carl Krueger

April 2005

Introduction

As immigration to the United States increases, more and more students are entering the education pipeline. Many of these newly arrived students are undocumented, or “illegal” immigrants, and denied the full rights of American citizenship, including educational benefits like in-state tuition at public colleges and universities. In an effort to aid undocumented immigrants who cannot afford the cost of postsecondary education, many states have proposed legislation that offers in-state tuition to this new pool of potential students. Supporters of this legislation point out that most of the children of undocumented immigrants are in the United States to stay, and by providing them access to postsecondary education, society benefits as a whole through increased earnings and taxes, and lower crime and poverty rates.

Supporters also draw on the long history of immigration to the United States and argue it is unfair to deny opportunity to the most recent generation of undocumented aliens. Critics argue it is unfair to allocate in-state tuition to illegal aliens at a time when many American citizens cannot afford to attend postsecondary education. While some states have passed legislation that extends in-state tuition to undocumented immigrants, others have proposed laws that restrict the awarding of in-state tuition to these same immigrants. Below is a summary of states that have passed or have considered legislation regarding tuition for undocumented immigrants.

Summary

How many states have considered legislation allowing undocumented students to receive in-state tuition?

Thirty states have considered legislation that would allow undocumented immigrants to receive in-state tuition: Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Kansas, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, Rhode Island, Texas, Utah, Virginia, Washington and Wisconsin.

How many states have passed legislation allowing undocumented students to receive in-state tuition?

Nine states have passed laws that allow undocumented immigrants to receive in-state tuition: California, Illinois, Kansas, New Mexico, New York, Oklahoma, Texas, Utah and Washington.

How many states have tried to pass legislation restricting undocumented immigrants from receiving in-state tuition?

Five states – Alaska, Arizona, Colorado, North Carolina and Virginia – have tried to pass legislation that would ban undocumented immigrants from receiving in-state tuition. So far, none of these efforts have

been successful. A bill to prevent undocumented immigrants from receiving in-state tuition is still pending in the Colorado Legislature.

What are the requirements for undocumented students to receive in-state tuition?

To be considered for in-state tuition, most states require undocumented immigrants to:

- Attend a state high school from anywhere from two to four years.
- Complete a high school diploma or GED in the state.
- File an affidavit stating intent to become a permanent U.S. citizen.

State Specifics

State	Policy	Award	Restrict	Passed?
Alaska	H.B. 39 (2003)		X	No
Arizona	H.B. 2518 (2003)	X		No
	H.B. 2392 (2004)		X	Proposed
Arkansas	H.B. 1525 (2005)	X		No
California	A.B. 540 (2001)	X		Yes
Colorado	H.B. 1178 (2003)	X		No
	H.B. 1187 (2004)		X	Proposed
Connecticut	H.B. 6793 (2005)	X		Proposed
Delaware	H.B. 222 (2003)	X		No
	H.R. 59 (2004)	X ¹		Yes
Florida	H.B. 27 (2003)	X		No
	H.B. 119 (2003)	X		No
Georgia	H.B. 1810 (2001)	X		No
Hawaii	H.B. 873 (2003)	X		No
Illinois	H.B. 60 (2003)	X		Yes
Kansas	H.B. 2145 (2004)	X		Yes
Maryland	H.B. 253 (2003)	X		Vetoed
Massachusetts	S.B. 237 (2003)	X		No
Minnesota	S.B. 3027 (2002)	X		No
Mississippi	H.B. 101 (2005)	X		No
Missouri	S.B. 296 (2005)	X		Proposed
Nebraska	L.B. 152 (2003)	X		No
New Jersey	S.B. 78 (2004)	X		Proposed
New Mexico	S.B. 582 (2005)	X		Yes
New York	S.B. 7784 (2002)	X		Yes
North Carolina	S.B. 982 (2003)		X	No
	H.B. 1183 (2005)	X		Proposed
Oklahoma	S.B. 596 (2003)	X		Yes
Oregon	S.B. 769 (2005)	X		Proposed
Rhode Island	H.B. 6184 (2005)	X		Proposed
Texas	H.B. 1403 (2001)	X		Yes
Utah	H.B. 331 (2002)	X		Yes
Virginia	H.B. 2339 (2003)		X	Vetoed
	H.B. 156 (2004)		X ²	No
Washington	H.B. 1079 (2003)	X		Yes
Wisconsin	A.B. 95 (2003)	X		No

Statutory References

CAL. EDUC. CODE § 68130.5
 110 ILL. COMP. STAT. ANN. 947/65.27
 2004 Kan. Sess. Laws Ch. 172
 2005 N.M. Laws Ch. 348

N.Y. EDUC. LAW § 355
OKLA. STAT. ANN. tit. 70 § 3242
TEX. EDUC. CODE ANN. § 54.051, 54.052, 54.0551, 54.057, 54.060
UTAH CODE ANN. § 53B-8-102
WASH. REV. CODE ANN. § 28B.15.012

¹ H.R. 59 encourages the Delaware congressional delegation “to support the Development, Relief and Education for Alien Minors (“DREAM”) Act, but does not award in-state tuition to undocumented students.

² While not specifically about tuition, H.B. 156 stipulated, “Public institutions of higher education may not knowingly accept for enrollment any illegal alien, and directs each institution, upon discovering an enrollment of an illegal alien, to provide for the prompt dismissal of any such person from the institution.”

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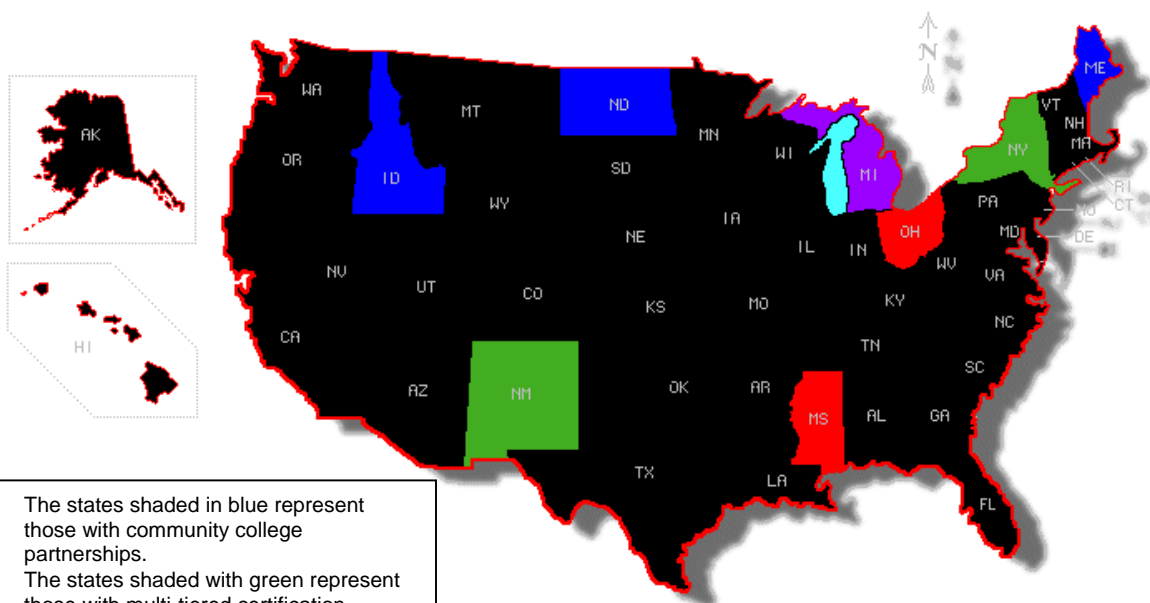
Helping State Leaders Shape Education Policy



Professional Development for Paraprofessionals Across the States

By Kelsey Campbell
August 2005

Professional development has come to the forefront of the paraprofessional occupation with new requirements and timelines for “highly qualified” status under the No Child Left Behind Act 2001 (NCLB). There have been substantial efforts at the state and local levels to create professional development opportunities for paraprofessionals to reach the highly qualified status necessary for employment under Title 1, Part A. In addition to passing a formal evaluation of knowledge, the requirements for higher education have created the opportunity for states to establish partnerships with higher education community, set up multi-tiered certification, use online education systems and develop methods for paraprofessionals to reach full teaching licensure. These trends in professional development are highlighted in the following briefs regarding competency for paraprofessional requirements.



- The states shaded in blue represent those with community college partnerships.
- The states shaded with green represent those with multi-tiered certification.
- The states shaded in red represent those with paraprofessional-to-teacher programs.
- The state shaded in purple represents online professional development programs.

Source: This data was collected directly from DOE Web sites, local Administrative Code, General State Statutes, etc., at the state level and verified by each state. To review the data, or find links to the data source, go to the ECS [Online Interactive Paraprofessional Database](#).

Higher Education and State Partnerships

Three states have established programs through partnerships and collaborations to provide the opportunities for paraprofessionals to attain the necessary requirements for the position. The College of Southern Idaho has created the Paraeducator Training Center (PTC) to help paraprofessionals and those seeking to become paraprofessionals reach the level of education required by NCLB. The center is a centralized location for paraeducator training opportunities for Idaho and the Pacific Northwest. The curriculum is aligned with Idaho state standards for paraprofessionals and trains students through career-lattice certificates and degree-seeking approaches. The steps involve curriculum offered in a three-step process. The first is the general curriculum developed by the PTC and offered by all participating schools. The second involves credits in general education as well as in the area of specialization in which the individual is seeking the degree. The third step is the completion of the Associate of Applied Science degree with the opportunity to finish the educational core credits to obtain an associate of arts or science degree.

North Dakota has taken a different approach to making professional development available for paraprofessionals. The two-year college consortium has been working with the state Title 1 office to create a two-year Associate of Applied Science degree program to allow paraprofessionals to meet NCLB requirements. In addition to the degree, the partnership also has established a paraeducation certification program to allow individuals to meet the obligation of demonstrating knowledge of reading, writing and mathematics, as well as allowing students to take courses applicable to their employment situation.

Maine has followed the same path as North Dakota in creating a degree program offered in the Maine Community College system. The institutions offer an associate's degree in paraeducation with 9% of students enrolled in early education and paraeducation programs. Northern Maine Community College offers a program that specifically focuses on paraprofessionals that are already in the education system trying to meet NCLB requirements as well as those seeking to become paraprofessionals.

Multi-Tiered Certification

New York and New Mexico each have programs designed to pay or provide professional development based on the level of certification attained by the paraprofessional. New York Department of Education requires different levels of professional development depending on the certification the individual has received. The six certifications are:

- Temporary license
- Continuing certificate
- Level I teaching assistant
- Level II teaching assistant
- Level III teaching assistant
- Pre-professional teaching assistant

Certification determines the amount and extent of education or advancement for the occupation. The Pre-professional certificate acknowledges the paraprofessional is seeking to become a licensed teacher and thus recognizes the higher degree of education.

New Mexico has passed innovative legislation paying paraprofessionals based on their certification, which, in turn, is dependent on their education and professional development history. There are four levels of educational assistant licenses available with degree requirements increased as the level rises. The requirements grow substantially as the individual rises in the certification levels.

Level 1 Educational Assistant License (9-year license)	Level 2 Educational Assistant License (9-year license)	Level 3 Educational Assistant License (9-year license)	Level 4 Educational Assistant License (9-year license)
---------------------------------------------------------------	---------------------------------------------------------------	---------------------------------------------------------------	---------------------------------------------------------------

<ul style="list-style-type: none"> ○ High school diploma or its equivalent ○ Be 18 years of age ○ Provide certification from the local superintendent or state agency that the person seeking the license has completed an orientation session pertinent to the assignment 	<ul style="list-style-type: none"> ○ High school diploma or its equivalent ○ Be 18 years of age ○ Provide certification from the local superintendent or state agency that the person seeking the license has completed an orientation session pertinent to the assignment ○ Certification that the individual has demonstrated the educational assistant competencies at level one for two years 	<ul style="list-style-type: none"> ○ High school diploma or its equivalent ○ Be 18 years of age ○ Provide certification from the local superintendent or state agency that the person seeking the license has completed an orientation session pertinent to the assignment ○ Complete 48 semester hours of academic credit by an accredited college or university and taken 3 hours language arts-reading, 3 hours writing, 3 hours mathematics, and 6 hours readiness education, professional education, classroom management, teaching assistance or special education ○ Obtain a passing score of at least 70% on a test administered pursuant to department rules 	<ul style="list-style-type: none"> ○ High school diploma or its equivalent ○ Be 18 years of age ○ Provide certification from the local superintendent or state agency that the person seeking the license has completed an orientation session pertinent to the assignment ○ Complete 48 semester hours of academic credit by an accredited college or university and taken 3 hours language arts-reading, 3 hours writing, 3 hours mathematics and 6 hours readiness education, professional education, classroom management, teaching assistance or special education ○ Obtain a passing score of at least 70% on a test administered pursuant to department rules ○ Have earned an associate or higher degree from an accredited college or university
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Source: This data was collected directly from DOE Web sites, local Administrative Code, General State Statutes, etc., at the state level and verified by each state. To review the data, or find links to the data source, go to the ECS [Online Interactive Paraprofessional Database](#).

Paraprofessional to Licensed Teacher

Mississippi and Ohio are leading the way for professional development opportunities that allow the possibility of full teaching licensure for current paraprofessionals. Mississippi is using professional development to increase the number of highly qualified teachers in the state. It has established the Assistant Teachers' Scholarship Program to attract and retain quality teachers from mid-career professionals. In addition to supplying advancement opportunities, the Department of Education also has established ways to help paraprofessionals achieve the NCLB requirements. The department has acquired the authority to allow paraprofessionals to take the ACT WorkKeys test instead of college courses, provides training materials for WorkKeys, encourages local districts to use all available Title 1 funding for professional development and supplies assistance to paraprofessional groups to help understand NCLB.

Ohio has established the Educational Paraprofessional Associate Degree for individuals that wish to move into a fully licensed teaching position. These individuals go through a rigorous training program to ensure ample preparation for the classroom. Ohio also offers two different certifications for paraprofessionals who have taken differing routes to become credentialed. The five-year Educational Paraprofessional Associate License is awarded to those who go through the program outlined in Section 3301-24-05 of the Ohio Administrative code. A paraprofessional who uses any other route to complete the qualifications will receive an Educational Aide Permit. Ohio has developed a program of professional development to facilitate NCLB compliance, as well as allow paraprofessionals to become licensed teachers.

Online Professional Development

Michigan is using online professional development through an effective and available method. The state is using Michigan LearnPort (MiLP), an online professional development portal designed specifically for Michigan state standards and requirements. The program was created and implemented by the Michigan Department of Education and Michigan Virtual University and funded through Title II, Part A funds. The goal is to allow educators to maximize professional development time by making it available on any Internet connection. The site is designed for all educators but has specific content for paraprofessionals, including:

- Helps individuals maintain or develop instructional skills in all areas
- Provides learning anywhere, anytime
- Helps paraprofessionals meet the requirements of NCLB.

Conclusion

Professional development becomes more and more important as accountability in America's schools becomes the focus of reform. Results-based education has put an emphasis on teachers and paraprofessionals to increase their understanding and skills in the classroom. Paraprofessionals have also grown in importance as schools and teachers are held accountable for the success of their students. But as paraprofessionals become more important, so do the opportunities for professional development for these educators. States such as those discussed are taking steps to help paraprofessionals meet the NCLB requirements and help themselves to advance student achievement. Trends in the paraeducation professional development field are a result of more stringent requirements and of departments of education stepping up on a statewide basis to help these individuals promote student achievement.

Kelsey Campbell is a researcher for the ECS Teaching Quality and Leadership Institute.

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Helping State Leaders Shape Education Policy

Education Commission of the States
July 11, 2005

2005 State Policies Related to the No Child Left Behind Act (NCLB)

The following summary includes policies enacted so far **this year**. Summaries are collected from state Web sites, state documents, *StateNet* and *Westlaw*. *StateNet* and *Westlaw* descriptions reflect the content of bills as introduced and may not reflect changes made during the legislative process. To assure that this information reaches you in a timely manner, minimal attention has been paid to style (capitalization, punctuation) or format.

NOTE: Policies are broken out as follows,
although some provisions might appear in multiple sections:

- No Child Left Behind (NCLB)
- NCLB—Adequate Yearly Progress
- NCLB—Assessment
- NCLB—Consequences for Schools
- NCLB—Paraprofessionals
- NCLB—Parent Involvement
- NCLB—Reading/Literacy
- NCLB—Report Cards
- NCLB—Safe Schools
- NCLB—School Support
- NCLB—Scientifically Based Research
- NCLB—Supplemental Services

STATE	STATUS	SUMMARY
NO CHILD LEFT BEHIND (general; also see specific sections)		
CO	Vetoed 06-05	<p>Requires the department to contract every 3 years for an independent evaluation of the state accountability system and the No Child Left Behind Act of 2001. Requires the evaluation to include:</p> <ol style="list-style-type: none"> (1) The impact of the accountability systems on learning and teaching; (2) Public perception of and confidence in the accountability systems; (3) The effectiveness of the parties involved in the accountability systems, including the department, districts, state charter school institute, and public schools; (4) Improvements that may be made to the data collected through the accountability systems; <p>and</p> <ol style="list-style-type: none"> (5) Recommended changes to statutes or rules pertaining to the accountability systems. <p>Requires the report to include an evaluation of the state accreditation indicators and how districts or the state charter school institute can meet or fail to meet such standards.</p> <p>Changes the school designations in the state accountability system from "excellent", "high", "average", "low" and "unsatisfactory" to "excellent", "high achieving", "achieving", "priority" and "high priority". Requires the state board to develop procedures for a district or the state charter school institute to appeal or waive a school's rating based upon unusual testing circumstances.</p> <p>http://www.leg.state.co.us/Clics2005a/csl.nsf/fsbillcont3/489B14D223FBDD2087256F5D006BE665?Open&file=214_rev.pdf</p> <p>Title: S.B. 214 (Section 1-2) Evaluation of State Accountability System and Revised Designations</p>

STATE	STATUS	SUMMARY
		Source: www.leg.state.co.us
CO	Signed into law 04-05	<p>Effective July 1, 2005, allows a local board to adopt a resolution stating its intent to decline one or more federal funding sources of the No Child Left Behind Act of 2001, and thereby be exempt from the requirements of the act. Requires the resolution to remain in place until rescinded by the local board. States that if a district adopts a resolution to decline federal funding sources in this manner, the action will nto affect the district's accreditation status, and the department and the state board may not impose any form of sanction on the district for its action in declining federal funds and not complying with the federal requirements from which it is exempt.</p> <p>http://www.leg.state.co.us/Clics2005a/csl.nsf/fsbillcont3/081AB298840E623D87256F500058FF4D?Open&file=050_enr.pdf</p> <p>Title: S.B. 50 Funding Changes For School Districts Source: www.leg.state.co.us</p>
KY	Signed into law 03-05	<p>Directs the department of education to conduct a comprehensive analysis of the professional development, training and resources needed in each school to help each child achieve reading and literacy proficiency by 2014. Requires the department of education to submit its findings and recommendations to the Interim Joint Committee on Education no later than November 1, 2005.</p> <p>http://lrc.ky.gov/RECORD/05RS/SJ92.htm</p> <p>Title: S.J.R. 92 Reading and Literacy Proficiency Source: lrc.ky.gov</p>
MD	Rule Adoption 04-05	<p>Revises the Maryland Student Records System Manual (MSRSM) as a result of recent changes regarding health and graduation requirements. State assessments, prekindergarten requirements, kindergarten and prekindergarten phase-in dates, enrollment and transfers, and the No Child Left Behind Act of 2001. Updates references to the MSRSM. MARYLAND REG 10154 (SN)</p> <p>Title: COMAR 13A.02.06.02, 13A.0801.01, .08.02.01 State Board Of Education Source: <i>StateNet</i></p>
MS	Rule Adoption 02-05	<p>Amends rules concerning the consolidated state application accountability workbook. MISSISSIPPI REG 9414 (SN)</p> <p>Title: (Uncodified) Consolidated State Application Accountability Workbooks Source: <i>StateNet</i></p>
ND	(H) FILED WITH SECRETARY OF STATE 04-05	<p>AN ACT to provide an appropriation for defraying the expenses of the department of public instruction, the school for the deaf, North Dakota vision services - school for the blind, and the state library; to provide an appropriation to the division of independent study; to provide for the distribution of special education payments; to provide for a legislative council study; to provide a statement of legislative intent; to amend and reenact section 15.1-02-02 of the North Dakota Century Code, relating to the salary of the superintendent of public instruction; and to declare an emergency</p> <p>The legislative council shall study, during the 2005-06 interim, the state's elementary and secondary education system, including key measurements of student progress, programs that</p>

STATE	STATUS	SUMMARY
		<p>address the state's competitiveness with other states, costs incurred by the state relating to implementing the No Child Left Behind Act, and the most effective means of using taxpayer dollars at the state and local levels to ensure the best possible education for the children of this state.</p> <p>http://www.state.nd.us/lr/assembly/59-2005/bill-text/FQNG0500.pdf</p> <p>Title: H.B. 1013 Department of Public Instruction Appropriations Source: <i>StateNet</i></p>
ND	Signed into law 04-05	<p>Before the superintendent of public instruction may submit to the United States secretary of education any proposed changes in the state accountability plan required under the No Child Left Behind Act of 2001 [Pub. L. 107-110; 115 Stat. 1425; 20 U.S.C. 6301, et seq.], the superintendent shall present the proposed changes to the interim no child left behind committee. The committee shall review the proposed changes; accept testimony and documentary evidence regarding the impact of the proposed changes on the students, schools, school districts, and taxpayers of this state; and provide advice and recommendations regarding the proposed changes to the superintendent.</p> <p>http://www.state.nd.us/lr/assembly/59-2005/bill-text/FAFS0400.pdf</p> <p>Title: H.B. 1434 State Accountability Plan - No Child Left Behind Act Source: <i>StateNet</i></p>
NJ	REPORTED OUT OF ASSEMBLY COMMITTEE, 2ND READING 05-05	<p>An Assembly Resolution urging the Governor to join the State of Connecticut's lawsuit concerning the "No Child Left Behind Act of 2001."</p> <p>Title: H.R. 267 Resolution urging the Governor to join the State of Connecticut's lawsuit concerning the "No Child Left Behind Act of 2001." Source: <i>StateNet</i></p>
UT	Passed 04-05	<p>This resolution: recognizes that the Utah Performance Assessment System for Students (U-PASS) should be the basis for assessing and monitoring Utah's students and schools; recognizes that in order to increase student achievement, Utah should utilize competency-measured education and student growth measurements as described in U-PASS and Utah State Senate Bill 154, 2003 General Session; recognizes that the state should control its public education budget and allocate money according to Utah's priorities and needs, driven by decision-making of local school boards; and recognizes that until certain federal actions are taken, Utah should utilize its own proven system of student accountability and reassert its historic leadership role in providing a quality public education for the citizens of Utah.</p> <p>http://www.le.state.ut.us/~2005/bills/hbillenr/hjr003.pdf</p> <p>Title: H.J.R. 3 (related to H.B. 1001) Resolution Regarding Federal No Child Left Behind Source: http://www.le.state.ut.us</p>
UT	To governor 04-05	<p>School officials may:</p> <ul style="list-style-type: none"> (a) apply for, receive, and administer funds made available through programs of the federal government; (b) only expend federal funds for the purposes for which they are received and are accounted for by the state, school district, or charter school; and (c) reduce or eliminate a program created with or expanded by federal funds to the extent allowed by law when federal funds for that program are subsequently reduced or eliminated.

STATE	STATUS	SUMMARY
		<p>(2) School officials shall:</p> <p>(a) prioritize resources, especially to resolve conflicts between federal provisions or between federal and state programs, including:</p> <p>(i) providing first priority to meeting state goals, objectives, program needs, and accountability systems as they relate to federal programs; and (ii) providing second priority to implementing federal goals, objectives, program needs, and accountability systems that do not directly and simultaneously advance state goals, objectives, program needs, and accountability systems;</p> <p>(b) interpret the provisions of federal programs in the best interest of students;</p> <p>(c) maximize local control and flexibility;</p> <p>(d) minimize additional state resources that are diverted to implement federal programs beyond the federal monies that are provided to fund the programs;</p> <p>(e) request changes to federal educational programs, especially programs that are underfunded or provide conflicts with other state or federal programs</p> <p>http://www.le.state.ut.us/~2005S1/htmdoc/hbillhtm/HB1001.htm</p> <p>Title: H.B. 1001 Implementing Federal Programs Act Source: http://www.le.state.ut.us</p>
VA	Signed into law 03-05	<p>Directs the Board of Education to seek a waiver from compliance with those provisions of the federal No Child Left Behind Act that are duplicative of the Commonwealth's prior educational accountability system as set forth in the Standards of Quality, Standards of Learning, and Standards of Accreditation, or lacking in cost effectiveness, and that already comply with the spirit and intent of the federal act. http://leg1.state.va.us/cgi-bin/legp504.exe?051+ful+CHAP0013</p> <p>Title: H.B. 2602, S.B. 1136 Waivers from Compliance with No Child Left Behind Act Source: http://leg1.state.va.us</p>
VT	Signed into law 03-05	<p>Extends the council on education governance and the No Child Left Behind oversight committee which are due to expire on July 1, 2005. The council is to report each year that it is in existence on its progress together with its recommendations for legislation, including steps which are necessary to comply with the No Child Left Behind Act. http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2006/bills/passed/H-135.HTM</p> <p>Title: H.B. 135 Education Source: http://www.leg.state.vt.us/</p>
NO CHILD LEFT BEHIND--ADEQUATE YEARLY PROGRESS		
AR	Signed into law 04-05	<p>Modifies procedures for conducting the school enrollment census. Requires school census to reflect students transferring into or out of the school from October 1 to September 30th of the following school year, rather than from October 1 to the end of the same school year. Clarifies that the number of students transferring out is to be determined only by the number of official transcripts requested by other schools. Makes other technical changes to school enrollment census procedures. http://www.arkleg.state.ar.us/ftproot/bills/2005/public/sb1044.pdf</p> <p>Title: S.B. 1044 (section 18) Procedures for Conducting the School Enrollment Census Source: www.arkleg.state.ar.us</p>
CO	Signed into law	<p>Standardizes the calculation of graduation rates and dropout rates that are required to be reported by school districts for accreditation. Standardizes and requires the reporting of</p>

STATE	STATUS	SUMMARY
	06-05	<p>continuing education rates and mobility rates by school districts for accreditation. Requires one accreditation indicator to be the percentage of students enrolled in an Advanced Placement, International Baccalaureate diploma program, or institution of higher education through a dual enrollment program. Requires districts to report achievement of accreditation indicators disaggregated for student year, race, low family income, students with disabilities, and English language learners. Requires districts and the state charter school institute to annually report the status of students who have not graduated in 4 years and remain enrolled in the district or an institute charter school. Permits the state board of education to audit accreditation data.</p> <p>http://www.leg.state.co.us/Clics2005a/csl.nsf/fsbillcont3/DFD64504612C4BC587256F5800587C38?Open&file=091_enr.pdf</p> <p>Title: S.B. 91 Accreditation Indicators and Dropout/Graduation Rates Source: <i>www.leg.state.co.us</i></p>
CO	Signed into law 06-05	<p>Requires the state board to identify volunteer districts, boards of cooperative services and a charter school to send representatives to form the "educational data advisory committee" to work with the department to review school data reporting requirements. Requires the committee, on its own or by written request of a district, board of cooperative services or the state charter school institute, to review these entities' reporting requirements to determine whether the costs of such requirements outweigh the benefits. Authorizes the committee to make recommendations to the state board on repealing or amending statutory and regulatory reporting requirements and requires the state board to forward all recommendations on alterations to statutory reporting requirements to the general assembly. Requires the committee to review each data reporting request not required by statute or rule and notify districts, boards of cooperative services and the state charter school institute whether compliance with the request is mandatory or voluntary.</p> <p>http://www.leg.state.co.us/Clics2005a/csl.nsf/fsbillcont3/DC1884F5438814D187256F6B0076EE38?Open&file=019_enr.pdf</p> <p>Title: S.B. 19 Educational Data Advisory Committee Source: <i>www.leg.state.co.us</i></p>
CO	Vetoed 06-05	<p>Repeals and reenacts the corrective action provisions for underperforming public schools. Requires the state board to annually notify each district and the state charter school institute as to which, if any, of its schools received a "low" or "unsatisfactory" rating in the state accountability system. Requires the department to adopt a school performance review process for schools rated "unsatisfactory." Requires the school performance review process to include creation of one or more school support teams to review each school rated "unsatisfactory" and make recommendations for an improvement plan with corrective actions. Permits the department, provided funds are available, to provide reviews and training for school support teams for schools rated "low." Allows each district and the institute to establish its own school performance review process, subject to department approval and to request comprehensive training for school support teams thereby established, which training the department must provide.</p> <p>Requires the department to provide comprehensive training to school support teams that must ensure each team member has a thorough knowledge of the department's standards and indicators for continuous school improvement and understands how to apply the standards and indicators in evaluating a school's performance.</p>

STATE	STATUS	SUMMARY
		<p>Beginning with the academic performance ratings for the 2004-2005 school year, requires a school receiving an "unsatisfactory" rating to undergo a review by a school support team and for the team to develop recommendations for an improvement plan with corrective actions. Mandates that the school begin implementing the improvement plan by the fall semester of the academic year following that in which the school received notice of inadequate performance. Establishes circumstances under which a school with an "unsatisfactory" rating is subject to restructuring or may cease to be subject to the school improvement action cycle.</p> <p>Beginning with the academic performance ratings for the 2004-2005 school year, requires a district or the state charter school institute containing a school receiving a "low" rating that meets other additional criteria to review the school's operations and develop an improvement plan with corrective actions for the school. Mandates that the school begin implementing the improvement plan by the fall semester of the academic year following that in which the school received notice of inadequate performance. Establishes circumstances under which</p> <p>Title: H.B. 1216 Corrective Action Source: www.leg.state.co.us</p>
CO	Signed into law 06-05	<p>Modifies definition of "sufficient academic growth" for purposes of diagnostic assessment. Makes related changes to governor's distinguished improvement awards. Repeals provision requiring the state board to contract with a nationally recognized, independent auditing firm to annually audit the process of preparing the accountability reports. Makes appropriation.</p> <p>http://www.leg.state.co.us/Clics2005a/csl.nsf/fsbillcont3/E3E46C5DD449721587256F8D0053612C?Open&file=1217_enr.pdf</p> <p>Title: H.B. 1217 Sufficient Academic Growth Source: www.leg.state.co.us</p>
CO	Vetoed 06-05	<p>Section 7: Encourages the state board to establish accreditation indicators based in part on the diagnostic academic growth calculation added by paragraph (d), section 22-7-604.3.</p> <p>Section 8: Creates new paragraph (d) in section 22-7-604.3. States that a diagnostic academic growth calculation showing each student's improvement from year to year might more accurately reflect a school's performance. Encourages the department to extend the use of the diagnostic academic growth calculation to the school level, and to use this method to evaluate schools for the state and federal accountability systems.</p> <p>http://www.leg.state.co.us/clics2005a/csl.nsf/fsbillcont3/489B14D223FBDD2087256F5D006BE665?open&file=214_enr.pdf</p> <p>Title: S.B. 214 (Section 7-8) Diagnostic Academic Growth Calculation Source: www.leg.state.co.us</p>
GA	Rule Adoption 12-04	<p>Clarifies rules regarding the following: single statewide accountability system; accountability system definitions; accountability profiles; and accountability system awards and consequences. Single statewide accountability system: http://www.doe.k12.ga.us/_documents/doe/legalservices/160-7-1-.01.pdf Definitions: http://www.doe.k12.ga.us/_documents/doe/legalservices/160-7-1-.02.pdf School profiles: http://www.doe.k12.ga.us/_documents/doe/legalservices/160-7-1-.03.pdf Awards and consequences: http://www.doe.k12.ga.us/_documents/doe/legalservices/160-7-1-.04.pdf</p>

STATE	STATUS	SUMMARY
		Title: GAC 160-7-1-.01 thru .04 Statewide Accountability Source: <i>StateNet</i>
KY	Signed into law 03-05	Directs the department of education to conduct a comprehensive analysis of the professional development, training and resources needed in each school to help each child achieve reading and literacy proficiency by 2014. Requires the department of education to submit its findings and recommendations to the Interim Joint Committee on Education no later than November 1, 2005. http://lrc.ky.gov/RECORD/05RS/SJ92.htm Title: S.J.R. 92 Reading and Literacy Proficiency Source: <i>lrc.ky.gov</i>
LA	Rule Adoption 03-05	Modifies provisions related to district subgroup component adequate yearly progress (AYP) indicators, district performance labels and district corrective actions. Each district shall be evaluated on the subgroup component at three different levels (grade-clusters); elementary (K-5), middle (6-8), and high school (9-12). A district shall pass the subgroup component provided that each subgroup of students within each grade-cluster meets the passes the subgroup component, and each grade-cluster the district, as a whole, meets the criteria for status or improvement on the additional academic indicator. See pages 14-17 of 109: http://www.doa.state.la.us/osr/reg/0503/0503Rul.pdf Title: LAC 28:LXXXIII:4310 through 4313 School, District, and State Accountability System Source: <i>www.doa.state.la.us</i>
MS	Rule Adoption 10-04	Amends rules concerning the Guidelines for Testing Special Populations. Reflects changes specific to flexibility in the use of assessment results within the No Child Left Behind Adequate Yearly Progress (AYP) model. MISSISSIPPI REG 9407 (SN) Title: IIB-3 Guidelines for Testing Special Populations Source: <i>StateNet</i>
ND	Signed into law 04-05	Before the superintendent of public instruction may submit to the United States secretary of education any proposed changes in the state accountability plan required under the No Child Left Behind Act of 2001 [Pub. L. 107-110; 115 Stat. 1425; 20 U.S.C. 6301, et seq.], the superintendent shall present the proposed changes to the interim no child left behind committee. The committee shall review the proposed changes; accept testimony and documentary evidence regarding the impact of the proposed changes on the students, schools, school districts, and taxpayers of this state; and provide advice and recommendations regarding the proposed changes to the superintendent. http://www.state.nd.us/lr/assembly/59-2005/bill-text/FAFS0400.pdf Title: H.B. 1434 State Accountability Plan - No Child Left Behind Act Source: <i>StateNet</i>
OH	to governor 02-05	Specifies that adequate yearly progress for school districts and buildings must be calculated in accordance with the No Child Left Behind Act (NCLB). Requires the state department to

STATE	STATUS	SUMMARY
		<p>submit to each member of the Senate and House Education Committees: (1) a written description of changes in federal NCLB rules and policies each time such changes are made and (2) if the Department proposes to change Ohio's NCLB policies and procedures, a written outline of existing Ohio policy and description of the changes the Department proposes to make. Beginning July 1, 2005, prohibits the Ohio Department of Education from making changes in Ohio's NCLB policies and procedures based on changes in federal policies or rules unless the General Assembly adopts a concurrent resolution approving those changes. Under former Ohio law, school districts were subject to sanctions when they failed to make AYP for two or more consecutive school years. On August 5, 2004, however, the U.S. Department of Education approved a change requested by the Ohio Department of Education regarding how Ohio applies sanctions to school districts for poor academic performance. Specifically, the approved policy recognizes three grade spans (grades 3-5, 6-8, and 10-12) for which AYP must be determined at the district level. A district fails to make AYP when it misses AYP in reading or math for any grade span. However, if the district misses AYP in the same subject area for all three grade spans for two consecutive school years, the district must be "identified for improvement" by the Ohio Department of Education. Identification for improvement, rather than missing AYP, triggers the imposition of sanctions on the district. To conform with this approved policy change, the act subjects a school district to sanctions based on the number of years the district has been identified for improvement instead of the number of years it has failed to make AYP. It also requires the sanctions to start the first year after the district has been identified for improvement. Therefore, under the act, sanctions are directed at the districts with the most serious academic problems. The act does not change the nature of the sanctions.</p> <p>http://www.lsc.state.oh.us/analyses125/04-hb493-revised-125.pdf http://lsc.state.oh.us/analyses/analysis125.nsf/6407a071d8587c3c85256da200703bb6/</p> <p>Title: H.B. 493 Changes in Provisions Related to No Child Left Behind Source: http://lsc.state.oh.us</p>
OK	Signed into law 05-05	<p>Amends 70 O.S. 2001, Section 3-153, which relates to exemptions for reporting district plans to state board of education. Except for districts with one or more sites identified for school improvement pursuant to NCLB, a number of reporting requirements are reduced. Delays the deadline by one year for reaching reading goal and allows exclusion of up to 15% of students with individualized education programs (IEPs) and English language learners who are not yet proficient in English. Moves the baseline determination of third grades who are proficient in reading from May 1, 2002 to September 1, 2005. Requires the state board to recognize schools and districts making progress toward the reading goal and to provide technical assistance to those that are not making progress. Changes from phoneme to phonological awareness as a priority academic student skill (PASS) to be screened for with kindergarten students and requires additional emphasis on reading for those students who are at risk for reading difficulties. Similar provisions apply to first- through third-grade students. Requires the state board to approve no more than three screening instruments and to approve diagnostic and other reading assessments -- ensuring that any assessments align with PASS. Requires the state department to report annually to the governor and legislature on the three-year trend in reading achievement. http://www2.lsb.state.ok.us/2005-06SB/sb966_enr.rtf</p> <p>Title: S.B. 966 Reporting Reductions and Reading Sufficiency Act Source: http://www2.lsb.state.ok.us</p>
OK	Emergency Rule Adoption	<p>Establishes rules concerning student assessment. Allows charter schools to appeal Adequate Yearly Progress decisions on their behalf based on statistical or other substantial reasons, directly to the Department of Education. OKLAHOMA REG 13748 (SN)</p>

STATE	STATUS	SUMMARY
	04-05	Title: OAC 210:10-13-18 Charter Schools May Appeal AYP Source: <i>StateNet</i>
WA	Rule Adoption 05-05	Amends rules to require school districts and schools to set high school graduation rate improvement goals and to align these goals with requirements of the federal No Child Left Behind Act. WASHINGTON REG 24131 (SN) Title: WAC 3-20-390 Graduation Rate Performance Improvement Goals Source: <i>StateNet</i>
WA	Signed into law 04-05	Disregards from federal accountability reporting those students receiving home-based instruction who participate in running start (dual/concurrent enrollment program). http://www.leg.wa.gov/pub/billinfo/2005-06/Pdf/Bills/Senate%20Passed%20Legislature/5289-S.PL.pdf Title: S.B. 5289 Federal Accountability Reporting Source: <i>http://www.leg.wa.gov</i>

NO CHILD LEFT BEHIND--ASSESSMENT

AR	Signed into law 04-05	<p>Requires a student not passing an immediately previous grades 3-8 benchmark assessment or in a secondary level end-of-course assessment to participate in remediation activities as required in the student's individualized academic improvement plan beginning in the school year the assessment results are reported. If a student with disabilities has an individualized education program that addresses any academic area or areas in which the student is not proficient on state-mandated criterion-referenced assessments, the individualized education program meets the requirements of the aforementioned academic improvement plan. Requires districts to notify the student's parent of the parent's role and responsibilities as well as the consequences for the student's failure to participate in the plan.</p> <p>Beginning with the 2005-2006 school year, requires students in grades 3-8 identified as not passing a benchmark assessment and who fail to participate in the subsequent academic improvement plan to be retained and not promoted to the next grade until the student is deemed to have participated in an academic improvement plan or the student passes the benchmark assessment for the current grade level in which the student is retained.</p> <p>Beginning with the 2005-2006 school year, mandates that any student required to take an end-of-course assessment who does not pass a particular assessment must participate in remediation activities as required in the student's individualized academic improvement plan in the school year the assessment results are reported in order to receive credit on his or her transcript for the course related to the end-of-course assessment.</p> <p>Beginning with the 2009-2010 school year, requires all initial end-of-course assessments to be administered by grade 10 for each student. Beginning with the 2009-2010 school year, a student who does not pass an initial end-of-course assessment may receive credit for the course until the student passes a subsequent end-of-course assessment; or the student, by the end of grade twelve 12, passes an Alternative assessment directly related to the Alternative exit course. If a student does not meet the satisfactory pass levels on an initial end-of-course assessment or does not satisfy the remedial requirements, that student will not graduate with a high school diploma from an Arkansas high school or charter school.</p>
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STATE	STATUS	SUMMARY
		<p>To the extent any school district is determined to have knowingly failed to administer these provisions of law or rules, the superintendent's license shall be</p> <p>Title: H.B. 2824 Grade 3-8 Assessments, End-of-Course Exams and Remediation Source: <i>www.arkleg.state.ar.us</i></p>
CO	Signed into law 05-05	<p>Provides that if, as part of a student's individual educational program (IEP), a student attends part-time a school or program away from the school where the student is enrolled, the district in which a student is enrolled may designate either the school of residency or the school of attendance as the school to which the student's scores will be assigned to calculate school academic performance ratings.</p> <p>Requires the department to conduct a study of the administration of assessments for students with an IEP who are not eligible to take the CSAP-A (alternate assessment for students with most severe disabilities). Requires the study to examine and evaluate:</p> <p>(A) THE EFFECT OF THE ADMINISTRATION OF ASSESSMENTS ON STUDENTS WITH INDIVIDUAL EDUCATIONAL PROGRAMS WHO ARE NOT ELIGIBLE TO TAKE THE CSAP-A ASSESSMENT, INCLUDING BUT NOT LIMITED TO THE EFFECT ON STUDENTS WHO ARE DEEMED UNABLE TO COMPLETE THE ASSESSMENT;</p> <p>(B) WHETHER, FOR STUDENTS WITH AN INDIVIDUAL EDUCATION PROGRAM WHO ARE NOT ELIGIBLE FOR THE CSAP-A ASSESSMENT, IT WOULD BE APPROPRIATE TO DESIGNATE IN A STUDENT'S INDIVIDUAL EDUCATIONAL PROGRAM THE GRADE OR GRADES OF THE CSAP ASSESSMENTS THAT THE STUDENT SHOULD BE ADMINISTERED.</p> <p>(C) THE NEED FOR SCHOOL DISTRICTS TO BE HELD ACCOUNTABLE FOR TEACHING STATE CONTENT STANDARDS TO STUDENTS WITH INDIVIDUAL EDUCATIONAL PROGRAMS WHO ARE NOT ELIGIBLE TO TAKE THE CSAP-A ASSESSMENT;</p> <p>(D) THE EFFECT OF BOTH INCLUDING AND NOT INCLUDING THE SCORES OF STUDENTS WITH INDIVIDUAL EDUCATIONAL PROGRAMS WHO ARE NOT ELIGIBLE TO TAKE THE CSAP-A ASSESSMENT IN THE CALCULATIONS OF SCHOOL PERFORMANCE RATINGS PURSUANT TO SECTION 22-7-604;</p> <p>(E) A SURVEY OF THE TYPES OF ASSESSMENTS USED BY OTHER STATES IN ASSESSING STUDENTS WHO ARE COMPARABLE TO STUDENTS IN THIS STATE WHO HAVE INDIVIDUAL EDUCATIONAL PROGRAMS WHO ARE NOT ELIGIBLE TO TAKE THE CSAP-A ASSESSMENT, WHETHER OTHER STATES USE THOSE ASSESSMENT SCORES IN CALCULATING SCHOOL PERFORMANCE RATINGS, WHETHER THE ASSESSMENTS ALIGN WITH THE STATE MODEL CONTENT STANDARDS ADOPTED PURSUANT TO SECTION 22-7-406, AND WHETHER THE ASSESSMENTS HAVE BEEN, OR WOULD LIKELY BE, APPROVED BY THE FEDERAL DEPARTMENT OF EDUCATION; AND</p> <p>(F) FEDERAL CONSTITUTIONAL, LEGAL, AND REGULATORY ISSUES SURROUNDING THE ASSESSMENT OF STUDENTS WITH INDIVIDUAL EDUCATIONAL PROGRAMS WHO ARE NOT ELIGIBLE TO TAKE THE CSAP-A ASSESSMENT AND HOW FEDERAL FUNDING OF PUBLIC SCHOOLS MAY BE IMPACTED BY ADMINISTERING SUCH ASSESSMENTS.</p> <p>Provides for the creation of a bipartisan study committee to work with the department.</p> <p>Title: H.B. 1246 Inclusion of Students with Disabilities in State Assessment Source: <i>www.leg.state.co.us</i></p>
KY	Signed into law 03-05	<p>Creates the mathematics achievement fund to provide developmentally appropriate diagnostic assessment and intervention services to students, primary through grade 12, to help them reach proficiency in mathematics on the state assessments and in compliance with the No Child Left Behind Act of 2001. Specifies activities for which fund monies may be used. Specifies</p>

STATE	STATUS	SUMMARY
		<p>that the fund is to provide funding for the Center for Mathematics created in this bill, provide renewable, two-year local grants to school districts for specified purposes, and provide operational funding for the Mathematics Achievement Committee created in Section 2 of this bill. Specifies that if matching funds are required, the school council or, if none exists, the principal or the superintendent of schools, must allocate matching funds. Allows funding for professional development allocated to the school council under KRS 160.345 and for continuing education under KRS 158.070 to be used to provide a portion or all of a school's required match. Specifies responsibilities of the department of education relative to the fund program, including technical assistance to potential applicants and grant recipients.</p> <p>http://lrc.ky.gov/RECORD/05RS/HB93.htm Fiscal note: http://lrc.ky.gov/RECORD/05RS/HB93/FN.doc</p> <p>Title: H.B. 93 (Section 3) Mathematics Achievement Fund Source: <i>lrc.ky.gov</i></p>
KY	Signed into law 03-05	<p>Directs the department of education to conduct a comprehensive analysis of the professional development, training and resources needed in each school to help each child achieve reading and literacy proficiency by 2014. Requires the department of education to submit its findings and recommendations to the Interim Joint Committee on Education no later than November 1, 2005.</p> <p>http://lrc.ky.gov/RECORD/05RS/SJ92.htm</p> <p>Title: S.J.R. 92 Reading and Literacy Proficiency Source: <i>lrc.ky.gov</i></p>
MS	Rule Adoption 05-05	<p>Provides that the information contained within the Guidelines for Testing Students with Disabilities and the Guidelines for Educational Services and Assessment for English Language Learners and any subsequent updates shall apply to all public school personnel who are responsible for the implementation of the Statewide Assessment System. MISSISSIPPI REG 9605 (SN)</p> <p>Title: IIB-3 Statewide Assessment System Source: <i>StateNet</i></p>
ND	Signed into law 04-05	<p>Requires the legislative council to study, during the 2005-06 interim, the state's elementary and secondary education system, including key measurements of student progress, programs that address the state's competitiveness with other states, costs incurred by the state relating to implementing the No Child Left Behind Act, and the most effective means of using taxpayer dollars at the state and local levels to ensure the best possible education for the children of this state.</p> <p>http://www.state.nd.us/lr/assembly/59-2005/bill-text/FQNG0500.pdf</p> <p>Title: H.B. 1013 Department of Public Instruction Appropriations Source: <i>StateNet</i></p>
TX	Adopted 03-05	<p>The adopted amendments update and revise the rules to align with current statute (3-10 testing rather than 3-8). http://www.tea.state.tx.us/rules/board/adopted/0305/101-005-two.pdf</p>

STATE	STATUS	SUMMARY
		Title: §101.5 Student Testing Requirements Source: http://www.tea.state.tx.us
UT	Rule Adoption 04-05	Amends rule to provide for makeup days in administration of required Utah Basic Skills Competency Test (UBSCT). Changes add language for schools to provide a makeup window not to exceed five school days following administration of UBSCT. Amendments also add parent notification requirements. UTAH REG 27710 (SN) Title: R277-705-6 Makeup Days: Basic Skills Competency Testing Requirements Source: <i>StateNet</i>
UT	Rule Adoption 02-05	Removes 'Constructed response portions' from definitions and language. Updates Criterion Reference Test (CRT) assessment window and adds new language regarding Utah State Office of Education responsibilities and school responsibilities for crisis indicators in state assessments. UTAH REG 27547 (SN) Title: R277-473 Testing Procedures Source: <i>StateNet</i>

NO CHILD LEFT BEHIND--CONSEQUENCES FOR SCHOOLS

AR	Signed into law 04-05	<p>Creates the Arkansas Online Professional Development Initiative. Requires the director of the department of education to prioritize identified teacher professional development needs and develop a statewide online professional development program. Requires online professional development courses to be aligned with (1) the required focus areas identified in the state board rules governing professional development and the Arkansas Comprehensive, Testing, Assessment, and Accountability Program, (2) clear, specific and challenging academic content areas; (3) the state curriculum frameworks.</p> <p>Additionally requires the courses to be (1) researched-based and available from sources with expertise in technology-delivered professional development courses; (2) consistent with the Southern Regional Education Board Multi-State Online Professional Development Standards in existence on January 1, 2005; (3) focused on improving student academic achievement by improving a teacher's academic and teaching knowledge and skills. Requires courses to include an assessment at the end of the program to measure each certified person's level of understanding and ability to implement or apply the information presented in the program.</p> <p>Requires any provider of technology-delivered professional development under the Arkansas Online Professional Development Initiative to demonstrate an ability to successfully deliver technology-delivered products and services.</p> <p>Requires the initiative to include a method for the department of education, the Arkansas Educational Television Network, school districts, schools and certified personnel to annually evaluate the effectiveness of the Arkansas Online Professional Development Initiative and its on-line professional development course and programs.</p> <p>Authorizes the department, beginning with the 2006-2007 school year, to include as part of a school improvement plan guidelines for the professional development programs to be delivered to the certified personnel employed by a school in school improvement status or a school district in school improvement status or academic distress. Authorizes the department to require the participation and completion of professional development courses or programs by certified personnel in the school or district as part of the school improvement plan. States</p>
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STATE	STATUS	SUMMARY
		<p>that certified personnel employed by any school in school improvement or school district in school improvement or academic distress must participate in, complete, and pass the assessment for the professional development requirements included in the school's or district's school improvement plan.</p> <p>Title: H.B. 2489 Arkansas Online Professional Development Initiative Source: <i>www.arkleg.state.ar.us</i></p>
AR	Signed into law 03-05	<p>Creates the Arkansas Leadership Academy School Support Program to train principals and teachers in schools and districts designated as being in school improvement. Specifies that any school district in school improvement may be invited, strongly encouraged, or required to participate in the program as provided in the rules of the state board of education. Requires participating schools to remain in the program for at least three consecutive school years. http://www.arkleg.state.ar.us/ftpoot/bills/2005/public/HB2434.pdf</p> <p>Title: H.B. 2434 Leadership Academy School Support Program Source: <i>www.arkleg.state.ar.us</i></p>
CO	Vetoed 06-05	<p>Repeals and reenacts the corrective action provisions for underperforming public schools. Requires the state board to annually notify each district and the state charter school institute as to which, if any, of its schools received a "low" or "unsatisfactory" rating in the state accountability system. Requires the department to adopt a school performance review process for schools rated "unsatisfactory." Requires the school performance review process to include creation of one or more school support teams to review each school rated "unsatisfactory" and make recommendations for an improvement plan with corrective actions. Permits the department, provided funds are available, to provide reviews and training for school support teams for schools rated "low." Allows each district and the institute to establish its own school performance review process, subject to department approval and to request comprehensive training for school support teams thereby established, which training the department must provide.</p> <p>Requires the department to provide comprehensive training to school support teams that must ensure each team member has a thorough knowledge of the department's standards and indicators for continuous school improvement and understands how to apply the standards and indicators in evaluating a school's performance.</p> <p>Beginning with the academic performance ratings for the 2004-2005 school year, requires a school receiving an "unsatisfactory" rating to undergo a review by a school support team and for the team to develop recommendations for an improvement plan with corrective actions. Mandates that the school begin implementing the improvement plan by the fall semester of the academic year following that in which the school received notice of inadequate performance. Establishes circumstances under which a school with an "unsatisfactory" rating is subject to restructuring or may cease to be subject to the school improvement action cycle.</p> <p>Beginning with the academic performance ratings for the 2004-2005 school year, requires a district or the state charter school institute containing a school receiving a "low" rating that meets other additional criteria to review the school's operations and develop an improvement plan with corrective actions for the school. Mandates that the school begin implementing the improvement plan by the fall semester of the academic year following that in which the school received notice of inadequate performance. Establishes circumstances under which</p> <p>Title: H.B. 1216 Corrective Action</p>

STATE	STATUS	SUMMARY
		Source: www.leg.state.co.us
LA	Rule Adoption 03-05	<p>Modifies provisions related to district subgroup component adequate yearly progress (AYP) indicators, district performance labels and district corrective actions. Each district shall be evaluated on the subgroup component at three different levels (grade-clusters); elementary (K-5), middle (6-8), and high school (9-12). A district shall pass the subgroup component provided that each subgroup of students within each grade-cluster meets the passes the subgroup component, and each grade-cluster the district, as a whole, meets the criteria for status or improvement on the additional academic indicator.</p> <p>See pages 14-17 of 109: http://www.doa.state.la.us/osr/reg/0503/0503Rul.pdf</p> <p>Title: LAC 28:LXXXIII:4310 through 4313 School, District, and State Accountability System</p> <p>Source: www.doa.state.la.us</p>
OH	to governor 02-05	<p>Specifies that adequate yearly progress for school districts and buildings must be calculated in accordance with the No Child Left Behind Act (NCLB). Requires the state department to submit to each member of the Senate and House Education Committees: (1) a written description of changes in federal NCLB rules and policies each time such changes are made and (2) if the Department proposes to change Ohio's NCLB policies and procedures, a written outline of existing Ohio policy and description of the changes the Department proposes to make. Beginning July 1, 2005, prohibits the Ohio Department of Education from making changes in Ohio's NCLB policies and procedures based on changes in federal policies or rules unless the General Assembly adopts a concurrent resolution approving those changes. Under former Ohio law, school districts were subject to sanctions when they failed to make AYP for two or more consecutive school years. On August 5, 2004, however, the U.S. Department of Education approved a change requested by the Ohio Department of Education regarding how Ohio applies sanctions to school districts for poor academic performance. Specifically, the approved policy recognizes three grade spans (grades 3-5, 6-8, and 10-12) for which AYP must be determined at the district level. A district fails to make AYP when it misses AYP in reading or math for any grade span. However, if the district misses AYP in the same subject area for all three grade spans for two consecutive school years, the district must be "identified for improvement" by the Ohio Department of Education. Identification for improvement, rather than missing AYP, triggers the imposition of sanctions on the district. To conform with this approved policy change, the act subjects a school district to sanctions based on the number of years the district has been identified for improvement instead of the number of years it has failed to make AYP. It also requires the sanctions to start the first year after the district has been identified for improvement. Therefore, under the act, sanctions are directed at the districts with the most serious academic problems. The act does not change the nature of the sanctions.</p> <p>http://www.lsc.state.oh.us/analyses125/04-hb493-revised-125.pdf http://lsc.state.oh.us/analyses/analysis125.nsf/6407a071d8587c3c85256da200703bb6/</p> <p>Title: H.B. 493 Changes in Provisions Related to No Child Left Behind</p> <p>Source: http://lsc.state.oh.us</p>
VA	Emergency Rule Adoption 02-05	<p>Outlines the process and procedures for conducting the division-level academic review and submitting the corrective action plan to the Board of Education. Addresses the criteria for selection for the division-level academic review and improvement plans.. VIRGINIA REG 5136 (SN)</p>

STATE	STATUS	SUMMARY
		Title: 8 VAC 20-700-10 thru -50 Conducting Division-Level Academic Reviews Source: <i>StateNet</i>
NO CHILD LEFT BEHIND--FINANCE		
CO	Signed into law 04-05	Effective July 1, 2005, allows a local board to adopt a resolution stating its intent to decline one or more federal funding sources of the No Child Left Behind Act of 2001, and thereby be exempt from the requirements of the act. Requires the resolution to remain in place until rescinded by the local board. States that if a district adopts a resolution to decline federal funding sources in this manner, the action will not affect the district's accreditation status, and the department and the state board may not impose any form of sanction on the district for its action in declining federal funds and not complying with the federal requirements from which it is exempt. http://www.leg.state.co.us/Clics2005a/csl.nsf/fsbillcont3/081AB298840E623D87256F500058FF4D?Open&file=050_enr.pdf Title: S.B. 50 Funding Changes For School Districts Source: <i>www.leg.state.co.us</i>
KY	Signed into law 03-05	Directs the department of education to conduct a comprehensive analysis of the professional development, training and resources needed in each school to help each child achieve reading and literacy proficiency by 2014. Requires the department of education to submit its findings and recommendations to the Interim Joint Committee on Education no later than November 1, 2005. http://lrc.ky.gov/RECORD/05RS/SJ92.htm Title: S.J.R. 92 Reading and Literacy Proficiency Source: <i>lrc.ky.gov</i>
ND	Signed into law 04-05	One portion of this Act requires the legislative council to study, during the 2005-06 interim, the state's elementary and secondary education system, including key measurements of student progress, programs that address the state's competitiveness with other states, costs incurred by the state relating to implementing the No Child Left Behind Act, and the most effective means of using taxpayer dollars at the state and local levels to ensure the best possible education for the children of the state. http://www.state.nd.us/lr/assembly/59-2005/bill-text/FQNG0500.pdf Title: H.B. 1013 Department of Public Instruction Appropriations Source: <i>StateNet</i>
VA	Signed into law 03-05	Directs the Board of Education to seek a waiver from compliance with those provisions of the federal No Child Left Behind Act that are duplicative of the Commonwealth's prior educational accountability system as set forth in the Standards of Quality, Standards of Learning, and Standards of Accreditation, or lacking in cost effectiveness, and that already comply with the spirit and intent of the federal act. http://leg1.state.va.us/cgi-bin/legp504.exe?051+ful+CHAP0013 Title: H.B. 2602, S.B. 1136 Waivers from Compliance with No Child Left Behind Act Source: <i>http://leg1.state.va.us</i>

STATE	STATUS	SUMMARY
NO CHILD LEFT BEHIND--PARAPROFESSIONALS		
DE	Rule Adoption 01-05	Amends regulation relating to Paraeducator Permits by changing the date when Title I paraeducators employed prior to January 8, 2002 must meet the requirements from June 30, 2006 to January 8, 2006 to align with the enactment date of the 'No Child Left Behind Act.' Title: 14 DAC 1584 Permits - Paraeducators Source: <i>StateNet</i>
NO CHILD LEFT BEHIND--PARENT INVOLVEMENT		
MO	DELIVERED TO GOVERNOR 05-05	This act requires the State Board of Education to adopt a policy by December 1, 2005, that encourages effective involvement by parents and families in support of the education of their children. The act delineates elements and goals for the development of the policy adopted by the State Board. Further, the act requires the Board of Education of each school district to adopt policies no later than March 1, 2006, that encourage effective involvement by parents and families in support of their children and the education of their children. This act is identical to SB 1208 (2004) http://www.senate.mo.gov/05info/BTS_Web/Bill.aspx?SessionType=R&BillID=21100 Title: S.B. 480 Encourages effective involvement by parents and families in support of their children's education Source: <i>StateNet</i>
NO CHILD LEFT BEHIND--READING/LITERACY		
IN	Signed into law 05-05	Defines "phonologic weakness." Requires the department of education to develop and implement a plan to (1) train teachers, especially the teachers directly involved in reading and language arts, about phonologic weakness and its role in reading development; (2) determine which reading instruments can be used to detect phonologic weakness before formal reading instruction begins; (3) determine which reading instruments can be used to assess student reading and spelling development; and (4) apply the results of the assessment using reading instruments to a child's instructional program. Requires the department to develop a technical assistance manual related to the plan and adopt reading instruments to diagnose reading and writing development. Requires each instrument adopted to be based on scientific research concerning reading development and have adequate reliability and validity. http://www.in.gov/legislative/bills/2005/HE/HE1488.1.html Title: H.B. 1488 Phonologic Weakness Source: <i>www.in.gov</i>
KY	Signed into law 03-05	Directs the department of education to conduct a comprehensive analysis of the professional development, training and resources needed in each school to help each child achieve reading and literacy proficiency by 2014. Requires the department of education to submit its findings and recommendations to the Interim Joint Committee on Education no later than November 1,

STATE	STATUS	SUMMARY
		<p>2005.</p> <p>http://lrc.ky.gov/RECORD/05RS/SJ92.htm</p> <p>Title: S.J.R. 92 Reading and Literacy Proficiency Source: <i>lrc.ky.gov</i></p>
OK	Signed into law 05-05	<p>Amends 70 O.S. 2001, Section 3-153, which relates to exemptions for reporting district plans to state board of education. Except for districts with one or more sites identified for school improvement pursuant to NCLB, a number of reporting requirements are reduced. Delays the deadline by one year for reaching reading goal and allows exclusion of up to 15% of students with individualized education programs (IEPs) and English language learners who are not yet proficient in English. Moves the baseline determination of third grades who are proficient in reading from May 1, 2002 to September 1, 2005. Requires the state board to recognize schools and districts making progress toward the reading goal and to provide technical assistance to those that are not making progress. Changes from phoneme to phonological awareness as a priority academic student skill (PASS) to be screened for with kindergarten students and requires additional emphasis on reading for those students who are at risk for reading difficulties. Similar provisions apply to first- through third-grade students. Requires the state board to approve no more than three screening instruments and to approve diagnostic and other reading assessments -- ensuring that any assessments align with PASS. Requires the state department to report annually to the governor and legislature on the three-year trend in reading achievement. http://www2.lsb.state.ok.us/2005-06SB/sb966_enr.rtf</p> <p>Title: S.B. 966 Reporting Reductions and Reading Sufficiency Act Source: http://www2.lsb.state.ok.us</p>
NO CHILD LEFT BEHIND--REPORT CARDS		
AR	Signed into law 04-05	<p>Concerns assessments scores for students attending the Arkansas school for mathematics, sciences and the arts of the University of Arkansas. Requires assessment scores under the Arkansas Comprehensive, Testing, Assessment and Accountability Program for assessments taken by students attending the Arkansas School for Mathematics, Sciences, and the Arts to be sent to the public school district the student attended immediately prior to transferring to the Arkansas School for Mathematics, Sciences, and the Arts. Requires these scores to be included on the school district's reports.</p> <p>http://www.arkleg.state.ar.us/ftproot/bills/2005/public/hb2881.pdf</p> <p>Title: H.B. 2881 Student Assessment Scores Source: www.arkleg.state.ar.us</p>
CO	Signed into law 06-05	<p>Requires the state board to identify volunteer districts, boards of cooperative services and a charter school to send representatives to form the "educational data advisory committee" to work with the department to review school data reporting requirements. Requires the committee, on its own or by written request of a district, board of cooperative services or the state charter school institute, to review these entities' reporting requirements to determine whether the costs of such requirements outweigh the benefits. Authorizes the committee to make recommendations to the state board on repealing or amending statutory and regulatory reporting requirements and requires the state board to forward all recommendations on alterations to statutory reporting requirements to the general assembly. Requires the committee to review each data reporting request not required by statute or rule and notify districts, boards of cooperative services and the state charter school institute whether</p>

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		<p>compliance with the request is mandatory or voluntary.</p> <p>http://www.leg.state.co.us/Clics2005a/csl.nsf/fsbillcont3/DC1884F5438814D187256F6B0076EE38?Open&file=019_enr.pdf</p> <p>Title: S.B. 19 Educational Data Advisory Committee Source: <i>www.leg.state.co.us</i></p>
GA	Rule Adoption 12-04	<p>Clarifies rules regarding the following: single statewide accountability system; accountability system definitions; accountability profiles; and accountability system awards and consequences. Single statewide accountability system:</p> <p>http://www.doe.k12.ga.us/_documents/doe/legalservices/160-7-1-.01.pdf Definitions: http://www.doe.k12.ga.us/_documents/doe/legalservices/160-7-1-.02.pdf School profiles: http://www.doe.k12.ga.us/_documents/doe/legalservices/160-7-1-.03.pdf Awards and consequences: http://www.doe.k12.ga.us/_documents/doe/legalservices/160-7-1-.04.pdf</p> <p>Title: GAC 160-7-1-.01 thru .04 Statewide Accountability Source: <i>StateNet</i></p>
MO	DELIVERED TO GOVERNOR 05-05	<p>REPORT CARDS</p> <p>Currently, school districts are required to produce an annual accountability report card for each school building, distribute copies to the households with students, and make copies available to other members of the public upon request. This bill transfers the responsibility for producing the report card to the Department of Elementary and Secondary Education, specifying that there will be report cards for each district, each public school building in a district, and each charter school. The report card will be designed to satisfy federal and state statistical disclosure requirements about academic achievement, finances, staff, and other indicators. Districts must provide the report card information by December 1, or as soon as it is ready, and give preference to distribution methods that will include the information with other important information, such as student report cards.</p> <p>Title: H.B. 297 Report cards/ teacher tenure Source: <i>StateNet</i></p>
OK	Signed into law 05-05	<p>One section of this bill creates the Student Tracking and Reporting (STAR) Pilot Program. Requires interoperability with other state student data management and reporting systems; directs exploration of delivery systems for certain purposes; requires utilization of certain system model; requires model to include certain capabilities; creates the Student Tracking and Reporting (STAR) Coordinating Committee. The purpose of the Pilot Program is to provide for the development and implementation of a horizontal school district and school site level student data management and reporting system based on the Schools Interoperability Framework (SIF) industry open-standard. The developed student data management and reporting system is required to provide horizontal articulation of student academic data, student demographic data and other relevant student information. Horizontal articulation must assimilate the data from the classroom level, to the school site level, and to the district level, with the capability to analyze and disseminate the data back to the school site and classroom level when required by teachers and administrators to support informed and improved classroom instruction. The Pilot Program must incorporate the following objectives:</p> <p>1. Provide for academic performance reporting at the district level for all students in grade levels five, eight, ten and twelve. Academic performance reporting shall include report card</p>

STATE	STATUS	SUMMARY
		<p>grades, student performance results from multiple standardized assessments, including at least one norm-referenced assessment, state testing program results for grade levels five, eight, and End-of-Instruction assessments, and ACT college entrance examination scores when applicable;</p> <p>2. Provide for a horizontal data aggregation system at the school district and site level that facilitates storage, retrieval and distribution of data both horizontally, at the school district and site levels, and vertically to the Wave Program, including all necessary student data elements to support academic performance reporting;</p> <p>3. Provide for a reporting structure at the district level that shall address all state and federal reporting requirements, including those specified in the federal act known as the No Child Left Behind Act (NCLB), and data elements used in determining district and site performance levels for the Academic Performance Index. The district level reporting structure shall also provide for the transfer of aggregated school district and site level data in Extensible Markup Language.</p> <p>Title: H.B. 1021 (multiple provisions) Student Tracking and Reporting (STAR) Pilot Program Source: http://www.scstatehouse.net</p>
SC	Signed into law 05-05	<p>Adds a new chapter (59) establishing the South Carolina Education and Economic Development Act. One section expands the report card to include dropout data.</p> <p>Title: H.B. 3155 South Carolina Education and Economic Development Act Source: http://www.scstatehouse.net</p>
NO CHILD LEFT BEHIND--SAFE SCHOOLS		
AZ	Signed into law 04-05	<p>Authorizes local boards to adopt guidelines for the standardization of the format of school accountability report cards required by section 15-746 http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/15/00746.htm&Title=15&DocType=ARS</p> <p>Authorizes local boards to adopt policies that require parental notification when a law enforcement officer interviews a student on school grounds. Provides both optional and mandatory parameters for such policies, including under what circumstances a parent may be present when a law enforcement officer interviews the student.</p> <p>Expands school crime reporting requirements to mandate that school report cards report the total number of incidents that occurred not only on school grounds but also at school bus stops, on school buses and at school sponsored events that required a law enforcement officer, including a certified peace officer who serves as a school resource officer, to be contacted. Specifies that the total number of incidents reported must only include reports that law enforcement officers report to the school are supported by probable cause.</p> <p>http://www.azleg.state.az.us/DocumentsForBill.asp?Bill_Number=1044</p> <p>Title: S.B. 1044 School Accountability and Crime Reporting Source: www.azleg.state.az.us</p>
CO	Vetoed	Requires the department to convene a working group of specified members to evaluate the

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	06-05	<p>current rules, definitions and reporting of incidents pertaining to school safety. Requires the working group to submit a report of its findings to the state by November 2005. Requires the findings to include examples of the types of incidents that should be reported for state safe school reporting requirements.</p> <p>Also requires the state board to convene a panel of specified membership to conduct public meetings and make recommendations to the state board on the content, design and layout of the state accountability reports.</p> <p>http://www.leg.state.co.us/clics2005a/csl.nsf/fsbillcont3/489B14D223FBDD2087256F5D006BE665?open&file=214_enr.pdf</p> <p>Title: S.B. 214 (Section 3) School Safety and Accountability Reports Content/Design/Layout Source: <i>www.leg.state.co.us</i></p>

NO CHILD LEFT BEHIND--SCHOOL SUPPORT

KY	Signed into law 03-05	<p>Mandates that the Kentucky Department of Education provide assistance to schools and teachers, including publicizing professional development opportunities, methods of measuring effective professional development, the availability of high quality instructional materials, and developmentally appropriate screening and diagnostic assessments of student competency in mathematics and reading. Also requires the department to provide access to samples of units of study, annotated student work, diagnostic instruments, and research findings, and give guidance on parental engagement.</p> <p>Also requires that the department conduct an annual review of the state grant programs it manages and make recommendations, when needed, to the Interim Joint Committee on Education for changes to statutory requirements that are necessary to gain a greater return on investment.</p> <p>Requires the department to provide administrative support and oversight to programs to train classroom coaches and mentors to help teachers with reading and mathematics instruction. Declares an emergency.</p> <p>http://lrc.ky.gov/RECORD/05RS/HB93.htm Fiscal note: http://lrc.ky.gov/RECORD/05RS/HB93/FN.doc</p> <p>Title: H.B. 93 (Section 1, paragraph 4) Role of Department of Education in Achieving State Educational Goals Source: <i>lrc.ky.gov</i></p>
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KY	Signed into law 03-05	<p>Requires colleges and universities to:</p> <p>(a) Utilize institution-wide resources to work with elementary and secondary educators and other entities to align curriculum content to ensure that students who achieve proficiency on standards established at the prekindergarten through secondary levels will require no remediation to successfully enter a postsecondary education program;</p> <p>(b) Provide quality undergraduate teacher preparation programs to ensure that those preparing to teach reading or mathematics at all grade levels have the necessary content knowledge, assessment and diagnostic skills, and teaching methodologies;</p> <p>(c) Deliver appropriate continuing education for teachers in reading and mathematics</p>
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STATE	STATUS	SUMMARY
		<p>through institutes, graduate level courses, and other professional development activities that support a statewide agenda for improving student achievement in reading and mathematics;</p> <p>(d) Conduct or assist with research on best practices in assessment, intervention strategies, teaching methodologies, costs and effectiveness of instructional models, and other factors as appropriate to reading and mathematics;</p> <p>(e) Provide staff to consult and provide technical assistance to teachers, staff, and administrators at elementary, middle, and secondary school sites;</p> <p>(f) Assume active roles in the statewide initiatives referenced in Sections 2 and 5 of this Act; and</p> <p>(g) Develop written procedures for measuring the effectiveness of activities outlined in paragraphs (a) to (e) of this subsection.</p> <p>http://lrc.ky.gov/RECORD/05RS/HB93.htm Fiscal note: http://lrc.ky.gov/RECORD/05RS/HB93/FN.doc</p> <p>Title: H.B. 93 (Section 1, paragraph 7) Role of Colleges and Universities in Achieving State Educational Goals Source: <i>lrc.ky.gov</i></p>
OK	Signed into law 05-05	<p>Amends Section 3-118.1 to allow for performance reviews by the Office of Accountability. If the Office requests such a review, the Office of Accountability is to pay the full amount. If a districts requests a review, the Office bears 75% of the responsibility for the cost. Districts are to be selected for review by the Education Oversight Board contingent upon the availability of funding. Requires the Office of Accountability to engage in follow-up, outreach and technical assistance to help school districts and others understand, interpret, and apply the recommendations and best practices resulting from performance reviews.</p> <p>http://www2.lsb.state.ok.us/2005-06SB/sb982_enr.rtf</p> <p>Title: S.B. 982, Section 14 Performance Reviews Source: http://www2.lsb.state.ok.us</p>
VA	Signed into law 03-05	<p>Revises the Standards of Quality to require local school boards to (i) provide for data collection and analysis and to use such results in instructional program evaluation; (ii) implement any actions identified through the academic review of schools accredited with a warning; (iii) analyze and report annually the results of industry certification examinations; (iv) annually review their professional development programs; and (v) report compliance with the Standards of Quality annually to the Board of Education. In addition, the bill (i) increases from 10 to 17 the full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency; (ii) provides that teacher, administrator, and superintendent evaluations shall be consistent with the performance objectives included in the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents developed by the Board of Education; (iii) replaces Board- and locally-adopted six-year statewide or divisionwide plans, as the case may be, (including those for educational technology) with "comprehensive" statewide or divisionwide plans; and (iv) replaces individual school six-year plans with "comprehensive" plans. Requires each local school board to annually review its professional development program for quality, effectiveness, participation by instructional personnel, and relevancy to the instructional needs of teachers and the academic achievement needs of the students in the school division.</p> <p>http://leg1.state.va.us/cgi-bin/legp504.exe?051+ful+CHAP0331</p>

STATE	STATUS	SUMMARY
		Title: S.B. 779, H.B. 1762 Data Collection and Analysis Source: http://leg1.state.va.us/
NO CHILD LEFT BEHIND--SCIENTIFICALLY BASED RESEARCH		
AR	Adopted	Declares Arkansas will participate in the Compact for Education Research and Development. Council is intended to create a partnership among member states for purposes of creating a high quality, sustained research and development effort that would improve teaching, learning, and effective management of schools throughout the member states. Title: Executive Order 04-01 Declares Arkansas will participate in the Compact for Education Research and Development Source:
IN	Signed into law 05-05	Defines "phonologic weakness." Requires the department of education to develop and implement a plan to (1) train teachers, especially the teachers directly involved in reading and language arts, about phonologic weakness and its role in reading development; (2) determine which reading instruments can be used to detect phonologic weakness before formal reading instruction begins; (3) determine which reading instruments can be used to assess student reading and spelling development; and (4) apply the results of the assessment using reading instruments to a child's instructional program. Requires the department to develop a technical assistance manual related to the plan and adopt reading instruments to diagnose reading and writing development. Requires each instrument adopted to be based on scientific research concerning reading development and have adequate reliability and validity. http://www.in.gov/legislative/bills/2005/HE/HE1488.1.html Title: H.B. 1488 Phonologic Weakness Source: www.in.gov
KY	Signed into law 03-05	Requires colleges and universities to: (a) Utilize institution-wide resources to work with elementary and secondary educators and other entities to align curriculum content to ensure that students who achieve proficiency on standards established at the prekindergarten through secondary levels will require no remediation to successfully enter a postsecondary education program; (b) Provide quality undergraduate teacher preparation programs to ensure that those preparing to teach reading or mathematics at all grade levels have the necessary content knowledge, assessment and diagnostic skills, and teaching methodologies; (c) Deliver appropriate continuing education for teachers in reading and mathematics through institutes, graduate level courses, and other professional development activities that support a statewide agenda for improving student achievement in reading and mathematics; (d) Conduct or assist with research on best practices in assessment, intervention strategies, teaching methodologies, costs and effectiveness of instructional models, and other factors as appropriate to reading and mathematics; (e) Provide staff to consult and provide technical assistance to teachers, staff, and administrators at elementary, middle, and secondary school sites;

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		<p>(f) Assume active roles in the statewide initiatives referenced in Sections 2 and 5 of this Act; and</p> <p>(g) Develop written procedures for measuring the effectiveness of activities outlined in paragraphs (a) to (e) of this subsection.</p> <p>http://lrc.ky.gov/RECORD/05RS/HB93.htm Fiscal note: http://lrc.ky.gov/RECORD/05RS/HB93/FN.doc</p> <p>Title: H.B. 93 (Section 1, paragraph 7) Role of Colleges and Universities in Achieving State Educational Goals Source: <i>lrc.ky.gov</i></p>
KY	Signed into law 03-05	<p>Specifies that the teachers' professional growth fund is to provide teachers with high quality professional development in content knowledge in reading and classroom-based screening, diagnostic, assessment and intervention strategies. States that the fund may be used to provide grants to local school districts to support staff participation in specific, statewide initiatives for the professional development of teachers and administrators in specific content areas as established by the Kentucky Department of Education and the Kentucky Board of Education as established in this bill; to provide grants to colleges and universities to plan and develop statewide professional development institutes and other professional development services; and to provide grants to local school districts, to colleges and universities, or other entities to assist the Kentucky Department of Education in evaluating costs and the effectiveness of activities and initiatives established under the teachers' professional growth fund.</p> <p>Requires that professional development programs for which teachers may receive support from the fund provide training in the use of research-based and developmentally appropriate classroom-based screening, diagnostic, assessment, and intervention strategies.</p> <p>Requires that, beginning June 1, 2006, through the 2009-2010 school year, priority for the use of funds from the teachers' professional growth fund be to train and support teams of teachers from all school levels to be trained as reading coaches and mentors or as mathematics coaches and mentors in statewide institutes referenced in Sections 1 and 2 of this bill, and for selected teachers to be highly trained in providing diagnostic assessment and intervention services for students in the primary program struggling with mathematics.</p> <p>Requires the design of the statewide mathematics institutes to train mathematics coaches and mentors to be developed by the Committee for Mathematics Achievement. Requires the design of the professional development program to provide highly trained mathematics intervention teachers in the primary program to be developed by the Center for Mathematics in collaboration with public and private institutions of postsecondary education.</p> <p>Requires that the development of the statewide program to train reading coaches and mentors be coordinated by the Kentucky Department of Education with recommendations from the Collaborative Center for Literacy Development and the reading steering committee established in KRS 158.794. Mandate</p> <p>Title: H.B. 93 (Sections 5 and 6) Teacher' Professional Growth Fund Source: <i>lrc.ky.gov</i></p>
NO CHILD LEFT BEHIND--SUPPLEMENTAL SERVICES		

STATE	STATUS	SUMMARY
CO	Vetoed 06-05	<p>Recognizes the importance of supplemental online education courses, especially to smaller districts and rural schools. States that such courses are eligible to receive funding from the state education fund created in article IX of the state constitution. Requires the department, on or before October 1, 2005, to contract with a supplemental on-line course provider to provide high-quality supplemental on-line education courses statewide for purchase by districts, boards of cooperative services, charter schools and the state charter school institute. Requires the contracting provider to work with these entities to allow schools to (1) offer courses for all students in all performance ranges, including gifted and talented students and students in need of remediation; (2) resolve class scheduling conflicts; (3) provide make-up credits for students and summer school options to help students graduate earlier; (4) offer courses for expelled and home-bound students; (5) offer courses for which local teachers are not available; (6) offer courses allowing students to meet higher education admission requirements; (7) meet federal requirements for highly qualified teachers; and (8) provide teacher professional development. Requires the supplemental online course provider to be a nonprofit or not-for-profit organization or school district, have documented evidence of program evaluation, and to meet other requirements. Specifies minimum provisions of a contract for supplemental online education courses, including that the contractor must provide at least 50 online courses in specified subject areas, the teachers meet the federal requirements for a highly qualified teacher, and that, where applicable, the courses are based on the state model content standards. Requires the contractors to annually report to the department and the legislature on specified details about the program during the preceding year. Makes an allocation.</p> <p>http://www.leg.state.co.us/Clics2005a/csl.nsf/fsbillcont3/4723DE9EE54766D487256F810074794F?Open&file=139_enr.pdf</p> <p>Title: S.B. 139 Supplemental Online Education Courses Source: <i>www.leg.state.co.us</i></p>
IL	Emergency Rule Adoption 07-05	<p>Creates rules for providers of Supplemental Education Services, addressing a code of ethics, programmatic requirements, approval criteria, procedures, reporting requirements, sanctions, public information, provider's relationship with the district and various financial requirements. http://www.isbe.state.il.us/rules/proposed/pdfs/675wf.pdf</p> <p>Title: 23 IAC 675.10, thru .100, .150, .200, .210, thru .240 Providers of Supplemental Educational Services Source: <i>www.isbe.state.il.us</i></p>
NO CHILD LEFT BEHIND--TEACHING QUALITY		
AR	Signed into law	<p>States that teacher certification requirements do not apply to persons teaching concurrent credit courses or advanced placement courses who: (i) Are employed by a postsecondary institution; (ii) Meet the qualification requirements of that institution or the department of workforce education; and (iii) Are teaching in a course in which credit is offered by an institution of higher education or a technical institute.</p> <p>Also states that grade level/subject matter teacher certification requirements do not apply to licensed teachers teaching in the following settings:</p> <ul style="list-style-type: none"> (i) An alternative learning environment; (ii) A juvenile detention facility; (iii) A residential and day alcohol, drug, and psychiatric facility program; (iv) An emergency youth shelter;

STATE	STATUS	SUMMARY
		<p>(v) A facility of the Division of Youth Services of the Department of Human Services; or (vi) A facility of the Division of Developmental Disabilities Services of the Department of Human Services; and (E) A licensed special education teacher teaching two or more core academic subjects exclusively to children with disabilities.</p> <p>Authorizes the department of education to offer and operate a nontraditional teacher licensure program. http://www.arkleg.state.ar.us/ftproot/bills/2005/public/sb1044.pdf</p> <p>Title: S.B. 1044 (sections 16-17) Source: <i>www.arkleg.state.ar.us</i></p>
AR	Signed into law 04-05	<p>Renames the Teacher and Administrator Enhancement and Retraining Grant Program the Teacher Opportunity Program. Eliminates requirement that program applicant be a citizen of the United States or permanent resident alien. Establishes the Dual Certification Incentive Program to encourage classroom teachers currently employed in the state to return to college to obtain certification in one or more additional subject areas. Specifies conditions for a teacher to be eligible to receive program funding. Allows each district to fund up to four scholarships for teachers with at least three years of experience as a licensed classroom teacher in a public school in the state. States that any classroom teacher awarded a scholarship under the Dual Certification Incentive Program may be allowed administrative leave with pay as provided under the district's certified personnel policies as is necessary for the classroom teacher to attend college classes, travel to or from the college, and take state-mandated tests as may be necessary to obtain the additional certification. Sets forth circumstances under which a teacher having participated in the program must repay the amount of the scholarships received under the Dual Certification Incentive Program. Authorizes the state board of education to suspend the Arkansas classroom teacher's license of any individual who fails, when required to do so, to repay moneys contributed for participation in the Dual Certification Incentive Program.</p> <p>States that upon earning dual certification under the Dual Certification Incentive Program, the dually certified classroom teacher must be paid a bonus of \$3,000 each school year that the teacher: (A) Is employed full-time as a classroom teacher in an Arkansas public school district; and (B) Is teaching no fewer than two class periods in each of the different subject matter areas for which he or she received certification. Specifies circumstances under which an individual must lose eligibility for the annual incentive bonus.</p> <p>States that the first priority for the award of funds under the Teacher Opportunity Program is the award of scholarships under the Dual Certification Incentive Program, and that any funds remaining after all awards are made under the Dual Certification Incentive Program may be made for specified other needs. Requires the department of higher education to determine priorities, based on the needs of the state, for awarding grants in the event there are more applicants than funds available.</p> <p>http://www.arkleg.state.ar.us/ft</p> <p>Title: H.B. 1982 Teacher Resource Programs Source: <i>www.arkleg.state.ar.us</i></p>
CO	Vetoed 06-05	As part of dealing with supplemental online education courses, requires teachers of courses to meet federal requirements for highly qualified teachers.

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		<p>http://www.leg.state.co.us/Clics2005a/csl.nsf/fsbillcont3/4723DE9EE54766D487256F810074794F?Open&file=139_enr.pdf</p> <p>Title: S.B. 139 Supplemental Online Education Courses Source: <i>www.leg.state.co.us</i></p>
KY	Signed into law 03-05	<p>Requires colleges and universities to:</p> <p>(a) Utilize institution-wide resources to work with elementary and secondary educators and other entities to align curriculum content to ensure that students who achieve proficiency on standards established at the prekindergarten through secondary levels will require no remediation to successfully enter a postsecondary education program;</p> <p>(b) Provide quality undergraduate teacher preparation programs to ensure that those preparing to teach reading or mathematics at all grade levels have the necessary content knowledge, assessment and diagnostic skills, and teaching methodologies;</p> <p>(c) Deliver appropriate continuing education for teachers in reading and mathematics through institutes, graduate level courses, and other professional development activities that support a statewide agenda for improving student achievement in reading and mathematics;</p> <p>(d) Conduct or assist with research on best practices in assessment, intervention strategies, teaching methodologies, costs and effectiveness of instructional models, and other factors as appropriate to reading and mathematics;</p> <p>(e) Provide staff to consult and provide technical assistance to teachers, staff, and administrators at elementary, middle, and secondary school sites;</p> <p>(f) Assume active roles in the statewide initiatives referenced in Sections 2 and 5 of this Act; and</p> <p>(g) Develop written procedures for measuring the effectiveness of activities outlined in paragraphs (a) to (e) of this subsection.</p> <p>http://lrc.ky.gov/RECORD/05RS/HB93.htm Fiscal note: http://lrc.ky.gov/RECORD/05RS/HB93/FN.doc</p> <p>Title: H.B. 93 (Section 1, paragraph 7) Role of Colleges and Universities in Achieving State Educational Goals Source: <i>lrc.ky.gov</i></p>
MS	Rule Adoption 05-05	<p>Adds new formula for determining 'highly qualified' status for veteran teachers. Amends Highly Qualified Teacher Criteria to include an addendum to establish a High Objective Uniform State Standard of Evaluation (HOUSSE). The adoption of the HOUSSE plan would provide another option for Mississippi veteran teachers to meet the "highly qualified" teacher requirements through a high objective evaluation option. Candidates for HOUSSE could obtain the needed endorsement by earning points by submitting to their school districts documentation of: coursework in the needed endorsement subject area, coursework in related areas, years of teaching experience, professional development, professional activities and recognitions. MISSISSIPPI REG 9844 (SN)</p> <p>Title: Uncodified Highly Qualified Status for Veteran Teachers Source: <i>StateNet</i></p>
NV	Temporary Rule Adoption	<p>Establishes rules which govern the development and issuance of middle school licenses pursuant to the Federal No Child Left Behind Act. NEVADA REG 3672 (SN)</p>

STATE	STATUS	SUMMARY
	02-05	<p>http://www.leg.state.nv.us/nac/NAC-391.html#NAC391Sec339</p> <p>Title: NAC 391, 391.339 Development and Issuance Of Middle School Licenses Source: <i>StateNet</i></p>
OK	Signed into law 05-05	<p>An Act relating to schools; amending 70 O.S. 2001, Section 6-101. Allows a board of education to enter into written contracts for the ensuing fiscal year prior to the beginning of the year with persons who are not certified or licensed to teach as long as the person is actively in the process of securing certification or licensure. The person is prohibited from teaching in the classroom until that person has met or completed all of the requirements for licensure, and if not certified by the first day of the ensuing year, the contract must be terminated.</p> <p>http://www.sos.state.ok.us/documents/Legislation/50th/2005/1R/HB/1837.pdf</p> <p>Title: H.B. 1837 Ability to Sign Contracts Source: http://www.sos.state.ok.us</p>
OR	Temporary Rule Adoption 05-05	<p>Amends rules concerning authorizations and endorsements. Adds middle-level endorsements in Language Arts, Social Science and Science to Initial and Continuing Teaching Licenses. Clarifies scope of middle-level endorsement on a high school authorization. Adds middle school endorsement to Basic or Standards Teaching License, removes obsolete language, renumbers sections. Clarifies addition of middle-level endorsement requirements in licensure sections of the administrative rules. OREGON REG 26542 (SN)</p> <p>Title: OAR 584-017-0130, -0140, -036-0015, -060-0051 Authorizations and Endorsements Source: <i>StateNet</i></p>
SC	Signed into law 06-05	<p>Joint resolution to approve regulations of the state board of education; The state board promulgated amendments to R 43-243.4, Utilization of Generic Teacher Certification, that will allow persons holding a generic teaching certificate issued by the state department to provide instruction to students with mild disabilities diagnosed as learning disabled, emotionally disabled, or educable mentally disabled through either a resource or an itinerant services delivery model. Persons holding a generic teaching certificate are also authorized to provide instruction in a self-contained setting for students diagnosed as learning disabled or educable mentally disabled.</p> <p>http://www.scstatehouse.net/sess116_2005-2006/prever/3892_20050519.htm</p> <p>Title: H.J.R. 3892 Generic Teacher Certification Source: http://www.scstatehouse.net</p>
SD	Rule Adoption 05-05	<p>Establishes rules regarding the department issuing one-year certificates to teachers who have let their certificates lapse. Grants an additional one-year extension on a one-year certificate to a teacher who has extenuating circumstances and references the alternative certification program. States that a teacher who lets his or her certificate lapse may be issued a one-year certificate by the department, during which time the teacher may complete the required six hours of transcribed coursework. States the type of certificate that is to be issued to a teacher who completes an alternative route to certification.</p> <p>Title: SDCR 24:03:01 thru 24:03:09 (Deleted); 24:43:01 thru 24:43:11, 24:15:02:03, 24:15:03:03.01, 09, 24:15:04:03 One-Year Certificates/Certificate Extensions</p>

STATE	STATUS	SUMMARY
		Source: <i>StateNet</i>
VA	Signed into law 03-05	Requires the Board of Education, in its regulations governing teacher licensure, to establish criteria and a procedure to allow teachers seeking initial certification to substitute experiential learning in lieu of the coursework required under current teacher licensure standards. http://leg1.state.va.us/cgi-bin/legp504.exe?051+ful+HB2790ER Title: H.B. 2790 Teacher Licensure Qualifications Source: http://leg1.state.va.us
VA	Signed into law 03-05	Revises the Standards of Quality to require local school boards to (i) provide for data collection and analysis and to use such results in instructional program evaluation; (ii) implement any actions identified through the academic review of schools accredited with a warning; (iii) analyze and report annually the results of industry certification examinations; (iv) annually review their professional development programs; and (v) report compliance with the Standards of Quality annually to the Board of Education. In addition, the bill (i) increases from 10 to 17 the full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency; (ii) provides that teacher, administrator, and superintendent evaluations shall be consistent with the performance objectives included in the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents developed by the Board of Education; (iii) replaces Board- and locally-adopted six-year statewide or divisionwide plans, as the case may be, (including those for educational technology) with "comprehensive" statewide or divisionwide plans; and (iv) replaces individual school six-year plans with "comprehensive" plans. Requires each local school board to annually review its professional development program for quality, effectiveness, participation by instructional personnel, and relevancy to the instructional needs of teachers and the academic achievement needs of the students in the school division. http://leg1.state.va.us/cgi-bin/legp504.exe?051+ful+CHAP0331 Title: S.B. 779, H.B. 1762 Data Collection and Analysis Source: http://leg1.state.va.us/
WV	Signed into law 05-09	Amends §18A-3-1a .Provides for alternative program certificate, eligibility, issuance, scope and renewal limitation; changes activities, components and phases of training for alternative programs; provides for program coordination, training and approval; authorizes separate programs to prepare highly qualified special education teachers; requires position to be posted in certain instances; and establishes hiring preference. Instruction. Must provide a minimum of eighteen semester hours of instruction in the areas of student assessment; development and learning; curriculum; classroom management; the use of educational computers and other technology; and special education and diversity. All programs must contain a minimum of three semester hours of instruction in special education and diversity out of the minimum eighteen required semester hours. Three phases: Phase I requires intensive on-the-job supervision for 2-4 weeks; Phase II is intensive on-the-job supervision for 10 weeks. During Phase II, the alternative program teacher must be visited and critiqued no less than one time per week by members of a professional support team, and be observed and formally evaluated at the end of five weeks and at the end of ten weeks by the appropriately certified members of the team. At the end of the ten-week period, the alternative program teacher is to receive a formal written progress

STATE	STATUS	SUMMARY
		<p>report. Phase III consists of an additional period of continued supervision and evaluation of no less than twenty weeks duration, with at least one formal evaluation being conducted at the completion of the phase.</p> <p>http://www.legis.state.wv.us/Bill_Text_HTML/2005_SESSIONS/RS/BILLS/hb2528%20enr.htm</p> <p>Title: H.B. 2528 Alternative Certification Source: http://www.legis.state.wv.us</p>
WV	Signed into law 04-05	<p>Adds possession of a bachelor's degree and a provision "holds a certificate of eligibility issued by another state and meets all of the requirements of the state for full certification except employment" to requirements for certification.</p> <p>http://www.legis.state.wv.us/Bill_Text_HTML/2005_SESSIONS/RS/BILLS/hb2350%20enr.htm</p> <p>Title: H.B. 2350 Teaching Certificates Source: http://www.legis.state.wv.us</p>



Parental Involvement in Education

Updated By Kyle Zinth

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As evidence of the importance of parental involvement in student achievement mounts, states have enacted legislation designed to increase parental involvement in the education process. Nearly all states have some form of parental involvement laws.

States have addressed this issue in a variety of ways, including enacting parental rights legislation and encouraging parents to take a more active role in their children's education both at school and at home. Additionally:

- 17 states direct all districts, boards of education or schools to implement parental involvement policies: Arizona, Arkansas, California, Florida, Georgia, Indiana, Louisiana, Michigan, Minnesota, Nebraska, Nevada, Ohio, South Carolina, Tennessee, Texas, Utah, Virginia
- 17 states have grant or award programs to encourage or recognize schools or districts operating programs involving parents in their child's education: Arkansas, California, Connecticut, Delaware, Florida, Indiana, Iowa, Louisiana, Michigan, Missouri, New York, Ohio, Rhode Island, South Dakota, Vermont, Virginia, West Virginia (Mississippi operates an award program that recognizes parents who become involved in school improvement efforts.)
- 15 states encourage, urge, expect or direct employers to enable parents to attend school activities such as parent/teacher conferences: Alabama, California, Colorado, Hawaii, Illinois, Louisiana, Minnesota, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, West Virginia

In addition to these policies, numerous states require parental involvement for early literacy programs and for identified student subgroups such as at-risk students, students in need of remediation and English language learners.

While some listed policies reflect compliance with parental involvement provisions of the Elementary and Secondary Education Act, those provisions tend to merely supplement core commitments that states have demonstrated to involve parents in their students' education. Requiring site-based management teams is another way to promote parental involvement, but those policies have not been included here.

State	Enacted	Summary
Alabama	1995 (amended 2000)	Each school and school board must develop assistance programs for students performing below state standards, with a priority placed on students performing one or more grades below state norms. Funds of at least \$100 per student may be expended for a variety of purposes, including programs encouraging the parental involvement of parents of at-risk students (ALA. CODE § 16-6B-3).
	1994	Encourages the business community and governmental agencies to give administrative leave to parents for the purpose of parent-teacher conferences and involvement in other educational experiences of the child (ALA. ACTS 159).
Alaska	2003	Any school not making adequate yearly progress is required to develop and submit to its district a school improvement plan that includes strategies to promote effective parental involvement in the school (ALASKA ADMIN. CODE TIT. 4 § 06.845).

State	Enacted	Summary
	<p>2003</p> <p>1990 (amended 2004)</p>	<p>Districts required to submit district improvement plans to the state department of education are to develop plans that include strategies to promote effective parental involvement in the school (ALASKA ADMIN. CODE TIT. 4 § 06.850).</p> <p>Districts must annually file with the department of education, and make available to the public, a report that establishes district goals and priorities for improving education in the district. The report must include a plan for achieving district goals and priorities and a means of measuring the achievement of district goals and priorities. Districts must make efforts to encourage students, parents, teachers and other members of the community to participate in the preparation of the report. The report must include a description – including quantitative and qualitative measures – of student, community, business and parental involvement in student learning (ALASKA STAT. § 14.03.120).</p>
Arizona	<p>1983 (amended 1995)</p> <p>1994</p>	<p>Local governing boards must develop a policy to promote the involvement of parents and guardians. Policies must include (1) a plan for parent participation in the school designed to improve parent and teacher cooperation in areas such as homework, attendance and discipline, (2) procedures by which parents may learn about the course of study for their children and review learning materials and (3) procedures by which a parent may withdraw their child from activities the parent objects to.</p> <p>Adopted policies may also include:</p> <ol style="list-style-type: none"> 1. A plan by which parents will be made aware of the district's parental involvement policy and the provisions of this section, including: <ol style="list-style-type: none"> (a) Rights under the family educational rights and privacy act of 1974 relating to access to children's official records. (b) The parent's right to inspect the school district policies and curriculum. 2. Efforts to encourage the development of parenting skills. 3. The communication to parents of techniques designed to assist the child's learning experience in the home. 4. Efforts to encourage access to community and support services for children and families. 5. The promotion of communication between the school and parents concerning school programs and the academic progress of the parents' children. 6. Identifying opportunities for parents to participate in and support classroom instruction at the school. 7. Efforts to, with appropriate training, support parents as shared decision makers and to encourage membership on school councils. 8. The recognition of the diversity of parents and the development of guidelines that promote widespread parental participation and involvement in the school at various levels. 9. The development of preparation programs and specialized courses for certificated employees and administrators that promote parental involvement. 10. The development of strategies and programmatic structures at schools to encourage and enable parents to participate actively in their children's education (ARIZ. REV. STAT. § 15-102). <p>Principals of every school offering instruction in preschool programs, kindergarten programs or any combination of grades one through 12 are responsible for distributing a parental satisfaction survey to the parent of every child enrolled at the school. The parental satisfaction survey must be distributed at least once each year and must be distributed as part of the regular parent communication correspondence (ARIZ. REV. STAT. § 15-353).</p>
Arkansas	2003	<p>All public schools and districts, in collaboration with parents, must establish a parental involvement plan, including programs and practices that enhance parental involvement and reflect the specific needs of students and their families. Plans will involve parents in a variety of roles, be comprehensive and coordinated in nature, recognize that communication between home and school should be regular, two-way and meaningful, promote and support responsible parenting, acknowledge that parents play an integral role in assisting student learning, welcome parents into the school and seek parental</p>

State	Enacted	Summary
	<p>2003</p> <p>1983 (amended 1995, 1999)</p>	<p>support and assistance, recognize that parents are full partners in the decisions that affect children and family and recognize that community resources strengthen school programs, family practices and student learning (ARK. CODE ANN. § 6-15-1702).</p> <p>Requires parental authorization for surveys or questionnaires administered to students requesting any personally identifiable information (ARK. CODE ANN. § 6-18-1303).</p> <p>Local matching funds are required for the parents-as-teachers program. Grantees may subcontract with other agencies for operation of parents-as-teachers programs. No school district nor any parent or guardian will be required to participate in the parents-as-teachers program (ARK. CODE ANN. § 6-10-109).</p>
California	<p>1998 (last amended 2004)</p> <p>1990</p> <p>1992 (last amended 2002)</p> <p>1990</p> <p>1995</p>	<p>Parents and guardians have the right, and should have the opportunity, to participate in the education of their children. Parental rights include the ability, within a reasonable period of time following a request, to observe the classroom in which their child is enrolled or meet with their child's teachers and principal. Parents also are to be notified in a timely manner regarding unexcused absences by their child and standardized test results. Additionally, parents are to have the opportunity to work together in a mutually supportive and respectful partnership with schools. Each school district must develop and adopt jointly with parents, a policy that outlines the manner in which parents, school staff and pupils may share the responsibility for continuing the intellectual, physical, emotional, and social development and well-being of students (CAL. EDUC. CODE § 51101).</p> <p>Declares that parental involvement and support in education is an integral part of improving academic achievement. Directs school districts to establish a parent involvement program for each school that receives funds under the federal <i>Elementary and Secondary Education Act</i> and to adopt a policy on parental involvement for all schools not receiving such funds. Programs must include at least the following: (1) Procedures to ensure that parents are consulted and participate in the planning, design, implementation and evaluation of the program. (2) Regular and periodic programs throughout the school year that provide for training, instruction and information. (3) An annual statement identifying specific objectives of the program. (4) An annual review and assessment of the program's progress in meeting those objectives. Parents must be informed of the assessment and be given a copy upon request (CAL. EDUC. CODE § 11500 — 11506).</p> <p>In order to be approved, charter school petitions must detail the governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement (CAL. EDUC. CODE § 47605).</p> <p>Prohibits employers with at least 25 employees from firing or in any way discriminating against an employee for taking off up to 40 hours each year to participate in school-related activities, subject to a limitation of eight hours in any calendar month. Employees must give reasonable notice to their employers and may be required to provide proof of attendance. Employees must utilize existing vacation, personal leave or compensatory time off, unless otherwise provided for by a collective bargaining agreement. An employee also may utilize time off without pay for this purpose. Employees discharged, threatened with discharge, demoted, suspended or in any other manner discriminated against for taking time off to participate in school activities is entitled to reinstatement and reimbursement for lost wages and work benefits (CAL. LAB. CODE § 230.8).</p> <p>Prohibits schools from administering tests, questionnaires, surveys or examinations which contain questions about the student's or parents' beliefs or practices in sex, family life, morality and religion to students between 1st and 12th grade, unless the parent is notified of the test in writing and gives written permission (CAL. EDUC. CODE § 51513). Prohibition also applies to exams given as part of the statewide assessment program. Parents may request in writing that their child be excused from statewide</p>

State	Enacted	Summary
	1999	<p>assessments (CAL. EDUC. CODE § 60614 — CAL. EDUC. CODE § 60615).</p> <p>Establishes the <i>Nell Soto Parent/Teacher Involvement</i> program, which awards grants to schools in which a majority of teachers and parents agree to strengthen communication between schools and parents as a means of improving student achievement (CAL. EDUC. CODE § 51124).</p>
Colorado	<p>2003 (amended 2004)</p> <p>1996</p> <p>1996</p> <p>1990 (amended 1992, 2002)</p> <p>1988</p>	<p>The Closing the Achievement Gap Commission is created to address effective approaches to closing the achievement gap in elementary and secondary education. The Commission will study a number of issues, including parent involvement and on or before December 1, 2005 issue a final report to the state board and education committees of the Senate and House of Representatives (COLO. REV. STAT. § 22-7-612).</p> <p>Supports parental involvement in the public schools and encourages parents to visit their children's classrooms at least once a semester. Encourages businesses with more than 10 employees to allow each employee at least two hours per school semester to attend parent-teacher conferences, special presentations and school-related committees. Also encourages the recognition of businesses that show their commitments to children and education through their understanding of the importance of parental involvement (COLO. S.J.R. 15).</p> <p>The Colorado Basic Literacy Act mandates that all students read at the 3rd-grade level before being promoted to the 4th grade. Students not reading at grade level receive an Individual Literacy Plan or are enrolled in an intensive literacy program. The parents of a K-3 student found to be reading below grade level must cooperate with the child's teacher and the school administration in the creation of an individual literacy plan. Among the mandatory components of the plan is a promise from the child's parents to put into place "a home reading program to support and coordinate with the school." (COLO. REV. STAT. § 22-7-503 — COLO. REV. STAT. § 22-7-507).</p> <p>School districts are encouraged to include instruction in their local comprehensive health programs that promotes parental involvement, abstinence, fosters positive self-concepts, develops decision-making skills and provides mechanisms for coping with and resisting peer pressure (COLO. REV. STAT. § 22-25-106).</p> <p>Preschool classes are to be supplemented by teaching activities in the home between each student and the student's parent. School districts must provide the parent with the books and other materials necessary to carry out such a teaching plan. No child will be accepted into a preschool program unless one or more parent accepts the responsibilities, and failure to fulfill the responsibilities will result in the child's dismissal (COLO. REV. STAT. § 22-28-110).</p>
Connecticut	<p>1998</p> <p>1998</p> <p>1997</p>	<p>Full-day kindergarten programs participating in the early reading success grant program must provide for parental involvement. Proposals for intensive early intervention reading programs including after-school and summer programs must provide for parental involvement and ensure that parents have access to information on strategies that may be used at home to improve pre-reading or reading skills (CONN. GEN. STAT. § 10-265F).</p> <p>Directs each local and regional board of education to create and implement a three-year plan to raise the level of reading skills of students in grades K-3. Plans must involve parents in helping eliminate their child's reading problems, including a requirement that the district "provide information to parents on strategies that can be used at home to improve the child's language development, prereading or reading skills" (CONN. GEN. STAT. § 10-221H — CONN. GEN. STAT. § 10-221M).</p> <p>The development of school readiness programs seeks to strengthen the family through the encouragement of parental involvement in a child's development and education (CONN. GEN. STAT. § 10-16o).</p>

State	Enacted	Summary
	2001	Requires department to compile and examine reading programs used in Florida schools and determine these programs' effectiveness as well as their per-student cost. The department is also mandated to propose "statewide standards for reading programs" founded on the most recent research, receiving input from a variety of professional sources. Jointly with the state board, the department is then to make recommendations in a number of areas, including increasing parental and family involvement in teaching and encouraging reading (EXECUTIVE ORDER 01-260).
	1999	Initiative creates grant program to support statewide system of "public and private nonprofit education and community organizations" providing literacy volunteers to: "Tutor children in reading or schoolwork. Work with parents in their own tutoring skills, so that they can help their children learn." Parents with low literacy levels are encouraged to seek instruction; parents also are invited to teach literacy skills to their children (EXECUTIVE ORDER 99-212).
Georgia	2001	Creates the <i>Georgia Closing the Achievement Gap Commission</i> , which is tasked with identifying how to close the achievement gap, and is to give emphasis to programs and efforts that have improved educational achievement among at-risk students, reduced school discipline and behavioral problems, reduced at-risk student dropout rates and improved parental involvement in the student's academic achievement and in the school of the student (GA. CODE ANN. § 20-2-286).
	2000	If the juvenile court finds that a parent has willfully and unreasonably failed to attend a conference requested by a principal, the court may order the parent or guardian to attend such a conference, order the parent or guardian to participate in such programs or such treatment as the court deems appropriate to improve the student's behavior, or both. After notice and opportunity for hearing, the court may impose a fine of up to \$500.00, on a parent who willfully disobeys (GA. CODE ANN. § 20-2-766.1).
	2000	<p>The state board will design, and local school boards will implement, programs devised to help students in grades K-5 who are at risk of not reaching or maintaining academic grade level in reading reach grade-level achievement. Schools must offer the opportunity for a meeting with the student and his/her parent or guardian to discuss the student's academic performance and the role of the early intervention program. The parent of any student scoring below grade level on the 3rd-, 5th- or 8th-grade state reading assessment must be given written notification of his/her child's below-grade-level test performance. If the child's performance does not reach grade level in a retest, the parent must be notified that the child will be retained unless they opt to appeal the retention decision. Parents must also be apprised in this letter of the appeal process (GA. CODE ANN. § 20-2-153, -154, + GA. CODE ANN. § 20-2-283).</p> <p>The aim of the Reading First initiative is to teach every child in Georgia to read by the end of 3rd grade. Parents, as well as community members, are encouraged to become volunteer reading tutors who tutor students on a weekly basis. In addition, parents are included on each Reading First school advisory committee, which oversees the program at the individual school sites (EXECUTIVE ORDER).</p>
	1999	Local school boards must adopt policies to improve the student learning environment by improving student behavior and discipline. A parental involvement process is to be included in such policies (GA. CODE ANN. § 20-2-735).
	1999	Local boards of education must provide opportunities for parental involvement in the development and updating of student codes of conduct (GA. CODE ANN. § 20-2-736).
Hawaii	2003	Public employees are eligible for at least two hours of paid leave during normal business hours to attend parent-teacher conferences for K-12 students or parent-caregiver conferences for preschool-aged children. The leave will not be credited against vacation or sick time. The provision of paid leave must not adversely interfere with the operations of the workplace nor require the applicable agency to incur

State	Enacted	Summary
	2001	additional human resources or overtime costs. The employee may take no more than two conferences per child in a single calendar year and travel time is included as part of the two hours (HAW. REV. STAT. § 78-31).
	2001	The board, by means of the state librarian, is mandated to provide for the establishment and ongoing operation of a literacy and lifelong learning program. Program objectives include promoting intergenerational learning and well-being by improving parents' skills and attitudes towards education enhancing parenting skills and uniting adults and children in positive educational experiences (HAW. REV. STAT. § 312-8).
	1996	Hawaii's educational accountability system will define clear roles, lines of responsibility and mutual obligation in order to develop a collaborative process with stakeholders—parents, administrators and students. A comprehensive report card for each school will be developed that will contain several measures – including parental involvement – and will be made available to the public (HAW. REV. STAT. § 302A-1004).
	1996	Hawaii's early education plan will include methods and materials designed to involve and educate parents in the education and development of their young children (HAW. REV. STAT. § 302A-410).
Idaho	1999	All students in grades K-3 must be given an assessment in reading at least twice a year (fall and winter). Any district in which more than 25% of K-3 students score "below grade proficiency" must apply to the department for technical assistance in drafting a reading improvement plan. During the phase-in period of the reading assessments, school districts must inform parents of students who score "below grade level proficiency" during fall or winter testing (IDAHO CODE § 33-1614).
	1998	Charters for charter schools may be granted only if the petition contains information on how the charter school will ensure parental involvement in the school (IDAHO CODE § 33-5205).
	1996	Parental involvement in all aspects of a child's education is a priority, including in substance abuse prevention programs and counseling (IDAHO CODE § 33-210).
	1970	School districts must involve parents and school district community groups in the planning, development, evaluation and revision of any instruction in sex education (IDAHO CODE § 33-1610).
Illinois	2003	Directs the state board to provide information on its Web site regarding strategies that parents can use to assist their children in successfully completing homework assignments. Directs the state board to notify all school districts about this information's availability (ILL. REV. STAT. CH. 105 § 5/2-3.131).
	1990	Each school district, including special charter districts, must submit a school report card assessing the performance of its schools and students. The report card will include information on parental involvement, including the percentage of students whose parents had one or more personal contacts with the student's teachers concerning the student's education. Personal contact includes parent-teacher conferences, parental visits to the school, school visits to home, telephone conversations and written correspondence. Individual students, parents or guardians are not to be identified by name (ILL. REV. STAT. CH. 105 § 5/10-17A).
	1990	A school district may utilize up to two days allowed by law for teachers' institutes to conduct parental institutes. Parental institutes are to be designed by the school district in consultation with the district's teaching staff, administrators and parent's organizations and are to provide information on topics the district deems necessary to achieve enhanced parental involvement in their child's education (ILL. REV. STAT. CH. 105 § 5/10-22.18D).
	1993	An employer must grant up to eight hours leave during any school year for employees

State	Enacted	Summary
		to attend school conferences or classroom activities related to their children if the conference or classroom activities cannot be scheduled during non-work hours. No leave may be taken unless the employee has exhausted all leave that may be granted, except sick and disability leave. The employee must provide the employer with a written request for leave at least seven days in advance. In emergency situations, no more than 24 hours notice is required. The employee must consult with the employer to schedule the leave so as not to disrupt unduly the operations of the employer. The employer is not required to issue paid leave (ILL. REV. STAT. CH 820 § 147/15).
Indiana	1995 1995 1987 1991 1990	<p>Each school must develop a written compact that contains the expectations for the school, the students and the students' parents. Each teacher, student and parent is to sign this compact (IND. CODE ANN. § 20-3.1-5-1).</p> <p>Mandatory school improvement plans must include the development and maintenance of efforts to increase parental involvement in educational activities (IND. CODE ANN. § 20-3.1-9-3).</p> <p>The committee on educational attitudes, motivation and parental involvement's responsibilities include developing methods to encourage increased parental and community involvement in school. The committee awards grants to applicant schools who wish to expand or implement programs designed to improve student attitudes towards education, increase student motivation to pursue higher educational goals or increase community and parental involvement with the local school (Ind. Code Ann. § 20-10.1-19-1).</p> <p>One of the goals of the Step Ahead Comprehensive Early Childhood grant program is to strengthen the family unit through the encouragement of parental involvement in a child's development and education (IND. CODE ANN. § 20-1-1.8-22).</p> <p>The 21st Century Schools program is a grant system designed in part to increase the involvement of parents in their local schools. Pilot programs must include parental involvement strategies in order to receive funding (IND. CODE ANN. § 20-10.1-26-1).</p>
Iowa	1986 (last amended 2004) 1999 1992	<p>The director of the department of education is to develop standards and instructional materials that incorporate substantial parental involvement, and administer and approve grants to school districts which provide innovative in-school programming for at-risk children in kindergarten through 3rd grade, with preference given to programs that include parental involvement (IOWA CODE ANN. § 256.9).</p> <p>Parents must be informed of their K-3 child's reading level at least twice a year, and must be apprised of any reading intervention deemed necessary. Schools must "provide the parents with strategies to enable the parents to improve their child's skills." The department must also suggest districts resources which parents may use to reinforce classroom reading instruction (IOWA CODE ANN. § 256.D)</p> <p>The board of directors of a school district may set up a family support program that provides outreach and incentives for the voluntary participation of both expectant parents and parents of children from birth to age five. The goals of family support programs include family involvement as a key component of school improvement, with an emphasis on communication and active family participation in family support programming, and family participation in the planning and decision-making process for the program and encouragement of long-term parental involvement in their child's education (IOWA CODE ANN. § 256A.4).</p>
Kansas	1996	It is the public policy of Kansas that parents retain the fundamental right to exercise primary control over the care and upbringing of their children in their charge. Parents may bring an action in state court or any other court of jurisdiction for claims arising under this provision (KAN. STAT. ANN. § 38-141).
Kentucky	1990	Local school districts must provide a developmentally appropriate half-day preschool program for each at-risk child who is four years old by October 1st of that year. All proposals must include a plan to facilitate active parental involvement in the preschool

State	Enacted	Summary
		<p>program, including provisions for complementary parent education when appropriate (KY. REV. STAT. ANN. § 157.3175).</p> <p>1990 (amended 1998)</p> <p>As part of the statewide assessment program, a report card is to be developed for each school containing information on the school learning environment, including measures of parental involvement (KY. REV. STAT. ANN. § 158.6453).</p> <p>1990</p> <p>Requires each local board of education to adopt a policy implementing school-based decisionmaking. Each school is to form a school-based decisionmaking council - which must include parents - which is charged with specific legal authority to set school policy. Schools that meet testing goals may stop using school-based decisionmaking, provided teachers and parents vote to make the decision. Kentucky site-based management committees have the power to hire and fire principals, and is being included in this compilation for that reason (KY. REV. STAT. ANN. § 160.345).</p> <p>1983</p> <p>The goal of the Commonwealth Institute for Parent Leadership – sponsored by the Prichard Committee for Academic Excellence – is to “make parents of children in public schools more powerful as they become effective advocates for improved education and higher achievement for all students.” The institute runs a series of meeting sessions – or “institutes” – throughout the year, seeking to provide parents with information and skills to expand their role in their children’s education, motivate parents to assume leadership roles and increase the understanding of Kentucky’s standards-based education system. See Web site, http://www.cipl.org/about_cipl.htm.</p> <p>1990</p> <p>Boards of education must establish a screening committee to advise them regarding the hiring of superintendents. The screening committee must include one parent. In districts of more than 8% minority population, if no member of the committee is a member of a minority group, the committee membership must be increased to include one minority parent elected by the parents of the district. The board is not required to appoint a superintendent based on the committee's recommendations (KY. REV. STAT § 160.352).</p> <p>1998</p> <p>The primary school program must include seven critical attributes, one of which is positive parental involvement (KY. REV. STAT § 158.031)</p>
Louisiana	<p>2003</p> <p>2001</p> <p>1997</p>	<p>Establishes a two-year demonstration project, beginning in the 2003-2004 school year, to experiment in strategies to increase parental involvement in schools. Provided that funds are available through the Temporary Assistance to Needy Families program, the program will be implemented in any local public school system and will include schools that receive federal Title I funds, to be selected from among all eligible schools identified as having either a lower test score result for students on the most recent Louisiana Educational Assessment Program test than its immediately prior result or less than a five point improvement in such scores as determined by the state department of education. A cross section of elementary, middle and high schools are to be selected after considering both the test scores and an assessment of school readiness. Schools that excel in involving parents in meaningful ways may be eligible for awards and public recognition, schools that are determined to be in non-compliance may be assigned technical support to assist the school in its efforts and randomly monitored by the independent parent review board (LA. REV. STAT. ANN § 406.6).</p> <p>Early intervention programs may reduce the incidence of delinquent behaviors in later grades, especially when such programs include parental involvement in the prevention and intervention strategies. Elementary schools are authorized to create prevention and intervention strategies to address disruptions and violence in schools to create safe school environments in which teachers can teach and students can learn and which increase student and family connectedness to the school (LA. REV. STAT. ANN § 17:416.17).</p> <p>Directs the department of education to develop a comprehensive and balanced early</p>

State	Enacted	Summary
	1993	<p>childhood reading initiative for students in kindergarten through 3rd grade. Funds may be used to pay for parent education and resources in reading (LA. REV. STAT. ANN § 17:24.9).</p> <p>An employer may grant an employee leave from work of up to a total of 16 hours during any 12-month period to attend, observe or participate in conferences or classroom activities related to the employee's children that are conducted at the child's school or day care center, if the conferences or classroom activities cannot be scheduled during non-work hours. Employees must provide reasonable notice and make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the employer. An employer is not required to pay an employee for any time taken as leave. An employee is permitted to substitute any accrued vacation time or other appropriate paid leave (LA. REV. STAT. ANN. § 1015.2).</p>
	1991	<p>The state superintendent of education must hold quarterly meetings of representatives of appropriate public and private, state and local agencies to discuss ways of coordinating policies to promote expanded parental and family involvement in learning and in the life of the schools. Requires state department of education, local school boards and schools to name parent advocates who will develop strategies to increase parental involvement, resolve complaints from parents and improve communications between schools and parents. Establishes an information clearinghouse of parental involvement within the state department of education. Authorizes demonstration grants to school boards and other public and private agencies to develop innovative family-school educational partnership activities (LA. REV. STAT. ANN. § 17:406 – 17:406.6).</p>
	1992	<p>It is the intent of the Louisiana legislature that every at-risk preschool child in Louisiana should have access to educationally appropriate early childhood programs that include parental involvement, center-based programs and before and after care (LA. REV. STAT. ANN. § 17:407).</p>
Maine	1981	<p>Two or more school administrative units may enter into cooperative agreements to provide regional special education programs and support services. Plans must detail the method of ensuring parent and community participation (ME. REV. STAT. ANN. TIT. 20A, § 7253).</p>
Maryland	1997	<p>Establishes a parent and community advisory board in the city of Baltimore. The board consists of 14 members, a majority to be parents of students enrolled in the Baltimore city public schools. Both the board of education and chief executive officer are to consult regularly with the advisory board and ensure parental involvement in the development and implementation of education policies and procedures (MD. CODE ANN. EDUC. § 4-308).</p>
	2002	<p>Establishes a parent and community advisory board in Prince George's county public schools. The board consists of 13 members, a majority to be parents of students enrolled in Prince George's public schools. Both the board of education and chief executive officer are to consult regularly with the advisory board and ensure parental involvement in the development and implementation of education policies and procedures (MD. CODE ANN. EDUC. § 4-406).</p> <p>Maryland's Parent Advisory Council (M-PAC) is a statewide group of parents and advocates appointed by the state superintendent of schools. The council advises the superintendent and the state board of education on parent involvement issues ranging from policy to implementation. See Web site, http://www.marylandpublicschools.org/MSDE/programs/familylit/mpac/</p> <p>The Maryland Parent Leadership Institute is a statewide initiative of The Family Works, a federally funded program of the Family Services Agency, Inc. created in 2002. It provides training to groups of parents about how they can become more involved in their schools and make them the best schools possible for their children. See Web site, http://www.thefamilyworks.org/Parenting/pli53.html</p>

State	Enacted	Summary
Massachusetts	1982	Requires that courses not included in the regular curriculum be taught if (1) at least 150 pupils in the school, (2) the parents of at least 30 pupils or 5% of students enrolled in the high school – whichever is less – make a written request before August 1, (3) a qualified teacher is available and (4) the course is approved by 2/3 of the school committee (MASS. GEN. LAWS ANN. CH. 71, § 13).
	1996	Requires school districts to formally adopt policies giving parents the flexibility to exempt kids from any portion of the sex education curriculum upon written notification to the principal. District policies must be distributed annually and sex education instructional materials must be made accessible to parents and others for review “to the extent practicable” (MASS. GEN. LAWS ANN. CH. 71, § 32A).
Michigan	2004	Each district school board, intermediate school district or the board of directors of a public school academy must adopt and implement a parent involvement plan designed to encourage parental participation. A copy of the plan is to be provided to the parent or legal guardian of each student. The department of education will review parental involvement practices in Michigan and in other states and will post information about successful parental involvement policies and practices on the department’s Web site (MICH. COMP. LAWS ANN. § 380.1294)
	2001	School districts are encouraged to develop and implement voluntary parental involvement contracts designed to encourage and facilitate a parent’s involvement in their child’s education. The parental involvement contract is to establish a learning partnership between parent, teacher and student. Parents are to review homework assignments when needed, ensure that the student gets to school each day on time and ready to learn, demonstrate interest in the student’s well-being by attending school functions and supporting the student’s school activities and make every effort to attend parent-teacher conferences (MICH. COMP. LAWS ANN. § 380.1295).
	1995	“It is the natural, fundamental right of parents and legal guardians to determine and direct the care, teaching, and education of their children. The public schools of this state serve the needs of the pupils by cooperating with the pupil’s parents and legal guardians to develop the pupil’s intellectual capabilities and vocational skills in a safe and positive environment” (MICH. COMP. LAWS ANN. § 380.10).
	1995	In recognition of the right stated above, parents may review the curriculum, textbooks and teaching materials and “be present, to a reasonable degree, and at reasonable times and subject to reasonable restrictions, controls, and limits, to observe instructional activity in a class or course in which the pupil is enrolled and present.” Policies or guidelines adopted under this provision are not to create “an unreasonable obstacle to teaching or learning, or to administering proper discipline in a school or school program” (MICH. COMP. LAWS ANN. § 380.1137).
	2003 (amended 2004)	Provides grants to intermediate school districts to run programs for parents with preschool children. Qualifying programs must (1) provide parents with information on child development, (2) provide parents with methods to enhance parent-child interaction, (3) provide parents with examples of learning opportunities to promote intellectual, physical and social growth of preschoolers and (4) promote access to needed community services through a community-school-home partnership (MICH. COMP. LAWS ANN. § 388.1632J).
	1998	The Reading Plan for Michigan (RPM) consists of several components, one for children from birth through age 4, and four others (assessment, summer school, a progress portfolio and regional teacher training sites) for children from preschool to 3rd grade. The Michigan Summer School Program requires the meaningful involvement of parents in their child’s program. Teachers administering the Michigan Literacy Progress Profile are to use profile results to inform parents of strategies they may use to improve their child’s literacy skills. This contact may be at parent-teacher conferences, home visits or through phone communications. The R.E.A.D.Y. (Read, Educate and Develop Youth)

State	Enacted	Summary
Minnesota	<p>1994 (renumbered 1998)</p> <p>1998 (amended 2001)</p> <p>1999</p> <p>2001</p> <p>1990 (last amended 2003)</p>	<p>component of the Reading Plan for Michigan consists of a kit with age-specific early literacy activities for parents to do with their children ages birth to 4 (EXECUTIVE ORDER).</p> <p>The department of education, in consultation with the state curriculum advisory committee, will develop guidelines and model plans for parental involvement programs that will (1) engage the interests and talents of parents in recognizing and meeting the emotional, intellectual and physical needs of their school-age children, (2) promote healthy self-concepts among parents or guardians and other family members, (3) offer parents or guardians a chance to learn about educational skills, techniques and ideas, (4) provide creative learning experiences for parents and their school age children, including involvement from parents or guardians of color, (5) encourage parents to actively participate in their district's curriculum advisory committee and (6) encourage parents to help in promoting school desegregation and integration (MINN. STAT. ANN. § 124D.895).</p> <p>A school not making adequate yearly progress for two consecutive school years must work with its district to adopt a plan to raise student achievement levels. These plans must include a parental involvement component (MINN. STAT. ANN. § 120B.35).</p> <p>Districts operating a community education program may offer early childhood family education program designed for children from birth to age five, the parents of such children and expectant parents. Programs must involve substantial parental involvement (MINN. STAT. ANN. § 124D.13).</p> <p>Each school district must identify, before the end of 1st grade, students who are at risk of not learning to read before the end of 2nd grade. Children identified as at-risk must be provided a reading intervention method or program to assist the student in reaching the goal of learning to read no later than the end of 2nd grade. District interventions must encourage parental involvement (MINN. STAT. ANN. § 120B.12).</p> <p>An employer must grant an employee leave of up to a total of 16 hours during any 12-month period to attend school conferences or school-related activities related to the employee's child, provided they cannot be scheduled during non-work hours. When the need for the leave is foreseeable, the employee must provide reasonable prior notice and make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the employer. An employer is not required to grant paid leave, although an employee may substitute any accrued appropriate paid leave (MINN. STAT. ANN. § 181.9412).</p>
Mississippi	<p>1992</p> <p>1992</p>	<p>Authorizes the state board of education to provide for the establishment of an <i>Alliance for Families</i> program designed to strengthen communications between schools, students and parents. The program's goal is to increase student success by generating focused, effective parent involvement. Plans are to be developed at the district level and the objectives include engaging parents in supporting the schools, training administrators to involve parents at home and at school and developing community support (MISS. CODE ANN. § 37-3-61).</p> <p>Requires the state board of education to establish an awards program to reward parents for becoming involved in school improvement efforts. A parent from each district will be designated as parent of the year and one parent will be designated as parent of the year statewide (MISS. CODE ANN. § 37-3-73).</p>
Missouri	<p>1993 (amended 2002)</p> <p>1999</p>	<p>Directs school districts receiving state aid to allocate funds to statewide areas of critical need for learning and development, including programs to increase parental involvement in the education of their children (MO. REV. STAT. § 160.530).</p> <p>The department of elementary and secondary education will provide for a four-year competitive matching grant program at the district and building level to defray the cost of reading assessment, teacher and administrator training in the use of reading assessment and in early grade reading intervention strategies. Grants may also be used to expand existing reading instruction improvement programs or for explicit</p>

State	Enacted	Summary
		practicable involvement of parents of children of limited English-speaking ability in the development and review of program objectives and dissemination of information to and from the local school districts and communities served by the bilingual education program within existing state law (N.J. REV. STAT. § 18A:35-22).
New Mexico	1992 2003	The children, youth and families department will fund preschool programs for children from birth to age five in selected school districts. Each preschool program must have a strong parental involvement component (N.M. STAT. ANN. § 22-8-19.1). The goals of the <i>Indian Education Act</i> include (1) ensuring that parents, tribal departments of education, community-based organizations, the department of education, universities and tribal, state and local policymakers work together to find ways to improve educational opportunities for American Indian students and (2) encouraging and fostering parental involvement in the education of Indian students. The Indian education division, in collaboration with the education division of the bureau of Indian affairs and other entities that serve American Indian students, must submit an annual statewide American Indian education status report to all tribes. Information concerning parental and community involvement must be included in the report (N.M. STAT. ANN. § 22-23-A-2 – N.M. STAT. ANN. § 22-23A-7).
New York	2000 1997 (last amended 2004)	The commissioner is authorized and directed to award grants on a competitive basis to school districts to be used for school safety and violence prevention programs or extended day activities. All programs must include provisions for the involvement of teachers, parents and school administrators in the development and implementation of the program (N.Y. EDUC. LAW § 2814). In order to receive approval from the commissioner to implement a pre-kindergarten program in a district, applications and proposals must demonstrate that the program contains a number of components, including strong parental partnerships and involvement in the implementation of and participation in the plan (N.Y. EDUC. LAW § 3602-E).
North Carolina	1993	Allows four hours unpaid leave per year to any employee who is a parent or guardian of a school-aged child so that the employee may attend or otherwise be involved at that child's school. The leave must be at a mutually agreed upon time between the employer and the employee and the employer may require an employee to provide a written request for the leave at least 48 hours before the time desired for the leave. The employer may also require that the employee furnish written verification from the child's school that the employee attended or was otherwise involved at that school during the time of the leave (N.C. GEN. STAT. § 95-28.3).
North Dakota		The Department of Public Instruction provides guidance for meeting the parental involvement requirement established by federal Title I laws: http://www.dpi.state.nd.us/title1/targeted/require/parent/index.shtm
Ohio	1997 1992	The department of education may annually issue awards of up to \$15,000 to 50 public schools determined to have implemented in the immediately preceding fiscal year innovative and exemplary parental involvement programs that have enhanced parental involvement. The department of education must collect and retain information on the programs that have previously received awards. In each fiscal year the department will distribute to every school district a description of each of the innovative and exemplary parental involvement programs that received awards in the preceding fiscal year (OHIO REV. CODE ANN. § 3301.134). Each board of education must adopt a policy on parental involvement for the schools of its district. The policy is to be designed to build consistent and effective communication between the parents and guardians of students enrolled in the district and the teachers and administrators assigned to the schools their children. The policy must provide the opportunity for parents and guardians to be actively involved in their children's education and to be informed of (1) the importance of the involvement of parents and guardians in directly affecting the success of their children's educational efforts, (2) how

State	Enacted	Summary
		and when to assist their children in and support their children's classroom learning activities and (3) techniques, strategies and skills to use at home to improve their children's academic success and to support their children's academic efforts at school and development as future responsible adult members of society (OHIO REV. CODE ANN. § 3313.472).
Oklahoma	1997 1995 1989	<p>The goal of the Reading Sufficiency Act is to have 90% of 3rd graders reading at or above grade level. For students below this level, the law requires development of a new reading program. Parents of students found not to be reading at grade level are to be involved in the development of a reading plan (OKLA. STAT. TIT. 70 § 1210.508A — OKLA. STAT. TIT. 70 § 1210.508D).</p> <p>Allows parents to inspect curriculum and materials used in sex education classes and requires superintendents to notify parents of their right of inspection. Also requires superintendents to approve sex education curriculum and materials. Permits optional participation in sex education classes or programs if a parent makes a written request (OKLA. STAT. TIT. 70 § 11-105.1).</p> <p>Directs the state board to establish a program encouraging private employers to give employees leave to attend parent-teacher conferences at least once each semester. Also directs the state board to require school boards to develop initiatives promoting schools as congenial places for parents to visit. Establishes state board policy to encourage public schools to explore outreach opportunities (OKLA. STAT. TIT. 70 § 10-105.2).</p>
Oregon	2001 1995 1995	<p>Directs the state board to adopt rules for the establishment of the Oregon pre-kindergarten program. Rules must require the Oregon pre-kindergarten program to provide for parental involvement and performance standards at a level no less than that provided under the federal Head Start program guidelines (OR. REV. STAT. § 329.195).</p> <p>One of the goals of the <i>Oregon 21st Century Schools Program</i> is to encourage educators, school districts and local citizens to establish measurable goals for educational attainment and increased expectations for student performance, including but not limited to improvement in such performance measures as the extent and nature of parental involvement in school activities (OR. REV. STAT. § 329.555).</p> <p>The state legislature recommends that (1) school districts provide opportunities for parents or guardians to be involved in establishing and implementing educational goals and to participate in decision-making at the school site, (2) employers recognize the need for parents or guardians and members of the community to participate in the education process not only for their own children but for the educational system, (3) employers be encouraged to extend appropriate leave to parents or guardians to allow greater participation in that process during school hours, (4) school districts enter into partnerships with business, labor and other groups to provide workplace-based professional development opportunities for their educational staff and (5) school districts enter into partnerships with recreation groups, faith-based organizations, social service and health care agencies, businesses, child care providers and other groups that support children and families to create community learning centers for students, parents and members of the surrounding community (OR. REV. STAT. § 329.125).</p>
Pennsylvania	1997 1997	<p>Strategies for meaningful parent and community involvement must be developed and implemented by each charter school (PA. CONS. STAT. ANN. § 17-1715-A).</p> <p>Services and programs may be provided to students in grades kindergarten through 12, dropout prevention programs must include the involvement of parents and guardians of the students and individuals enrolled (PA. CONS. STAT. ANN. § 25-2597.4).</p>
Rhode Island	1987	One hundred thousand dollars made available through the elementary and secondary education excellence fund is to be used to establish training programs for parents, with special emphasis on parents of preschool children, and to make competitive grant awards to local school districts for exemplary parental involvement programs (R.I. GEN. LAWS § 16-5-32).

State	Enacted	Summary
	1995	The commissioner of education may recommend the granting of a charter for a public school upon receiving a completed application. The application must contain specific information, including a plan for the governance, administration and operation of the charter public school, including the manner in which the governing board of the school will be chosen, the nature and extent of parental, professional educator and community involvement in the governance and operation of the school (R.I. GEN. LAWS § 16-77-4).
South Carolina	2000	The <i>Parental Involvement in Their Children's Education Act</i> mandates that the state board of education (1) require school and district long-range improvement plans to include parental involvement goals, objectives and an evaluation component, (2) recognize districts and schools where parental involvement significantly increases beyond stated goals and objectives and (3) establish criteria for staff training on school initiatives and activities shown by research to increase parental involvement in their children's education. The act further spells out the responsibilities and expectations of the state superintendent, local school boards, school district superintendents and parents. Parent expectations include communicating with school and teachers, attending, when possible, school events and monitoring and checking homework (S.C. CODE ANN. § 59-28-100 — S.C. CODE ANN. § 59-28-210).
	2000	The education oversight committee, in cooperation with representatives of the department of commerce, the department of revenue, and the South Carolina chamber of commerce, will develop recommendations for employer tax credits as incentives to: (1) provide parent-employee release time for parent-teacher conferences or attendance at their children's academic-related events without loss of pay and (2) develop workplace policies which enable parents to improve their literacy, assist their children with academics, and become more involved in their child's education as a result of employers working with local school officials (S.C. CODE ANN. § 59-28-220).
	1993	Directs the state department of education to develop a parental involvement program for use in schools serving students between the 4th and 8th grades. The program aims to improve parents' participation in their children's progress at school, ensure smooth transitions between the various levels of schooling and phases of education, increase communication between the school, parent and child, provide greater accountability between the parent, school and child and lessen the possibility on all levels that parents are not only provided opportunity to react to problems involving their child after such problems occur. The program should include regular visitation by parents to their child's school, involve parents, teachers and administrators in school training sessions on such issues as communication between the school, parent and child, student discipline, importance of homework, the taking and understanding of standardized testing and test scores and general literacy (S.C. CODE ANN. § 59-1-454).
South Dakota	1990	Grants may be awarded to local projects benefiting at-risk youth, including parental involvement projects. The department of education must publish a notice of availability outlining application procedures, deadlines and award procedures (S.D. CODIFIED LAWS § 13-14-12).
Tennessee	2004	Local education agencies, in consultation with parents, teachers and administrators must develop and adopt policies to promote the involvement of parents in the schools within the district. Plans must be submitted to the commissioner of education as part of the district's school improvement plans and be consistent with the Tennessee parent/family involvement policy of the state board of education (TENN. CODE ANN. § 49-2-305).
	2000	Urges employers to excuse employees from work to attend parent-teacher conferences when given 24-hour notice (TENN. H.J.R. 56).
	1990	The Tennessee model dropout prevention program recognizes annually up to 10 publicly or privately supported, locally based, interdisciplinary initiatives as model dropout prevention programs. Programs may be designed to combat one of the many

State	Enacted	Summary
	<p>1989</p> <p>1989 (amended 1999)</p> <p>1973</p>	<p>problems leading students to drop out of school, including the lack of parental involvement in academic matters (TENN. CODE ANN. § 49-1-520).</p> <p>Local boards of education must institute programs allowing at least two meetings per school year between parents or guardians of students and appropriate school faculty members in order to discuss pertinent problems or matters concerning the education of each student (TENN. CODE ANN. § 49-6-7002).</p> <p>A student may be excused from family life instruction upon a parent's written request after examining the instructional materials or conferring with the instructor, school counselor or principal. Students cannot be penalized for grading purposes if they engage in alternative health or social studies lessons specifically assigned by the local board of education and if the student completes the lessons in a "timely and satisfactory manner" (TENN. CODE ANN. § 49-1-520).</p> <p>Local boards of education may develop programs enabling the participation of parents at schools. Voluntary duties may include serving as an educational assistant, library assistant, hall monitor, recreation supervisor or other activities that allow parents to observe school operations. Parental participation must be varied. Local boards may periodically schedule alternate meetings to regular PTA meetings in order to permit working parents to attend (TENN. CODE ANN. § 49-6-7001).</p>
Texas	<p>1997 (renumbered 1999, amended 2003)</p> <p>1996</p> <p>1995 (amended 1999)</p> <p>1995</p>	<p>Employees may use up to eight hours of sick leave each fiscal year to attend parent-teacher conferences for their children in grades K-12. An employee must give reasonable advance notice to their employer (TEX. EDUC. CODE ANN. § 661.206).</p> <p>The goal of the Texas Reading Initiative (TRI) is to enable all students to read at grade level or higher by the end of the 3rd grade and continue to read at grade level or higher throughout their schooling. TRI stresses parental involvement and distributes a parent's guide on reading, which includes activities parents can use at home to help their children learn to read. TRI established a hotline for parents to call for more reading information (EXECUTIVE ORDER).</p> <p>Each school year, the principal of each school campus, with the assistance of the campus-level committee, must develop, review and revise the campus improvement plan for the purpose of improving student performance. All campus-improvement plans must provide for a program to encourage parental involvement (TEX. EDUC. CODE ANN. § 11.253).</p> <p>Parents are partners with educators, administrators and school district boards of trustees in their children's education. Parents are encouraged to actively participate in creating and implementing educational programs for their children. Parents have specific rights regarding their child's education, including reasonable access to a designated administrator with the authority to reassign a student in order to request a change in the class or teacher to which a child has been assigned, as long as the change would not affect another student. Parents may request the addition of a class if it is consistent with required curriculum and economically feasible, that their child be permitted to attend a class for credit above the child's grade level and that the child be permitted to graduate from high school early if the child completes the required courses. Parents are further entitled to access to student records, state assessments, teaching materials, district board of trustees meetings, full information concerning their child, information concerning special education and education of students with learning difficulties and public information. Restrictions are placed on videotaping or audio recording a child, parental consent is required for certain activities and parents may provide a written statement removing their child temporarily from a class or school activity that conflicts with their religious or moral beliefs. (Parents may not remove their child to avoid a test or prevent the child from taking the class for the entire semester.)</p>

State	Enacted	Summary
		School districts must adopt procedures allowing for grievances to be filed regarding violation of any parental rights (TEX. EDUC. CODE ANN. § 26.001 — TEX. EDUC. CODE ANN. § 26.010).
Utah	1990 (last amended 2001) 1996 (amended 2000) 1994	Sets as a long-term goal to have every student in the state's public education system reading at or above grade level by the end of the 3rd grade and a short-term goal to have 90% or more of all 3rd graders reading at or above grade level by the end of the 3rd grade. If a student requires remediation, the program must include an opportunity for parents to receive materials and guidance so that they will be able to assist in the remediation process and support their students' progress toward literacy (UTAH CODE ANN. § 53A-1-606 AND § 53A-3-402.11). Recognizing the importance of parental participation in the educational process, it is state policy to encourage parents to provide a home environment that values education and send their children to school prepared to learn, rely upon school districts and schools to provide opportunities for parents of students to be involved in establishing and implementing educational goals and expect employers to recognize the need for parents and members of the community to participate in the public education system in order to help students achieve and maintain excellence. Local school boards must adopt policies on parental involvement. Policies must provide parents with the opportunity to be actively involved in their child's education and inform them of the importance of their involvement in directly affecting the educational success of their child (UTAH CODE ANN. § 53A-1A-105). Prohibits the administering of any psychological or psychiatric examination, test or treatment, or any survey, analysis or evaluation in which the purpose is to cause the student to reveal information such as the students' or family members' religious or political affiliations or beliefs, psychological problems or illegal or sexual activities without the parent's prior written consent (UTAH CODE ANN. § 53A-13-302).
Vermont	1987	The state commissioner of education may grant funds for voluntary early education programs. Programs are to include active parental involvement in both design and in decisionmaking about services (VT. STAT. ANN. TIT. 16, § 4014).
Virginia	1995 (last amended 2004) 2001 (amended 2002) 1993 1999	Declares that each parent of a student enrolled in a public school has a duty to assist the school in enforcing the standards of student conduct and compulsory school attendance. School boards must provide opportunities for parental and community involvement in every school (VA. CODE ANN. § 22.1-279.3). Requires local school boards to develop and implement policies to prohibit the administration of questionnaires or surveys to public school students during the regular school day or at school-sponsored events without written, informed parental consent for the student's participation when participation in such questionnaire or survey may subsequently result in the sale for commercial purposes of personal information regarding the individual student (VA. CODE ANN. § 22.1-79.3). Establishes a program of alternative education options for elementary, middle and high school students who have been identified as requiring an alternative education program. Programs must promote parental involvement in the educational process of participating children (VA. CODE ANN. § 22.1-209.1:2). The board of education establishes a grants program for pilot discretionary programs for elementary and middle school students who are disruptive and who do not qualify for alternative education programs. The board will establish criteria for these programs requiring innovative approaches to resolving common disciplinary problems, such as family involvement and participation. All such innovative approaches will require, as a condition of enrollment, written agreements for parental involvement and participation in the programs (VA. CODE ANN. § 22.1-209.1:6).

State	Enacted	Summary
	1995	Establishes a grant program to be disbursed by the department of education to schools and community-based organizations to provide quality preschool programs for at-risk four-year-olds who are unserved by head start programs and for at-risk five-year-olds who are not eligible to attend kindergarten. Grants are used to provide at least half-day services for the length of the school year. Services must include quality preschool education and parental involvement activities (VA. CODE ANN. § 22.1-199.1).
Washington	1993 (amended 1999) 1988 (amended 1994) 1974 (recodified in 1990)	Establishes the center for the improvement of student learning. The center's functions include serving as a clearinghouse for information regarding successful educational improvement and parental involvement programs in schools and districts developing and distributing parental involvement materials, including instructional guides developed to inform parents of the essential academic learning requirements. The instructional guides contain actions parents may take to assist their children in meeting the requirements, and focus on reaching parents who have not previously been involved in their child's education (WASH. REV. CODE § 28A.300.130). Directs the department of education to adopt rules for the administration of the early childhood program. Approved programs must conduct needs assessments of their service area, identify any targeted groups of children, to include but not be limited to children of seasonal and migrant farm workers and native American populations living either on or off reservation, and provide to the department a service delivery plan, to the extent practicable, that addresses these targeted populations. Early childhood programs must provide for parental involvement in their child's program, in local program policy decisions, in development and revision of service delivery systems and in parent education and training (WASH. REV. CODE § 28A.215.150). School boards are required to adopt a policy assuring parents access to their children's classroom or school sponsored activities in order to observe class procedures, teaching materials and class conduct. Parent observation must not disrupt the classroom procedure or learning activity (WASH. REV. CODE § 28A.605.020).
West Virginia	2004 1990 (last amended 2003)	Establishes a five-year – beginning with the 2004-05 school year – demonstration professional development school project under the direction of the state superintendent intended to improve academic achievement for all children. The state superintendent's duties with respect to the demonstration project include requiring collaboration with local community organizations and increasing the involvement of parents in improving student achievement (W. VA. CODE § 18-2E-3G). Establishes local school improvement councils at every school. School improvement councils may receive school of excellence awards and competitive grant awards and expend such grants. In order to promote innovations and improvements at the school, a school improvement council will receive cooperation from the school in implementing policies and programs it may adopt for a number of purposes, including to encourage the involvement of parents or guardians in their child's educational process and in the school or to encourage businesses to provide time for their employees to meet with teachers concerning their child's education (W. VA. CODE § 18-5A-2).
Wisconsin	1993 (last amended 2003) 1989	All charter school petitions must include the governance structure of the school, including the method to be followed by the school to ensure parental involvement (Wis. STAT. § 118.40). Establishes a family resource center to distribute parent education materials, conduct workshops on child development, facilitate communication between school personnel and parents of pupils enrolled in the school district and provide volunteer opportunities for parents within the schools (WIS. STAT. § 119.78)
Wyoming	2001	All charter school applications must detail the governance structure of the school, including the process to be followed by the school to ensure parental, teacher and community involvement (WYO. STAT. § 21-3-307).

Sources:

Education Commission of the States (ECS), State Policy Database, Recent State Policies/Activities, *Parent/Family—Parent Rights*, <http://www.ecs.org/ecs/ecscat.nsf/WebTopicView?OpenView&RestrictToCategory=Parent/Family--Parent+Rights>

ECS, Recent State Policies/Activities, *Parent/Family—Family Literacy*, <http://www.ecs.org/ecs/ecscat.nsf/WebTopicView?OpenView&RestrictToCategory=Parent/Family--Family+Literacy>

ECS, Recent State Policies/Activities, *Parent/Family*, <http://www.ecs.org/ecs/ecscat.nsf/WebTopicView?OpenView&count=300&RestrictToCategory=Parent/Family>

ECS, *State Literacy Programs: Parental Component*, http://www.ecs.org/dbsearches/Search_Info/Literacy_50S_Reports.asp?type=Parental

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Helping State Leaders Shape Education Policy



Student Promotion/Retention Policies

Updated By Kyle Zinth

November 2005

Overview

Introduction

States take a variety of approaches in determining grade promotion or retention of students:

- Specifying requirements in legislation: six states
- Directing state authorities to establish policies: 11 states
- Directing local authorities to establish policies or consider specific criteria: 15 states
- Authorizing state authorities to establish policies: three states
- Authorizing local authorities to implement specific policies or consider certain criteria: 10 states
- Explicitly making decisions local: seven states
- No policy: 17 states

States directing their respective state boards or local authorities to implement policies frequently provide a legislative framework. A number of states also have multiple policies, which can be targeted towards different subjects, grades or districts.

Promotion Gates

Some state policies contain what can be referred to as "promotion gate" policies. Promotion gates can be understood as a performance threshold that a student is expected to meet prior to grade promotion. For example, a state may decide to test 3rd grade students to determine proficiency in reading, and require students failing to meet the prescribed proficiency to be retained, or promoted contingent upon receiving remediation and demonstrating proficiency.

Twelve states specify in legislation or direct their state boards or local authorities to implement promotion gate policies. (These policies are summarized in Table 1.)

Assessments

Eighteen states have policies that specify an assessment to be used in determining student eligibility for promotion or retention; 12 states specify state tests; three specify locally determined tests; and two specify a combination of state and local assessments. Wisconsin specifies that state assessments be used unless a district or charter school adopts their own assessment.

An additional three states, Minnesota, Ohio, and Virginia, have policies that authorize – but don't require – districts to use state assessments to determine student eligibility for promotion or retention. Illinois directs districts to promote students based on their performance on "Illinois Goals and Assessment Program tests, the Iowa Test of Basic Skills or other testing or criteria established by the school board." California directs districts to establish promotion policies that identify students through either the state's assessment or through "other indicators of academic achievement designated by the district."

Examples of Other State Action

Seven states authorize districts to require students not demonstrating proficiency to participate in either summer school or some other form of remediation prior to promotion. Five states authorize local authorities to use student attendance during the school year as a factor in determining eligibility for promotion or retention. Nevada directs the board of trustees of each school district to determine a minimum number of required attendance days for a student to obtain credit or to be promoted to the next higher grade. Locally adopted attendance policies in Ohio must prohibit promotion if the student has been absent without excuse for more than 10% of the required attendance days of the current school year and has failed two or more of the required curriculum subject areas.

Report Organization

- Table 1: Promotion Gate Policies
- Table 2: 50-State Policy Summary Chart
- State Policy Profiles

This StateNote does not address retention or promotion policies for students with disabilities or for English language learners. Links to statutory language are provided where available, although if a policy has been recently amended those changes may not be reflected. Corrections or additions to listed policies are welcome. The District of Columbia is treated as a state for the purposes of this StateNote.

Table 1: Promotion Gate Policies

	Grade Levels Specified	Subjects	Assessment	Notes
Arizona	3rd and 8th	At least reading, writing, mathematics, science and social studies	District selected	Directs the state board to develop competency criteria for promotion of students from 3rd and 8th grade.
California	Entry to middle school and high school	Reading, English language arts and mathematics	State STAR program	Directs the governing board of each school district and each county superintendent of schools to adopt policies regarding pupil promotion and retention. Middle school grades typically begin at 7th grade, high school at 9th grade, although this can vary due to the individual school or district's configuration.
Colorado	3rd	Reading	State selected	Directs the state board to determine the satisfactory reading readiness level for kindergarten students and literacy and reading comprehension levels for students in 1st through 3rd grades. Using the approved assessment instruments, each school district is directed to annually assess students in kindergarten through 3rd grade. Students may not be advanced in grade in reading unless they are assessed as reading at or above appropriate level.
Connecticut	4th and 6th	Reading for 4th, reading, language arts and mathematics for 6th.	State	Pertains to priority districts only. Priority school districts are those located in the eight largest towns in the state in addition to the 11 towns identified with each of the greatest number and ratio of children served by the Temporary Family Assistance Program (CONN. GEN. STAT. § 10-266p)
Delaware	3rd, 5th and 8th	Reading for all three grade levels; additionally, mathematics for 8th	Delaware Student Testing Program	Promotion is contingent on a student participating in an individual improvement plan (which may include but is not limited to summer school, before and/or after school instruction, Saturday school and/or tutoring) or demonstrating proficiency through the state assessment or to a district academic review committee through other approved indicators.
District of Columbia	At least 4th, 8th and 12th	Mathematics, reading and writing for 4th, does not specify for 8th or 12th	District selected	Directs the superintendent to establish and implement "promotion gates" for at least 4th, 8th and 12th grades.
Florida	3rd	Reading	Florida Comprehensive Assessment Test (FCAT) and local assessments	Directs districts to establish student progression plans for all grades in line with state requirements. 3rd grade reading proficiency is demonstrated by performance on statewide test.
Georgia	3rd, 5th and 8th	Reading for 3rd, reading and mathematics for 5th and 8th	Criterion-referenced assessments adopted by the state board	Directs districts to establish student progression plans in line with state requirements.
Louisiana	4th and 8th	Mathematics, English/language arts, science and social studies	Louisiana Educational Assessment Program (LEAP)	Directs districts to establish student progression plans in line with state requirements.

	Grade Levels Specified	Subjects	Assessment	Notes
New Mexico	8th	Mathematics, reading and language arts, science and social studies	State and district adopted assessments	8th graders failing to make adequate yearly progress (AYP) must be retained unless the student assistance team determines that retention will not assist the student in making AYP. In this case, the team must develop a high school graduation plan to meet the student's needs for entry into the workforce or a post secondary educational institution.
Texas	3rd, 5th and 8th	Reading for 3rd, reading and mathematics for 5th and 8th grades (8th grade to be tested starting with the 2007-08 school year)	State selected	Texas law also states that students may be promoted only on the basis of academic achievement or demonstrated proficiency of the subject matter of the course or grade level.
Wisconsin	4th and 8th	Mathematics, science, reading and writing, geography and history	State or locally adopted	Directs school boards and operators of charter schools to adopt written policies specifying the criteria for promoting a student from the 4th grade to the 5th grade and from the 8th grade to the 9th grade. Provides guidance for what must be included in the criteria. Students may not be promoted unless they satisfy the specified criteria.

Table 2: 50-State Policy Summary Chart

	Legislative Specifications	Directs State Authorities	Directs Local Authorities	Authorizes State Authorities	Authorizes Local Authorities	Local Decision	No Policy
Alabama						X	
Alaska							X
Arizona		X					
Arkansas	X	X			X		
California			X				
Colorado		X					
Connecticut	X		X				
Delaware	X	X					
District of Columbia		X					
Florida			X				
Georgia		X	X				
Hawaii							X
Idaho							X
Illinois			X				
Indiana							X
Iowa							X
Kansas							X
Kentucky						X	
Louisiana			X				
Maine							X
Maryland			X				
Massachusetts						X	
Michigan							X
Minnesota					X	X	
Mississippi				X			
Missouri	X				X		
Montana							X
Nebraska						X	
Nevada		X	X	X	X		

	Legislative Specifications	Directs State Authorities	Directs Local Authorities	Authorizes State Authorities	Authorizes Local Authorities	Local Decision	No Policy
New Hampshire							X
New Jersey			X				
New Mexico			X				
New York						X	
North Carolina		X					
North Dakota							X
Ohio	X		X	X	X		
Oklahoma					X		
Oregon							X
Pennsylvania						X	
Rhode Island							X
South Carolina		X	X				
South Dakota							X
Tennessee			X		X		
Texas	X				X		
Utah		X	X				
Vermont							X
Virginia					X		
Washington							X
West Virginia		X			X		
Wisconsin			X				
Wyoming							X

States that Specify Requirements in Legislation

Arkansas

ARK. CODE ANN. § 6-15-2005

No student may be assigned to a grade level based solely on age or other factors that constitute social promotion, except as provided by applicable federal and state law.

ARK. CODE ANN. § 6-16-701, ARK. CODE ANN. § 6-16-704, ARK. CODE ANN. § 6-16-705

Authorizes districts to operate optional programs for remediation that may take place outside of the regular school term. Schools that elect not to offer a program outside of the regular school year must offer a department of education-approved remediation program during the regular school year to students in kindergarten through 3rd grade not performing at grade level. Students must participate in this remediation in order to be eligible for promotion.

Assessment selected by:	Does not specify
Waiver/override:	No
Subjects:	Does not specify
Grades:	K-3
District role (Besides administering local assessments, where applicable):	Offering of remediation
Other criteria by which student may be retained:	Does not specify
Early identification provision:	No
Remediation required:	Yes
District may establish curricula and competency levels above state criteria:	Does not specify

Connecticut

Policies Pertain to Priority School Districts

Priority school districts are those located in the eight largest towns in the state in addition to the 11 towns identified with each of the greatest number and ratio of children served by the temporary family assistance program ([CONN. GEN. STAT. § 10-266p](#)).

[CONN. GEN. STAT. § 10-265l](#)

Pertains to students in priority school districts failing to meet the statewide standard for remedial assistance on the reading component of the 4th-grade mastery examination and for students failing to meet the statewide standard on the 6th-grade mastery examination.

Local and regional boards of education are directed to require identified students to attend school the summer following the examination. The superintendent of schools may exempt an individual student from the requirement, upon the recommendation of the school principal, based on the student's progress with the additional instruction the district must offer, which may include tutoring, an after-school or school vacation program, or a weekend program. Students will not be promoted to the next grade if they do not receive an exemption, have been offered the opportunity to attend a summer school program and fail to attend.

Assessment selected by:	State
Waiver/override:	The state superintendent may exempt an individual student from the summer remediation requirement, upon the recommendation of the school principal.
Subjects:	Reading for 4th grade: reading, language arts and mathematics for 6th grade
Grades:	4th and 6th
District role (Besides administering local assessments, where applicable):	Districts must offer instruction designed to address the student's deficiencies.
Other criteria by which student may be retained:	N/A
Early identification provision:	No
Remediation required:	Yes
District may establish curricula and competency levels above state criteria:	N/A

[CONN. GEN. STAT. § 10-265g](#)

Pertains to students in priority districts identified as substantially deficient – based on measures determined by the state board – in reading. Students enrolled in 1st-3rd grades are evaluated in the middle and end of the school year. If a student is determined to be substantially deficient based on the end-of-the-year evaluation, the school must develop a personal reading plan for the student. The personal reading plan must include measures – such as tutoring, a transitional class or a summer reading program – to improve the student's reading level. Promotion of the student from grade to grade will be based on documented progress in achieving the goals of the personal reading plan or demonstrated reading proficiency. If a decision is made to promote a student who is substantially deficient in reading from 3rd to 4th grade, the school principal is required to provide written justification to the superintendent of schools.

Assessment selected by:	Does not specify
Waiver/override:	If a student who is substantially deficient in reading is promoted from 3rd to 4th grade, the school principal must provide written justification to the superintendent of schools.
Subjects:	Reading
Grades:	1-3
District role (Besides administering local assessments, where applicable):	Districts must evaluate the reading level of K-3rd grade students and offer a summer reading program to exiting kindergartners identified by teachers as in need of additional reading assistance.
Other criteria by which student may be retained:	N/A
Early identification provision:	Yes
Remediation required:	Yes
District may establish curricula and competency levels above state criteria:	N/A

Delaware

[DEL. CODE ANN. § 14 § 122](#)

Students in 1st-8th grades must pass at least 50% of all classes taken for credit – excluding physical education – and no student will be promoted without passing English/language arts.

[DEL. CODE ANN. § 14 § 153](#)

Pertains to 3rd, 5th and 8th grade students performing "Below the Standard, Level II" or "Well Below the Standard, Level I" on the reading portion of the state assessment and 8th grade students scoring "Below the Standard, Level II" or "Well Below the Standard, Level I" on the math portion. Promotion is contingent on a student participating in an individual improvement plan (which may include but is not limited to summer school, before and/or after school instruction, Saturday school and/or tutoring) or demonstrating proficiency through the state assessment or to a district academic review committee through other approved indicators.

Students may not be retained if they have been previously retained for two years due to academic performance. The state may not require districts to retain students who continue to be academically deficient after completion of one retention year, but the district must develop an individual improvement plan that identifies a specific course of study for the student and the academic improvement activities the student must undertake in order to improve his ability to a proficient level. Academic improvement activities may include mandatory participation in summer school, extra instruction and mentoring programs.

Assessment selected by:	State
Waiver/override:	The state may not require districts to retain students already retained for one year under this policy. Students who have already been retained two years for academic performance may not be retained.
Subjects:	Reading for all grade levels, additionally, mathematics for 8th
Grades	3rd, 5th and 8th
District role (Besides administering local assessments, where applicable):	If the state board approves indicators other than state assessments, the district may determine that a student does not need to be retained through the use of academic review committees.
Other criteria by which student may be retained:	Students in grades 1-8 must pass at least 50% of all classes taken for credit – excluding physical education. No student will be promoted without passing English/language arts (DEL. CODE ANN. § 14 § 122(b)(4)).
Early identification provision:	No
Remediation required:	Yes
District may establish curricula and competency levels above state criteria:	N/A

Missouri

[MO. REV. STAT. § 162.1100](#)

Students in transitional school districts are not to be promoted to a higher grade if their reading ability is more than one grade below their actual grade level. Students not demonstrating grade-level standards must attend summer school. (Transitional-district governing bodies have additional powers regarding correctional action and flexibility in correcting low-performance and school improvement.)

Assessment:	Does not specify
Waiver/override:	No
Subjects:	Reading
Grades:	P-12
District role (Besides administering local assessments, where applicable):	Establishing student performance standards
Other criteria by which student may be retained:	Does not specify
Early identification provision:	No

Remediation required:	Yes
District may establish curricula and competency levels above state criteria	Does not specify

Ohio

[OHIO REV. CODE ANN. § 3313.60](#)

Every school or school district must include in the requirements for promotion from 8th grade to 9th grade one year's course of study of American history.

[OHIO REV. CODE ANN. § 3313.60.8](#)

Third grade students identified as having a limited level of skill on the state-adopted reading test must either be: (1) promoted to the 4th grade if the student's principal and reading teacher agree that other evaluations of the student's skill in reading demonstrate that the student is academically prepared to be promoted to 4th grade; (2) promoted to the 4th grade but provided with intensive intervention services; or (3) retained in the 3rd grade.

Directs districts to use a state board-adopted diagnostic assessment in order to determine the reading level of 1st and 2nd graders. (Districts that are making adequate yearly progress may select a different assessment.)

Assessment:	Adopted by the state board
Waiver/override:	Yes
Subjects:	Reading
Grades:	3rd
District role (Besides administering local assessments, where applicable):	Assess the reading levels of 1st and 2nd graders and identify students reading below grade level.
Other criteria by which student may be retained:	Does not specify
Early identification provision:	Yes
Remediation required:	Yes
District may establish curricula and competency levels above state criteria:	Does not specify

Texas

[TEX. EDUC. CODE ANN. § 28.021](#)

Students may be promoted only on the basis of academic achievement or demonstrated proficiency of the subject matter of the course or grade level. In measuring the academic achievement or proficiency of a student who is dyslexic, the student's potential for achievement or proficiency in the area must be considered.

[TEX. EDUC. CODE ANN. § 28.0211](#)

Unless they meet conditions for exception described in this policy, students may not be promoted to 4th grade if they do not perform satisfactorily on the 3rd grade reading assessment, to 6th grade if they do not perform satisfactorily on the 5th grade mathematics and reading assessment or to 9th grade if they do not perform satisfactorily on the 8th grade mathematics and reading assessment. (These assessments are statewide assessments described in [TEX. EDUC. CODE ANN. § 39.023](#); 8th graders will be assessed starting with the 2007-08 school year.)

Districts must allow a student who initially fails to perform satisfactorily on an assessment at least two additional opportunities to take the assessment. Alternate assessments may be administered to a student who has failed on the previous two opportunities. Students may be promoted if they perform at grade level on an alternate assessment that is grade-level appropriate and approved by the commissioner.

Each time a student fails to perform satisfactorily on an assessment, the school district must provide accelerated instruction in the applicable subject area. An accelerated instruction group administered by a school district may not have more than 10 students for each teacher. If a student fails to perform satisfactorily on an assessment a second time, a grade-placement committee is to be established to prescribe the accelerated instruction the district is to provide before the student is administered the assessment a third time. Grade-placement committees are composed of the principal or the principal's designee, the student's parent or guardian and the teacher of the subject in which the student is failing to perform satisfactorily. Districts must notify parents of the time and place for convening the grade-placement committee and the purpose of the committee.

In addition to providing accelerated instruction to a student, districts must notify the student's parents of: (1) the student's failure to perform satisfactorily on the assessment instrument; (2) the accelerated instruction program to which the student is assigned; and (3) the possibility that the student might be retained at the same grade level for the next school year.

A student who, after at least three attempts, fails an assessment must be retained. The student's parent or guardian may appeal by submitting a request to the grade-placement committee, and districts must give parents written notice of this opportunity. The grade-placement committee may decide in favor of a student's promotion only if the committee unanimously concludes – using standards adopted by the board of trustees – that if promoted and given accelerated instruction, the student is likely to perform at grade level. The decision of the grade-placement committee is final and may not be appealed.

This policy does not preclude the retention, in accordance with state law or district policy, of a student who performs satisfactorily on a statewide assessment.

Assessment:	State adopted
Waiver/override:	Yes, parental appeal
Subjects:	Reading for 3rd, reading and mathematics for 5th and 8th grades
Grades:	3rd, 5th and 8th grades
District role (Besides administering local assessments, where applicable)	Parental notification and establishing grade-placement committees
Other criteria by which student may be retained:	Does not specify
Early identification provision:	No
Remediation required:	Yes
District may establish curricula and competency levels above state criteria:	Yes

States that Direct State Authorities to Establish Policies

Arizona

[ARIZ. REV. STAT. ANN. § 15-701](#)

Directs the state board to develop competency criteria for promotion of students from 3rd and 8th grade that include accomplishment in at least reading, writing, mathematics, science and social studies. The state board also is to distribute guidelines for districts to follow in prescribing criteria for promotion of students between 1st and 8th grades. Districts must develop criteria that conform to the guidelines distributed by the state board that include accomplishment in at least reading, writing, mathematics, science and social studies, as measured by a district-adopted assessment. Additional measures of academic achievement and attendance also may be used.

The decision to promote or retain a student prior to high school is the responsibility of the teacher – [ARIZ. REV. STAT. ANN. § 15-521](#) – although a district board may review the teacher's decision according to rules detailed in [ARIZ. REV. STAT. ANN. § 15-342](#). Teachers are to base their decision on criteria determined by the state board. During a review, the student has the burden of proof and must demonstrate mastery of the academic standards adopted by the state board in order to overturn the decision. A district board may have requirements that are higher than the state board's.

Arkansas

[ARK. CODE. ANN. § 6-15-2009](#) (Amended 2005 [H.B. 2824](#))

All students in 3rd-8th grade are required to take a state-determined benchmark assessment. The state board will determine the assessment as well as the satisfactory score. Students who have not passed the most recently administered assessment are required to participate in remediation activities detailed in an individualized academic improvement plan.

Beginning in the 2005-06 school year, students who do not pass the benchmark assessment and don't participate in an academic improvement plan will be retained until they either: (1) participate in an academic improvement plan; or (2) pass the benchmark assessment for the grade level in which they are retained. School districts are required to notify a student's parents of their roles and responsibilities as well as the consequences for the student's failure to participate in the plan.

Colorado

[COLO. REV. STAT. ANN. § 22-7-504](#)

Directs the state board to determine the satisfactory reading readiness level for kindergarten students and literacy and reading comprehension levels for students in 1st-3rd grades. After consultation with the state Standards and Assessments Development and Implementation Council, the board is to approve and identify to each school district instruments for assessing the reading readiness of each pupil in kindergarten, and the literacy and reading comprehension level of each pupil in 1st-3rd grades.

Using the approved assessment instruments, each school district is directed to annually assess students in kindergarten through 3rd grade. Students may not pass from 3rd to 4th grade for reading classes unless they are assessed as reading at or above the appropriate reading level. (This does not apply to children with disabilities whose disability is a substantial cause of their inability to read, and the state board is directed to adopt rules to allow for exceptions in cases that have special circumstances.)

If a student's performance is below grade level, the student's parents, teacher and the school administration are to formulate an individual literacy plan for the student or, if the pupil is eligible, enroll the pupil in an intensive literacy program addressed through [COLO. REV. STAT. ANN. § 22-7-506](#).

Plans must include – but are not limited to – the following: (1) sufficient in-school instructional time for the development of the student's reading readiness or literacy and reading comprehension skills; (2) an agreement by the student's parents or legal guardian to implement a home reading program to support and coordinate with the school; and (3) if necessary, placement of the pupil in a summer reading tutorial program.

School districts are required to reassess each student's progress each semester. The pupil's individual literacy plan or the pupil's enrollment in the intensive literacy program – whichever is applicable – is to continue until the pupil is reading at or above grade level.

Delaware

[DEL. CODE ANN. § 14 § 103](#)

Directs the state secretary of education to develop and implement a policy for grades 1-12 that will substantially decrease the number of nonperformance-based promotions, or social promotions, with the goal of eliminating social promotions by the year 2001.

District of Columbia

[D.C. CODE ANN. § 38-1803.21](#)

Directs the superintendent to establish and implement "promotion gates" for mathematics, reading and writing for at least one grade K-4th, with the establishment of a 4th-grade promotion gate being required. The policy also directs the superintendent to establish promotion gates for at least one grade level for the following grade spans: 5th-8th and 9th-12th, with promotion gates being established for at least the 8th and 12th grades. Additionally, one goal of the District's long-term reform plan is to identify students – starting in 3rd grade – who don't meet minimum standards in order to ensure that they meet the standards before grade promotion.

Student achievement is determined through the use of district-wide assessments selected by the World Class School Task Force, which will be administered at least at the grade levels at which the superintendent establishes promotion gates ([D.C. CODE ANN. § 38-1803.11](#)).

Georgia

[GA. CODE ANN. § 20-2-283](#)

Directs the state board to adopt criteria for promotion policies to be adopted by local boards that are consistent with the Georgia Academic Placement and Promotion Policy, described in [GA. CODE ANN. § 20-2-282](#). The criteria must dictate that students in 3rd grade will not be promoted unless they achieve grade level on the 3rd grade criterion-based assessment adopted by the state board according to [GA. CODE ANN. § 20-2-281](#) in reading, and meet all other promotional criteria

established by the state board and the local board. Students in 5th and 8th grades will not be promoted unless they meet all promotional criteria established by state and local boards and achieve grade level on their grade's respective criterion-referenced tests in reading and mathematics.

The parents of students not scoring at grade level must be notified, and the student must be retested with a criterion-referenced test or an appropriate alternative assessment and provided with an opportunity for accelerated, differentiated or additional instruction.

Students that fail the second test will be retained and their parents notified. The notice will inform the parent of the right to appeal the decision. If a parent appeals a decision, a placement committee will decide whether to promote or retain the student.

Nevada

[NEV. REV. STAT. ANN. § 392.033](#)

The state board is directed to establish regulations prescribing the courses of study required for promotion to high school.

North Carolina

[N.C. GEN. STAT. § 115C-81](#)

Directs the state board of education to implement a basic education program to be provided to every student in the state. Instruction is to be offered in arts, communication skills, physical education and personal health and safety, mathematics, media and computer skills, science, second languages, social studies and vocational and technical education.

The board is to establish a set of competencies for each grade level and subject and standards for student promotion based on mastery of these competencies. Local boards are directed to adopt policies that include opportunities for parents or guardians to discuss the decision to retain a student ([N.C. GEN. STAT. § 115C-47](#)).

South Carolina

[S.C. CODE ANN. § 59-5-65](#)

Directs the state board to establish criteria for promotion of students to the next higher grade. In 1st, 2nd, 3rd, 6th and 8th grades, a student's performance on the basic-skills tests of reading and math will constitute 25% of the assessment. Directs the state board to specify other measures of student performance in each of these subjects that will constitute the remaining 75% of the student's assessment.

Students failing to meet the criteria for promotion must be retained at current grade level or assigned to a remedial program during the summer or the next school year. Students assigned to the remedial program must meet minimum criteria, established by the board, for current grade level at the conclusion of the remedial program to be promoted to the next higher grade.

Utah

[UTAH CODE ANN. § 53A-1a-107](#)

Directs the state board to provide the framework for an education system – including core competencies and their assessment – in which school districts and public schools permit students to advance by demonstrating competency in subject matter and mastery of skills.

West Virginia

[W. VA. CODE § 18-5-40](#)

Directs the state board to establish guidelines for the operation of public kindergarten and elementary schools on a semester basis. Student progress within and between the various grade levels is to be determined on a semester-by-semester basis, and promotion or assignment to middle or junior high school is conditioned upon the completion of either of the last two semesters offered at the elementary school.

States that Direct Local Authorities to Establish Policies or Consider Specific Criteria

California

[CAL. EDUC. CODE § 48070 – 48070.5](#)

Directs the governing board of each school district and each county superintendent of schools to adopt policies regarding pupil promotion and retention. In addition, governing boards are required to approve policies regarding the promotion and retention of students between each grade 2nd-5th, for promotion from elementary to middle school and for promotion from middle school to high school. (The transition to middle school typically takes place between 6th and 7th grades, and to high school from 8th and 9th grades, but these may vary depending on the grade configuration of the school or district.)

Policies must provide for the identification of pupils who should be retained and who are at risk of being retained on the basis of either: (1) the result of the student's performance in California's Standardized Testing and Reporting (STAR) Program (established by [CAL. EDUC. CODE § 60640](#)) and the minimum levels of proficiency recommended by the state board of education or (2) the student's grades and other indicators of academic achievement designated by the district.

The decision for promotion or retention of students from 2nd to 3rd grade and from 3rd to 4th grade is to be primarily based on the student's level of reading proficiency. For promotion or retention of students between 4th and 8th grades, the decision is based on the student's proficiency level in reading, English language arts and mathematics.

Students identified as performing below the minimum standard for promotion must be retained unless their regular classroom teacher determines in writing that retention is not the appropriate intervention for the student's academic deficiencies. The written determination must specify the reasons that retention is not appropriate and include recommendations for other interventions that, in the opinion of the teacher, are necessary to assist the student in attaining acceptable levels of academic achievement. The teacher's recommendation to promote may be contingent upon the student's participation in a summer school or interim-session remediation program, at the end of which, the student will be reassessed. The teacher's evaluation will be provided to and discussed with the student's parent or guardian and the school principal before any final determination of retention or promotion.

Policies must: (1) provide for parental notification as early in the school year as practicable; (2) provide for a process where the decision of the teacher to retain or promote a student may be appealed; (3) provide for the identification of at-risk students as early in their current grade and school career as practicable; and (4) indicate the manner in which opportunities for remedial instruction will be provided to students.

This policy does not prohibit retention of students in grade levels not listed, nor does it prohibit a governing board from establishing promotion and retention policies that exceed the listed criteria.

Connecticut

[CONN. GEN. STAT. § 10-223a](#)

Directs each local and regional board of education to review and revise its policies for grade promotion and graduation in order to ensure that they foster student achievement, reduce the incidence of social promotion and otherwise conform to this policy. Policies must: (1) include objective criteria for the promotion and graduation of students; (2) provide for the measuring of the progress of students against that criteria and the reporting of relevant information to parents and students; (3) include alternatives to promotion such as transition programs; and (4) provide for supplemental services. Policies may require students who have substantial academic deficiencies that jeopardize their eligibility for promotion or graduation to attend after-school, summer or other programs offered by the district that are designed to assist students in addressing their specific academic deficiencies. (Was to be accomplished by July 1, 2000.)

Requires each district's board of directors to adopt student attendance policies, which may include excessive unexcused absences as a mandatory basis for denial of promotion or graduation.

Florida

[FLA. STAT. ANN. § 1008.25](#)

Directs local school boards to establish a comprehensive program for student promotion. These programs must include: (1) standards for evaluating student performance, including standards approved by the state board; (2) specific levels of performance in reading, writing, science and mathematics for all grade levels, including levels of performance on statewide assessments defined by the state commissioner, below which a student must receive remediation or be

retained within an intensive program; and (3) appropriate alternative placement for a student retained for two or more years.

Students identified as deficient are to be assessed again to find the specific nature of their academic deficiency, and an individual academic improvement plan will be developed to assist the student in meeting state standards. The policy has specific requirements for students at the middle and high school levels, as well as for those students identified as having a reading deficiency. Students whose deficiency is demonstrated on a subsequent assessment may be retained and must be offered remedial or supplemental instruction. No student may be assigned to a grade level based solely on age or other factors that constitute social promotion, unless they meet the requirements for a good-cause exemption.

Priority allocation of remedial and supplementary instruction resources is given to students who are deficient in reading by the end of 3rd grade. Students whose reading deficiency has not been remedied by the end of 3rd grade must be retained, unless they meet the criteria for a good cause exemption. Starting with the 2004-05 school year, district responsibilities include establishing a Reading Enhancement and Acceleration Development (READ) initiative for K-3rd grade students to prevent retention and offer intensive accelerated reading instruction.

Georgia

[GA. CODE ANN. § 20-2-284](#)

Directs local boards to adopt placement and promotion policies in line with state criteria described in [GA. CODE ANN. § 20-2-283](#).

Illinois

[ILL. REV. STAT. CH. 105, § 5/10-20.9a](#)

Districts may not promote students based on age or any other social reasons unrelated to academic performance. Directs districts to adopt and enforce a policy they deem necessary to ensure that students meet local goals and objectives and can perform at the expected grade level prior to promotion. Decisions to promote or retain students in any class must be based on successful completion of the curriculum, attendance, performance based on Illinois Goals and Assessment Program tests, the Iowa Test of Basic Skills or other testing or criteria established by the school board. Students who do not qualify for promotion – as determined by the local district – must be provided remedial assistance, which may include, but is not limited to, grade retention, a summer bridge program of no less than 90 hours, tutorial sessions, increased or concentrated instructional time and modifications to instructional materials.

Louisiana

[LA. REV. STAT. ANN. § 17:24.4](#)

The Louisiana Educational Assessment Program (LEAP) is the state's process of measuring student performance in relation to grade appropriate skills, state curriculum standards and national education indices. Each parish or city school board must establish a pupil-progression plan addressing student promotion and placement that is consistent with this policy. Pupil progression plans are to be based on student performance on the LEAP and should supplement the standards approved by the state board. Particular emphasis is to be placed upon the student's mastery of grade-appropriate skills in English language arts and mathematics before recommendations are made for promotion, provided that other factors are considered ([LA. REV. STAT. ANN. § 17:396](#)).

School boards must – at a minimum – offer a summer remediation program to students failing to meet the minimum achievement level to be promoted to the 5th or 9th grade. School boards may require students to attend the program, but must exempt students whose parents sign a form which at a minimum states: (1) the parent understands that the student has failed to meet the required achievement level for grade promotion; (2) that summer school remediation is being offered to the student; (3) that the parent will take responsibility for remediation; and (4) that the student will not be fully promoted to the next grade before demonstrating the required achievement level on a retest.

Maryland

[MD. CODE ANN. EDUC. § 7-202](#)

Directs the state board to determine a minimum level of reading ability for each grade 2nd-12th. If a county board – based on a locally adopted assessment and in conjunction with the Maryland Education Accountability Program – finds that a student in 3rd, 7th or 9th-11th grades has not met either a minimum grade level competency or the minimum reading level as required by the state board for the previous grade, the student is to be: (1) retained in the current grade; or (2) enrolled in an appropriate reading assistance program. This policy may not be the sole reason for withholding a student's grade

advancement more than once in grades 2nd-7th and does not apply to students who are "moderately, severely or profoundly intellectually limited."

[MD. CODE ANN. EDUC. § 7-205](#)

Policies pertaining to the promotion or graduation of students in a public school must comply with policies established by the county board and rules and regulations established by the state board.

Nevada

[NEV. REV. STAT. § 392.122](#)

The board of trustees of each school district must determine a minimum number of required attendance days for a student to obtain credit or to be promoted to the next higher grade.

[NEV. REV. STAT. § 386.583](#)

Directs the governing body of each charter school to adopt rules for the academic retention of students enrolled in the charter school. The rules must prescribe the conditions under which a student may be retained in the same grade rather than promoted to the next grade.

New Jersey

[N.J. REV. STAT. § 18A:35-4.9](#)

Local boards of education are directed to adopt policies and procedures for student promotion and remediation related to district goals, objectives and pupil proficiency. District policies are to provide for parental and student notification of the policy and at appropriate times during the school year, notification of the student's progress in meeting policy standards. Policies also are to have a procedure for appealing decisions.

New Mexico

[N.M. STAT. ANN. § 22-2C-6](#)

District-developed promotion policies are to be aligned with alternative district-determined assessment results and requirements of the state assessment and accountability program, which tests students through a state-adopted assessment in mathematics, reading and language arts, science and social studies.

Students identified as not making adequate yearly progress (AYP) must be offered a remediation program and may be retained, although they may not be retained for more than one year. Students failing to make AYP for two successive years are to be referred to the student assistance team for placement in an alternative program designed by the school district. Parents are to be notified no later than the end of the second grading period if a student is failing to make AYP.

If, after participating in a remediation program, a student between 1st and 7th grade is still identified as not making AYP, the student must be retained and is to participate in an academic improvement plan developed by the student assistance team. A parent may sign a waiver allowing the student to be promoted to the next grade, but the student must participate in an academic improvement plan, and if at the end of the following school year the student is determined to not be making AYP, the student will be retained.

8th graders failing to make AYP are to be retained unless the student assistance team determines that retention will not assist the student in making AYP. In this case, the team must develop a high school graduation plan to meet the student's needs for entry into the work force or a post-secondary educational institution. Retained 8th graders must participate in an academic improvement plan.

Ohio

[OHIO REV. CODE ANN. § 3313.60.9](#)

The board of education of each city, exempted village, local, and joint vocational school district is directed to adopt a grade-promotion and retention policy for students. Policies must prohibit the promotion of a student to the next grade level if the student has been truant (absent without excuse) for more than 10% of the required attendance days of the current school year and has failed two or more of the required curriculum subjects in the current grade, unless the student's principal and teachers agree that the student is academically prepared to be promoted to the next grade level.

South Carolina

[S.C. CODE ANN. § 59-19-95](#)

Directs each school district governing body to implement a student promotion policy that at least meets the minimum criteria established by the state board pursuant to [S.C. CODE ANN. § 59-5-65](#).

[S.C. CODE ANN. § 59-18-500](#)

Directs schools to notify the parents of all 3rd-8th grade students who are identified through assessments, school work or teacher judgment as lacking the skills to perform at grade level. A conference will then be set up with the parent and appropriate school personnel, at which time an academic plan will be developed to ensure student success at the next grade level. Academic plans will outline additional services the school and district will provide, as well as actions the student and parent are to undertake to further student success.

If, at the end of the school year, the student's work has not been at grade level or if the terms of the academic plan have not been met, the student may be retained, required to attend summer school or required to attend a comprehensive remediation program the following year. Students required to participate the following year in a comprehensive remediation program are considered to be on academic probation. Comprehensive remediation programs established by the district must operate outside of the normal school day and meet guidelines established by the state board. If there is a compelling reason why the student should not be required to attend summer school or be retained, the parent or student may appeal to a district review panel.

At the end of summer school, a district panel will review the student's progress and report to the parent whether academic progress indicates readiness to achieve grade level standards for the next grade. If the student is not at grade level or the student's assessment results show standards are not met, the student will be placed on academic probation. A conference with the student, parent and appropriate school personnel will then revise the academic plan to address academic difficulties. At the conference it must be stipulated that academic probation means that if schoolwork is not up to grade level or if assessment results again show standards are not met, the student will be retained. The district's appeals process remains in effect.

Directs district boards of trustees to establish policies on academic conferences, individual student academic plans and district-level reviews. Information on these policies is to be provided to every student and parent. Each district is to monitor the implementation of academic plans as a part of the local accountability plan. District policies regarding retention of 1st and 2nd graders are not affected by this policy.

Tennessee

[TENN. CODE ANN. § 49-5-201](#)

It is the duty of all teachers to follow the state course of study and the rules and regulations for the promotion of students furnished by the commissioner of education.

Utah

[UTAH CODE ANN. § 53A-1-603](#)

Requires each district to administer statewide criterion-referenced tests in all grade levels and courses in basic skill areas of the core curriculum. Scores on these tests and assessments are one consideration in determining whether a student will advance to the next grade.

[UTAH CODE ANN. § 53A-1-606.5](#)

Directs the state board to determine as part of the Utah Performance Assessment System for Students (U-PASS) testing program the appropriate statewide tests to assess reading levels at the end of each year in 1st through 3rd grades and an appropriate standard for grade-level mastery. Directs districts to require each of their elementary schools to develop a reading achievement plan for their kindergarten through 3rd graders.

Reading achievement plans must include assessment and intervention components. Assessment components must: (1) allow only the principal, teachers and other appropriate staff to identify students reading below grade level, and (2) use U-PASS and local assessment information throughout the year to determine students' instructional needs. The intervention component must provide adequate and appropriate interventions focused on bringing each student at least to grade level and permit grade-level retention of a student reading below grade level based on a joint determination made by the principal or the principal's designee, the student's teacher and the student's parent. The intervention component is to be based on best practices identified through proven researched-based methods, include parental participation and involve a reading specialist—as resources allow.

In developing or reviewing a reading achievement plan, a school community council or subcommittee or task force of a school community council may not have access to data that reveal the identity of students. Districts are to approve each school's plan prior to implementation and review them annually.

[UTAH CODE ANN. § 53A-1a-106](#)

Directs districts to implement a comprehensive system of accountability in which students advance through public schools by demonstrating competency in required skills and mastery of required knowledge through the use of diverse assessment instruments such as authentic and criterion-referenced tests, projects and portfolios.

[UTAH CODE ANN. § 53A-13-104](#)

Directs local school boards to implement programs for students in grades 7-12 to attain competency levels and graduation requirements established by the state board. Local school boards are directed to establish remediation programs for students who do not meet competency levels in English, mathematics, science, or social studies. Participation is mandatory for students who fail to meet the competency levels based on classroom performance.

Students who require remediation under this policy may not advance to the following class in subject sequences until they meet the required competency level for the subject or complete the required remediation program. Local school boards may allow students requiring remediation, who would otherwise be scheduled to enter their first year of high school, to complete their remediation program during that first year.

Remediation programs provided under this policy are not to be unnecessarily lengthy or repetitive, and a student does not need to repeat an entire class if remediation can reasonably be achieved through other means. Local school boards may charge students a fee to participate in the remediation programs.

Wisconsin

[WIS. STAT. § 118.33](#)

Directs school boards and operators of charter schools to adopt written policies specifying the criteria for promoting a student from 4th grade to 5th grade and from 8th grade to 9th grade. The criteria must include: (1) the pupil's score on relevant examinations specified under [WIS. STAT. § 118.30](#), unless the pupil has been excused from taking the examination; (2) the student's academic performance; (3) the recommendations of teachers, which are to be based solely on the student's academic performance; (4) and any other academic criteria specified by the school board or the operator of the charter school. Students may not be promoted unless they satisfy the specified criteria.

States that Authorize the State Board to Establish Policies

Mississippi

[MISS. CODE ANN. § 37-16-7](#)

The state board is authorized to establish student-proficiency standards for grade level promotion leading to graduation.

Nevada

[NEV. REV. STAT. ANN. § 389.018](#)

The state board may require the completion of course work in a required subject area for graduation from high school or promotion to the next grade. Unless a subject is required for graduation from high school or promotion to the next grade, a charter school is exempted from this policy.

Ohio

[OHIO REV. CODE ANN. § 3301.07](#)

The state board has the authority to formulate and prescribe minimum standards for requirements for student promotion from grade to grade that will assure students are capable and prepared for the level of study to which they are certified.

States that Authorize Local Authorities to Implement Specific Policies or Consider Certain Criteria

Arkansas

[ARK. CODE. ANN. § 6-18-209](#)

Directs the board of directors of each school district to adopt student attendance policies. Attendance policies may include excessive unexcused absences as a mandatory basis for denial of promotion or graduation.

Minnesota

[MINN. STAT. ANN. § 120B.30](#)

Schools, districts or charter schools may use student performance on a statewide assessment as one of multiple criteria to determine grade promotion or retention.

Minnesota's assessment system annually tests students in 3rd-8th grade and at the high school level. Beginning with the 2005-06 school year, students in 3rd-8th grade and at the high school level are to be annually tested in language arts and mathematics. Starting with the 2007-08 school year, science assessments are to be administered in one grade for the grade spans 3rd-5th and 6th-9th, and a life sciences assessment is to be administered in one grade for the 10th-12th grade span.

Missouri

[MO. REV. STAT. § 160.257](#)

Directs the state department of education to ensure that all districts have an assessment program that tests student competency in English, reading, language arts, science, mathematics, social studies and civics. Districts may set a minimum level of achievement for student promotion.

[MO. REV. STAT. § 167.640](#)

Authorizes districts to adopt policies requiring remediation as a condition for promotion.

[MO. REV. STAT. § 167.645](#)

Pertains to students identified through district-adopted assessments as not reading at grade level by the end of 3rd grade, and for transferring students in grades 4-6 that have not demonstrated the ability to read at grade level. Districts must require identified students to attend summer school, and may require attendance in summer school as a condition of promotion to 4th grade. Students can't be denied promotion more than once solely for inability to meet the reading standards set out in this policy.

Nevada

[NEV. REV. STAT. § 392.125](#)

A teacher and principal in joint agreement have the authority to retain a student in the same grade for the next school year. Prior to retention, the student's teacher and principal must make a reasonable effort to arrange a meeting with the student's parents to discuss the reasons and circumstances for grade retention. No student may be retained more than once for each grade, unless the retention is related to the student's inability to meet the standards established by the state board for promotion to high school, as described in [NEV. REV. STAT. ANN. § 392.033](#).

This policy does not pertain to academic retention of charter school students.

Ohio

[OHIO REV. CODE ANN. § 3313.57](#)

Authorizes local boards of education to provide or approve – subject to the approval of parents – activities for children during the summer vacation period. With the approval of the state board of education, the successful completion of vacation activities may be required for promotion and diplomas of graduation, but the completion of such vacation activities may not be a prerequisite for the issuance of an age and schooling certificate.

[OHIO REV. CODE ANN. § 3301.0711](#)

With the subjects varying by grade level, Ohio tests students in 3rd-8th grades in reading, mathematics, science and social studies. If a student fails to attain at least a basic level of skill on one of these assessments, a district may use this

test score as a factor in determining whether a student should be retained. (3rd-grade students failing to attain at least a basic level of skill on the reading assessment are addressed through [OHIO REV. CODE ANN. § 3313.60.8.](#))

Oklahoma

[OKLA. STAT. TIT. 70 § 1210.508E](#)

If a teacher determines that a 3rd grader is not reading at grade level by the end of the second quarter of the school year, the student's parents must be notified of: (1) the reading level of the student; (2) the program of reading instruction for the student required by the Reading Sufficiency Act; and (3) the potential need for the student to participate in a summer academy or other program designed to assist the student in attaining grade-level reading skills. (All kindergarten through 3rd grade students are tested to identify those reading below grade level.)

A teacher who determines a 3rd grader is unable to meet competencies required for promotion to 4th grade, may have the authority – after consultation with the student's parents – to recommend that promotion is contingent upon the participation in and successful completion of the required competencies at a summer academy or other program. Students not successfully completing the competencies in the summer academy or other program may be retained, although a parent may appeal a retention decision by complying with the district's appeal process. The decision of the district board of education is final, although a parent may prepare a written statement stating the reason or reasons for disagreeing with the decision of the board that will become a part of the permanent record of the student.

Beginning one year after implementation – subject to the availability of funds – this policy is to be expanded to apply to 4th grade student promotion to 5th grade. Each following year, the policy is to be expanded by one grade level until the requirements apply to students in 3rd-8th grades. The policy does not prevent the state board or local boards from utilizing private, local or federal funds to implement this policy.

Tennessee

[TENN. CODE ANN. § 49-2-203](#)

Local boards of education have the power to establish minimum attendance requirements or standards as a condition for passing a course or grade. Policies must be: (1) established prior to any school year in which they are to be applicable; (2) recorded in board minutes and publicized through a newspaper of general circulation prior to implementation; (3) printed and distributed to students prior to implementation; and (4) may not violate [Tenn. Code Ann. § 49-6-3002\(b\)](#).

Texas

[TEX. EDUC. CODE ANN. § 29.082](#)

Authorizes districts to set up an extended year program for 1st-11th grade students identified as not likely to be promoted or 12th graders not likely to graduate. Students who attend at least 90% of the program days and satisfy the requirements of [TEX. EDUC. CODE ANN. § 28.021](#) are to be promoted to the next grade level unless their parents present a written request to the principal that the student be retained. As soon as practicable after receiving the request from a parent, the principal must hold a formal meeting with the student's parent, the extended year program teacher and a counselor. During the meeting, the principal, teacher or counselor is to explain the longitudinal statistics on the academic performance of students who are not promoted to the next grade level and provide information on the effect of retention on a student's self-esteem and on the likelihood of a student dropping out of school. After the meeting, the parent may withdraw the request. If the parent withdraws the request, the student will be promoted. If a student is promoted, the school district will continue to use innovative practices to ensure that the student is successful in school in succeeding years.

Districts operating voluntary extended year program under this policy are directed to adopt policies designed to lead to the immediate reduction and the ultimate elimination of student retention.

Virginia

[VA. CODE ANN. § 22.1-254.01](#)

3rd-8th grade students who fail all four Standards of Learning (SOL) assessments must attend a summer remediation program or participate in another form of remediation. Students who fail one or more – but not all – of the SOL assessments may be required to participate in a remediation program. A division superintendent may determine that promotion is contingent upon a student participating in a summer or other remediation program.

West Virginia

[W. VA. CODE § 18-2E-3C](#)

Directs the state board to establish a competitive grant program to provide reading programs for students in kindergarten through 4th grade. The program is to be called the Reading Excellence Accelerates Deserving Students program, or West Virginia READS. Counties receiving grants are directed to encourage students who did not perform at grade level to attend summer school, and may consider summer school attendance as a factor in determining whether a student is eligible to be promoted to the next grade.

[W. VA. CODE § 18-2E-3D](#)

Directs the state board to establish a competitive grant program to provide mathematics programs for students in kindergarten through 4th grade. The program is to be called the Mathematics Achievement Through Help program, or West Virginia MATH. Counties receiving grants are directed to encourage students who did not perform at grade level to attend summer school, and may consider summer school attendance as a factor in determining whether a student is eligible to be promoted to the next grade.

[W. VA. CODE § 18-2E-3E](#)

Directs the state board to establish a competitive grant program to provide science programs for students in 4th-8th grades. The program is to be called the West Virginia Science Education Enhancement Initiative. Counties receiving grants are directed to encourage students who did not perform at grade level to attend summer school, and may consider summer school attendance as a factor in determining whether a student is eligible to be promoted to the next grade.

States that Explicitly Make the Decision Local

Alabama

[ALA. CODE. § 16-8-35](#)

Promotion and retention is determined at the county level for students prior to high school. Elementary schools are 1st-6th grades, junior high schools are 7th-9th grades ([ALA. CODE. § 16-8-36](#)). County boards are directed to determine the conditions under which a student may progress from elementary to junior high school, and from junior high school to senior high school.

Kentucky

[KY. REV. STAT. ANN. 158.140](#) [From opinions of Attorney General]:

"Retention and promotion of pupils is entirely a matter of local board of education policy and not a matter for control by parents. Parents do not have a right to demand that a child be retained at a particular grade level for any reason, and especially not for athletic purposes."

[KY. REV. STAT. ANN. 160.290](#) [From opinions of Attorney General]:

"Boards of education under their general powers may establish reasonable policies for the retention, demotion and promotion of pupils, including requiring that pupils passed by their teachers move on to the next higher grade."

Massachusetts

[MASS. GEN. LAWS ANN. § 71, § 37](#) [From court decisions]:

"Duty of care and management of public schools, which is vested in school committee under this section, includes the right to establish and maintain standards for promotion of pupils from one grade to another and for their continuation in any particular grade."

Minnesota

[MINN. STAT. ANN § 123B.06](#)

Directs each district to develop an appropriate program of pupil progress and promotion for its elementary, middle and secondary schools.

Nebraska

[NEB. REV. STAT. § 79-526](#)

The school board or board of education of a Class I, II, III, IV, or VI school district may adopt rules it deems necessary to secure the regular attendance and progress of children at school.

New York

[N.Y. EDUC. LAW § 1711](#) (Pertains to union-free school districts.)

[N.Y. EDUC. LAW § 2508](#) (Pertains to school districts of cities of fewer than 125,000 inhabitants.)

[N.Y. EDUC. LAW § 2566](#) (Pertains to school districts of cities of 125,000 inhabitants or more.)

All policies state that the district superintendent is "To have supervision and direction over the enforcement and observance of the courses of study, the examination and promotion of pupils[.]"

Pennsylvania

[PA. STAT. ANN. § 15-1532](#)

Directs every public elementary or high school teacher in a 2nd, 3rd or 4th class district to keep a record of the work and progress of each student. The last monthly report required by law of the teacher is to report the grade of proficiency of each student, his standing in the several branches pursued by him in the school, his conduct and a recommendation for promotion or retention for additional preparation. The teacher will not be paid any salary for the last month of the term until the record and report has been examined and approved by the district superintendent or the secretary of the board of school directors.

Kyle Zinth, researcher in the ECS Information Clearinghouse, updated this report. Email: kzinth@ecs.org

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Helping State Leaders Shape Education Policy



Examples of State Remediation Policies

By Kyle Zinth

August 2005

Introduction

Remediation policies in the states take many forms, and states frequently have multiple policies that address student remediation. It is common, for example, for a state to spell out in its accountability or assessment policies what actions are to be taken to bring students up to proficient levels. States that have such policies also may have others that are targeted toward specific areas of need such as early learning, literacy or preparation for high school exit exams.

This document is intended to provide examples of various remediation policies used throughout the United States to provide policymakers with an idea of what policies are being implemented in other states. It is not intended to be a comprehensive list of remediation policies, nor is it intended to make comparisons as to the quality of one state's remediation policies versus another's.

This document is separated into six sections, with examples of remediation policies given in the following areas:

- (1) General policies
- (2) Early learning
- (3) High school
- (4) Targeted at specific districts in a state
- (5) Homeschooled students
- (6) Postsecondary.

These examples of policies are followed by policy considerations for those designing new remediation policies.

Links to statutory language are provided where available, although if a policy has been recently amended those changes may not be reflected. Corrections to listed policies are welcome.

General Policies

These are wide-ranging policies, aligned with state assessment and accountability systems, and therefore cover a number of grades and subjects. States may operate general policies while still employing other policies that are targeted to meet more specific needs. Examples of states that have general remediation policies include Louisiana, Pennsylvania and Washington.

Louisiana

[LA. REV. STAT. ANN. § 17:394 - LA. REV. STAT. ANN. § 17:401](#)

Louisiana's Remedial Education Act provides supplemental funds for the delivery of supplemental remedial instruction for students. The policy directs all parish and city school systems to implement a system of remedial education consistent with regulations adopted and approved in accordance with [LA. REV. STAT. ANN. § 17:24.4](#), which describes Louisiana's competency-based education and educational assessment programs. A requirement of LA. REV. STAT. ANN. § 17:24.4 is that parish and city school boards develop pupil-progression plans, which are to be comprehensive plans based on

student performance as measured by the competency-based education program. Pupil-progression plans must require mastery of grade-appropriate skills before the student can be recommended for promotion.

Instruction in state-funded remediation is based on student deficits identified through the state's testing program in English language arts and mathematics. To be eligible to receive funds under this program, a school board must submit a proposal describing its proposed remedial system. The description must include all remedial instruction and proposals for program improvement, as well as a narrative incorporating: (1) a statement of the educational objectives and how they are determined; (2) the student population to be served and the selection criteria to be used; (3) the methodologies to be used in meeting the educational problems; (4) a description of the course content to be taught; (5) a detailed budget, including excess costs above regular programs; and (6) an evaluation plan encompassing both the educational process and the extent of growth and achievement evidenced by pupils.

Programs must be based on performance objectives related to educational achievement in grade-appropriate skills, provide supplementary services designed to meet the educational needs of each participating student and be coordinated with locally or federally funded – or both – remedial education programs, but remain as a separate program to be funded by the state.

In addition to bringing students up to grade-appropriate skill levels, the act gives students a sense of success and prevents their alienation and early departure from school. The policy also addresses students intending to attend college after graduation who have demonstrated insufficient academic achievement to successfully undertake college work.

Pennsylvania

PA. STAT. ANN. § 15-1512-C

Pennsylvania's Educational Assistance Program provides for the support of tutoring services for students who have scored below proficient on the Pennsylvania System of School Assessment (PSSA) or other assessments identified by the state department of education (DOE). The PSSA is administered to students in 3rd through 12th grades in subjects required under the No Child Left Behind (NCLB) Act, and the state DOE is to determine other assessments used for students in K-3rd grade. "School entities" with one or more schools that have failed to meet at least one academic performance target also are eligible. (A school entity is a school district, joint school district, area vocational-technical school or independent school.)

School entities are required to annually notify the parents of eligible students of the availability of tutoring services under this policy and are to provide a list of all approved providers operating within the boundaries of or around the school entity. Upon request of a student's parents, school entities are required to assist the parents in selecting a provider. School entities are required to either directly offer tutoring services to eligible students or enter into a contract with a provider approved under PA. STAT. ANN. § 1505-C to provide tutoring services.

Tutoring services must include intensive instruction in subjects assessed through the PSSA and required under NCLB. Services may be provided outside of normal school days and hours, including mornings, evenings, weekends and during the summer. Services may take place on an individual or small group basis, although class sizes are limited to 10 students during the regular school term and 15 during the summer.

The state DOE is required to provide school entities with technical assistance upon request and to annually assess any provider or school entity that provides tutoring services under this policy to determine the academic progress of students receiving services.

Washington

[WASH. REV. CODE § 28A.165](#)

Washington's Learning Assistance Program is intended to: (1) promote the use of assessments when developing programs for assisting underachieving students; and (2) guide districts in providing the most effective and efficient practices when implementing these programs. To participate and receive state funds, a district must submit a plan to the office of the superintendent of public instruction by July 1st of each year. Plans must meet all the requirements detailed in [WASH. REV. CODE § 28A.165.025](#).

Students are identified as in need of remediation through the use of one or more of the basic-skills assessments – reading, writing and mathematics – administered as part of Washington's student assessment system, and assessments administered by local school districts. The policy currently defines eligible participating students as K-11th graders who

score below grade level on statewide assessments and who are identified in the approved plan to receive services. (Beginning with the 2007-08 school year, 12th grade will be added.) Underachieving students are those with the greatest academic deficits, as determined through statewide assessments.

Services and activities that may be supported by the learning assistance program are:

- (1) Extended learning-time opportunities, which may occur: (a) before or after school; (b) on Saturday; and (c) beyond the regular school year
- (2) Professional development for certified and classified staff that focus on: (a) the needs of a diverse population; (b) specific literacy and mathematics content and instructional strategies; and (c) the use of student work to guide effective instruction
- (3) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students
- (4) Tutoring support for participating students
- (5) Outreach activities and support for parents of participating students.

The policy directs the superintendent of public instruction to monitor approved programs at least once every four years to ensure they are meeting the requirements of the policy, to assist in this, districts are to maintain individual student records.

Table 1: General Policy Comparison

	Louisiana	Pennsylvania	Washington
Offering of remediation	Required	Required	Voluntary
Students identified	Students not meeting the performance standards defined by the state department of education.	Students not demonstrating academic proficiency on assessments mandated by state and federal law.	Students who score below grade level on statewide assessments and who are identified in the approved plan to receive services.
Assessments used	State assessments	Assessments mandated by state and federal law. The Pennsylvania System of School Assessment test is administered in subjects and at grade levels required by No Child Left Behind. The department of education determines what other assessments may be used to identify students in grades K-3.	One or more of the basic-skills assessments administered as part of Washington's student assessment system, and assessments in the basic-skills areas administered by local school districts.
Grades	At least 3rd, 4th, 7th and 8th grades and at the high school level.	K-12	K-11, with 12th grade to be added beginning with the 2007-08 school year.
Services	Remedial and supplemental instruction	Tutoring, which includes intensive instruction and small class sizes or individual instruction.	(1) Extended learning-time opportunities; (2) professional development for certificated and classified staff; (3) consultant teachers to assist in implementing effective instructional practices by teachers serving participating students; (4) tutoring support for participating students; and (5) outreach activities and support for parents of participating students.
Subjects	English language arts and mathematics	To comply with No Child Left Behind, grades 3-8 and at	Basic-skills areas: reading, writing and mathematics

		least one grade between 10th and 12th grade are required to be tested in reading and mathematics. Starting in the 2007-08 school year, it will be required to administer a science assessment at least once during the following grade spans: 3-5, 6-9 and 10-12.	
Funding	Appropriated as a line item within the general appropriations bill to the state department. The state department of education distributes funds to parish and city school boards on a per-pupil per-subject area basis to be used solely for remediation purposes.	State allocates funds according to a formula.	Participating districts must submit plans to the superintendent of public instruction to receive funding. Plans must address all the elements in WASH. REV. CODE § 28A.165.025 and specify which services are to be implemented.
Required for promotion/graduation	Locally adopted pupil progression plans must require mastery of grade-appropriate skills before the student can be recommended for promotion.	Does not specify.	Does not specify.

Early Learning Remediation Policies

Literacy Remediation

Research indicates that achieving literacy early in elementary school is crucial in ensuring a student's future success. Once learning to *read* is accomplished in the early years, students more easily transition to reading to *learn* in other subject areas such as math, science or social studies. Consequently, students who are not proficient readers by the end of 3rd grade typically have difficulties throughout the course of their schooling, perform poorly in other subjects and may never graduate. In response to this reality, many states have implemented programs designed to ensure their students have proficient levels of literacy. Two states that operate such policies are Minnesota and Wyoming.

Minnesota

[MINN. STAT. ANN. § 120B.12](#)

Each district is required to identify – prior to the end of 1st grade – students at risk of not learning to read before the end of 2nd grade. This is to be accomplished through the use of locally adopted assessment methods. Although the assessments are to be locally adopted, the state commissioner of education is directed to recommend multiple assessment tools to assist districts and teachers in identifying these at-risk students, and to make available to districts examples of nationally recognized and research-based instructional methods or programs that districts may use to provide reading interventions.

Intervention methods are required to encourage parental involvement and, where possible, collaboration with appropriate school and community programs. Intervention methods may include, but are not limited to, requiring attendance in summer school and intensified reading instruction that may require the student be removed from the regular classroom for part of the school day.

Wyoming

[WYO. STAT. § 21-3-401](#)

This policy directs each school district to design and implement a reading-screening program – aligned with the statewide educational program standards – that measures student progress in 1st and 2nd grade. Students determined to have

reading deficiencies will be assessed to identify the specific reading problem and determine its nature. Students not showing appropriate reading competence are placed on an individualized reading plan to remedy the reading-related difficulty using an appropriate research-based intervention program.

Districts are to annually report to the state department of education on the progress toward reaching the goal of 85% of identified students being reading proficient. The report is to include longitudinal data on all students in 1st through 4th grades identified for intervention. If the goal is not reached, the district is directed to report the reason the goal was not reached and the steps being taken to solve the problem. (This policy does not apply to students under an individualized education program that addresses reading difficulties.)

Table 2: Early Learning Literacy Comparison

	Minnesota	Wyoming
Offering of remediation	Required	Required
Students identified	Students in danger of not learning to read by the end of 2nd grade.	Students determined to have reading deficiencies.
Assessments used	Locally adopted assessments	District-developed reading-screening programs
Grades	1-2	1-4
Services	May include – but are not limited to – requiring attendance in summer school and intensified reading instruction that may require the student be removed from the regular classroom for part of the school day.	Research-based intervention programs
Subjects	Reading	Reading
Funding	Does not specify.	Provided by the state according to a funding formula through the school foundation program (WYO. STAT. § 21-13-333).
Required for promotion/graduation	Does not specify, although the district may require participation.	Does not specify.

General Early Learning Remediation

While ensuring a child is reading at grade level is crucial, it also is important to make sure students are not falling behind in other academic subjects. A number of states have instituted policies at the elementary level that attempt to identify and remediate deficiencies in multiple subject areas. Two states that have implemented such a policy are West Virginia and Wisconsin. (It is important to note a listed state with a policy seeking to remediate in multiple subjects also may have a policy specifically targeted toward early literacy. For example, although West Virginia is listed below as having a policy addressing several subject areas, the state also operates a grant program that is specifically targeted toward early literacy [W. VA. CODE § 18-2E-3C](#).)

West Virginia

[W. VA. CODE § 18-2E-3F](#)

The West Virginia Legislature recognized in this 2004 policy that mastery of the basic skills of reading, mathematics and English language arts is the foundation for all further learning, and that deficiencies in these skills that persist beyond the early childhood years become more difficult to overcome. This policy also states that intensive instruction, early detection and intervention to correct student deficiencies in basic skills are more effective in improving student performance than alternatives, which include grade retention, social promotion and referral for special services.

State law requires the state board to adopt rules to ensure reading, mathematics and English language arts are the only subjects required to be taught daily in kindergarten through 2nd grade, and instruction in other subjects is to be oriented to reinforce instruction in them.

State law also requires the board to adopt rules determining strategies for both the early identification and intervention to correct student deficiencies in the identified subjects. These strategies are to be implemented throughout the instructional term at each of the early childhood grades, and are to allow flexibility in student schedules to provide additional time and instruction for students who are below mastery in these subjects in 3rd and 4th grade.

Wisconsin

[WIS. STAT. ANN. § 115.45](#)

This policy establishes a preschool through 5th-grade grant program. A school board may decide to submit an application for funds to the state superintendent, or it may apply upon receipt of an application from one of its elementary school principals. Grants may be used to fund programs within the public schools or be used to fund remediation through the use of private service providers.

Approved programs are required to provide a structured educational experience for 4-year-olds that focus on the needs of low-income students and encourage early skills development. Students in 1st through 5th grades are to be tested annually in reading, language arts and mathematics using tests approved by the department of education. Schools or service providers are required to implement a multidisciplinary team approach to the identification and remediation of problems of students with significant needs.

Priority for the awarding of grants is given to: (1) programs that were in existence on August 9, 1989, that have proven successful; (2) programs established in school districts with a high number of dropouts and low-income students; and (3) programs that were in existence on July 1, 1991. Amounts awarded under this policy are to be awarded on the basis of improvement in academic performance.

Table 3: General Early Learning Comparison

	West Virginia	Wisconsin
Offering of remediation	Required	Voluntary
Students identified	Children participating in early childhood education programs who demonstrate academic deficiencies.	Students with significant needs, identified through the use of a "multidisciplinary team approach."
Assessments used	Statewide assessments as well as other strategies determined by the state board of education.	Although the policy does not specify which assessment must be used, the state department of education must approve the assessment.
Grades	K-4	P-5
Services	Does not specify.	A multidisciplinary team approach for remediation.
Subjects	Reading, mathematics and English language arts	Reading, language arts and mathematics
Funding	Does not specify.	Grants awarded by the state superintendent.
Required for promotion/graduation	This policy states that early intervention is a more effective practice than either grade retention or social promotion.	Does not specify.

High School

High school is a hot topic in education policy circles today. Policymakers are striving to create policies that increase graduation rates, help students meet graduation requirements and prepare them for success at the postsecondary level. With the widespread development of high school exit exams, there is a growing need to offer remediation to those high school students who have met all other requirements for graduation, except for passage of the high school exit exam. Three states that operate policies directed at high school students are Arizona, South Carolina and Utah.

Arizona

[ARIZ. REV. STAT. ANN. § 15-809](#)

This policy directs the state department of education to establish an Arizona Instrument to Measure Standards (AIMS) intervention and dropout prevention program. (Starting with the 2005-06 school year, AIMS will serve as Arizona's high school exam.) The department of education is responsible for developing application procedures, selection criteria and minimum performance standards for service providers that wish to participate in the program. Eligible service providers

are either public agencies – including schools and school districts – or private entities certified by the department of education that have demonstrated documented success in delivering dropout prevention services.

The program is directed toward those high school students who are most likely to drop out of high school and who have documented academic, personal or vocational barriers to success in high school and the workplace. One of the required components is each student receive at least nine consecutive months of academic support, which includes tutoring and remediation to ensure the student meets the state's academic standards. Students also participate in the program for 12 months after graduation from high school, during which time the service provider provides follow-up assistance designed to assist the student's transition to postsecondary education, vocational or job training, military service or employment.

Utah

[UTAH CODE. ANN. § 53A-13-104](#)

This policy directs local school boards to implement remediation programs to ensure students attain the competency levels and meet the graduation requirements established by the state board of education. (Although not mentioned in this policy, one requirement established in state law for receipt of a basic diploma is the passage of the basic-skills competency test described in [UTAH CODE ANN. § 53A-1-611.](#)) Programs are to be implemented in English, mathematics, science and social studies, and participation is mandatory for identified students. Students are identified through classroom performance.

Successful completion of remediation is required for promotion, although local school boards may allow students in need of remediation to be promoted if they are otherwise scheduled to enter 9th grade. Completion of remediation must then take place at the high school. The policy requires that programs should not be unnecessarily lengthy or repetitive and a student does not need to repeat an entire class if remediation can reasonably be achieved through other means.

Although funding is not addressed in this policy, it does authorize local school boards to charge students a fee to participate in remediation programs.

Virginia

[Project Graduation](#),¹ launched by Virginia Governor Mark Warner, provides additional opportunities for students to earn the verified units of credit required to receive a high school diploma.

Starting for students entering 9th grade in 2003-04 and beyond, in addition to passing each course, students must pass an end-of-course Standard of Learning (SOL) test to earn verified units of credit that count toward a standard diploma. Students must pass two SOL tests in English and one each in mathematics, science, history and social science, and one student-selected test. (A transition plan is in place for students who entered high school before the 2003-04 school year, and different requirements are in place for transfer students.)

The department of education operates a Project Graduation Web site with sections dedicated to students and parents, as well as educators and school counselors. The site offers links to Princeton Review online [tutorials](#) in English/reading and Algebra I. A post-tutorial readiness assessment determines if a student is ready for SOL retesting or whether additional online instruction is necessary. Also available is an electronic Practice Assessment Tool ([ePAT](#)) that allows students to take practice tests and links to previously administered [released SOL](#) tests.

Table 4: High School Comparison

	Arizona	Utah	Virginia
Offering of remediation	Voluntary	Required	Does not specify.
Students identified	High school students who are most likely to drop out of high school without graduating and who have documented academic, personal or vocational barriers to success in high school and the workplace.	Students who do not meet competency levels, as determined by classroom performance.	Students who fail to pass an end-of-course Standards of Learning (SOL) test.
Assessments used	Arizona Instrument to Measure Standards (AIMS)	Does not specify.	SOL tests or other tests approved by the state

			board. The department currently maintains a list of substitute tests for verified credit.
Grades	9-12	7-12	9-12
Services	At least nine consecutive months of academic support, which includes tutoring and remediation to ensure the student meets the state's academic standards. Follow-up assistance designed to assist the student's transition to postsecondary education, vocational or job training, military service or employment is provided for 12 months after the student's graduation.	Does not specify.	Online tutorials , practice assessments and previously administered and released SOL tests.
Subjects	At least reading, writing and mathematics; also may include science and social studies at the discretion of the state board.	English, mathematics, science and social studies	English/reading, math and science
Funding	The state department of education contracts with service providers.	Does not specify, although districts are authorized to charge students for remediation services.	Does not specify.
Required for promotion/graduation	Required	Required	Does not specify.

Targeted at Districts

Some states have implemented remediation policies that seek to eliminate academic deficiencies in entire districts. These districts are identified for reasons ranging from student performance on assessments, the district not making adequate yearly progress, the size of the district's population or measures of poverty within the population. Two states that have remediation policies targeted at specific school districts are Connecticut and Massachusetts.

Connecticut

[CONN. GEN. STAT. § 10-265g](#)

This policy pertains to priority school districts, which are those located in the eight largest towns in the state in addition to the 11 towns identified with each of the greatest number and ratio of children served by the temporary family assistance program ([CONN. GEN. STAT. § 10-266p](#)).

The policy requires districts to offer a summer reading program for kindergarten students identified by their teachers as needing additional reading and reading-readiness instruction. Districts also are directed to evaluate the reading level of students in 1st through 3rd grades. Students that are identified as substantially deficient based on the middle-of-the-year and end-of-year evaluation are to be offered a personal reading plan that includes measures to improve the student's reading level such as tutoring, a transitional class or a summer reading program. Personal reading plans are to conform to [CONN. GEN. STAT. § 10-221i](#), which requires further remediation for students who fail to meet statewide standards on the 4th- and 6th-grade mastery examinations.

Grade promotion is contingent on the student's documented progress in achieving the goals of the personal reading plan or demonstrated proficiency. If a decision is made to promote a student who is substantially deficient in reading from 3rd to 4th grade, the school principal is required to provide written justification to the superintendent of schools.

Massachusetts

[MASS. GEN. LAWS ANN. CH. 69, § 1i](#)

This policy directs each school district in which more than 20% of the students score below level two on the Massachusetts Comprehensive Assessment System (MCAS) exam, to submit an MCAS success plan to the state department of education (DOE). The plan must describe the school district's strategies for helping each student to master the skills, competencies and knowledge required for the competency determination described in [MASS. GEN. LAWS ANN. CH. 69 § 1D\(i\)](#). Demonstrating this competency determination is required for a student to graduate from high school.

The DOE determines the elements that will be required to be included in a plan, which may include – but are not limited to – (1) a plan to assess each student's strengths, weaknesses and needs; (2) a plan to use summer school, after school and other additional support to provide each child with the assistance needed; and (3) a plan for involving the parents of students. The DOE must examine each district's plan and determine if it has a reasonable prospect of significantly reducing the school district's failure rates. The department of education is directed to coordinate oversight of the MCAS success plans with existing audit and oversight functions and with the MCAS grant program.

Table 5: Targeted Policies Comparison

	Connecticut	Massachusetts
Offering of remediation	Required	Required
Students identified	Priority school district kindergarteners identified as needing additional reading and reading-readiness instruction, and students in 1st to 3rd grades identified as substantially deficient in reading.	Students in districts where more than 20% of students score below level two on the MCAS.
Assessments used	Does not specify.	MCAS
Grades	K-3	10-12
Services	For kindergarten students, a summer reading program, for all other identified students, a personal reading plan that includes measures to improve the student's reading level such as tutoring, a transitional class or a summer reading program.	May include – but are not limited to – (1) a plan to assess each student's strengths, weaknesses and needs; (2) a plan to use summer school, after school and other additional support to provide each child with the assistance needed; and (3) a plan for involving the parents of identified students.
Subjects	Reading	Mathematics, science and technology, history and social science, English and foreign languages
Funding	Districts submit plans for grants described in the “early reading success grant program,” (CONN. GEN. STAT. § 10-265F).	Does not specify.
Required for promotion/graduation	Promotion is contingent on documented progress in achieving the goals of the personal reading plan or demonstrated proficiency.	Graduation

Homeschool Remediation

It is estimated there are over [1 million](#)² homeschooled students in the United States. For a number of reasons, some states exert very little regulation over homeschooling, while other states impose stricter regulations such as including homeschooled children in their statewide testing programs. Two states that have remediation policies specifically addressing identified learning deficiencies of homeschooled children are Tennessee and West Virginia.

Tennessee

[TENN. CODE. ANN. § 49-6-3050](#)

This policy pertains to homeschooled students who fall behind their appropriate grade level in reading, language arts, mathematics or science. Students are identified through the use of the same state standardized test required of public school students in 5th, 7th and 9th grades. (The test for 9th grade is not the high school proficiency test required by [Tenn. Code Ann. § 49-6-6001](#).)

Students may take the test without charge in a public school, or they may have the test administered by a professional testing service at the expense of the parent-teacher. Students taking a test in a public school have the test administered in the public school they would otherwise attend, or at whatever location students at that school are normally tested. Tests administered by a professional testing service must be administered within 30 days of the date of the statewide test. All test results must be provided to the parent-teacher, the director of schools and the state board of education.

If a student is six to nine months behind appropriate grade level, the parent is required to consult with a teacher licensed by the state board of education and having a certificate or endorsement in the appropriate grade, course or subject matter. Through consultation, the parent and teacher will then design a remedial course to help increase the child's achievement to the appropriate grade level. The parent is required to report the remedial course to the local director of schools. If a test indicates that a student is one year or more behind appropriate grade level, the same test must be administered to the child no more than one year later. If a student falls more than one year behind appropriate grade level on the comprehensive test score for two consecutive tests – and if the child is not learning disabled – the local director of schools may require the parents to enroll the child in a public, private or church-related school.

West Virginia

[W. VA. CODE § 18-8-1](#)

This policy applies to homeschooled children between the state's compulsory entrance age (West Virginia's compulsory entrance age is currently [six](#)³⁾ and 16 years old.

On or before the 30th day of June of each year, individuals providing home instruction to a child are required to obtain an academic assessment of the child for the previous school year and submit the results to the county superintendent. Academic assessments include (1) nationally normed standardized tests; (2) the testing program currently at use in West Virginia's public schools; (3) providing the county superintendent with a written narrative indicating a portfolio of the student's work has been reviewed; or (4) an alternative academic assessment of proficiency agreed upon by the parent or guardian of the student and the county superintendent. Academic assessments taking place outside of a public school are administered at the expense of the parent or legal guardian.

When the annual assessment fails to show acceptable progress, individuals providing home instruction are directed to initiate a remedial program to foster acceptable progress and the county board must notify the parents or legal guardian of the child – in writing – of the services available to assist in the assessment of the child's eligibility for special education services. The identification of a disability does not preclude the continuation of homeschooling. (This policy directs the state board to develop guidelines for the homeschooling of special education students, including alternative assessment measures to ensure satisfactory academic progress is achieved.)

If a child does not achieve acceptable progress for a second consecutive year, individuals providing instruction must submit to the county superintendent additional evidence that appropriate instruction is being provided. Subject to their availability, the county superintendent or a designee is required to offer assistance – including textbooks, other teaching materials and available resources – that may assist individuals providing home instruction. Any child receiving home instruction may – upon approval of the county board – attend any class offered by the county board that the individual providing home instruction considers appropriate, subject to normal registration and attendance requirements.

Table 6: Homeschool Remediation Comparison

	Tennessee	West Virginia
Offering of remediation	Required	Required
Students identified	Homeschooled students who have fallen behind their appropriate grade level.	Homeschooled students who are failing to make adequate academic progress.
Assessments used	State standardized test required of public school students.	"Academic assessments," which include: (1) nationally normed standardized tests; (2) the testing program currently at use in West Virginia's public schools; (3) a written narrative indicating that a portfolio of the student's work has been reviewed; or (4) an alternative academic assessment agreed upon by the parent or guardian of the student and the county superintendent.

Grades	5, 7 and 9	Does not specify.
Services	Remedial course designed through consultation with the parent-teacher and a licensed and certified teacher.	A remedial program. Subject to their availability, textbooks, other teaching materials and available resources that may assist in home instruction. Students also may – upon approval of the county board – attend any class offered by the county board subject to normal registration and attendance requirements.
Subjects	Reading, language arts, mathematics and science	Reading, language, mathematics, science and social studies
Funding	Does not specify for remediation. State tests administered in public schools are free of charge; those administered by a professional testing service are at the expense of the parent-teacher.	Does not specify for remediation. The costs of assessments administered outside of a public school are the responsibility of the parent.
Required for promotion/graduation	Does not specify.	Does not specify.

Postsecondary

Recent [research](#)⁴ indicates that 28% of entering freshmen enrolled in at least one remedial reading, writing or mathematics course. This incurs additional financial costs on the unprepared student, the institution required to provide remediation and the state that may have to fund such remediation. Some states have instituted policies designed to address remediation needs proactively, before a student graduates from high school or at the postsecondary level for high school graduates. New York and Kentucky are two states that operate such programs. (Readers more interested in postsecondary remediation may wish to visit the ECS issue site on [postsecondary remediation](#).)

Kentucky

[KY. REV. STAT § 158.803](#)

The Kentucky Early Mathematics Testing Program is to lower the number of Kentucky high school graduates requiring remediation upon enrollment in a postsecondary institution. Through the use of a Web-site-based testing system, the program aims to inform primarily high school sophomores and juniors about their skill level in mathematics compared to standards required for community college-, technical college- and university-level math courses. Identifying deficiencies permits students to address them while they are still in high school.

Participation in the program is voluntary and a postsecondary education institution may not use test scores during the admissions process. Students may specify that up to three participating postsecondary institutions be sent information regarding their performance, and the policy encourages the chair of the mathematics department or the academic dean of each identified institution to send a personalized letter to students either: (1) encouraging them to take additional high school mathematics courses to address identified deficiencies; or (2) congratulating them for doing well on the test and encouraging continued study in mathematics.

The public university that conducts the testing program is required to submit an annual report to the state board of education and the council on postsecondary education regarding its activities and the effects the program has had on levels of remediation required by participating students.

New York

[N.Y. EDUC. LAW § 6451 + N.Y. EDUC. LAW § 6452](#)

New York's Opportunity for Higher Education is intended in part to assist students who: (1) have graduated from an approved high school in the state or who have attained a high school equivalency diploma; (2) have potential for the successful completion of a postsecondary program; and (3) are economically and educationally disadvantaged, as defined by the regents.

N.Y. EDUC. LAW § 6451 pertains to funds distributed to approved nonpublic institutions of higher education. The policy allows the commissioner of education to enter into contracts with these institutions to support special programs for the screening, testing, counseling, tutoring and assistance of those students identified above. N.Y. EDUC. LAW § 6452 directs both the City University of New York and the State University of New York to create the same special programs.

Included in the services that may be funded under each policy are: (1) remedial courses, developmental or compensatory courses and summer classes; (2) special tutoring, counseling and guidance services; and (3) any necessary supplemental financial assistance, which may include the cost of books and necessary maintenance for the student. (Supplemental financial assistance may only be provided according to criteria disseminated by the commissioner with the approval of the director of the budget.)

Table 7: Postsecondary Remediation Comparison

	Kentucky	New York
Offering of remediation	Does not specify.	Voluntary for nonpublic institutions, required for the City University of New York and the State University of New York.
Students identified	Students voluntarily participating in the state's mathematics testing program.	Students who have graduated from an approved New York high school.
Assessments used	A Web-site-based testing program developed by a public university.	Does not specify.
Grades	Primarily 10 and 11	Postsecondary
Services	Does not specify services. The policy is designed to allow students the opportunity to take classes to address their deficiency while still in high school.	Remedial courses, developmental or compensatory courses, summer classes, special tutoring, counseling and guidance services.
Subjects	Mathematics	Does not specify.
Funding	Appropriated by the general assembly.	Provided by the state.
Required for promotion/graduation	Does not specify.	Does not specify.

Policy Considerations

As demonstrated even in this short document, there is great diversity in remediation policies throughout the states, with policies of varying scope and type. These policies have multiple components, and the differing needs of the states mean that policies crafted with local considerations in mind may look quite different than policies implemented in other states. Listed below are some common components of existing remediation policies that policymakers may want to think about while designing new policies to best fit the needs of their state's children.

Offering of remediation – Will the new policy require a school, district or the state to offer remediation to identified students? Options may include: (1) requiring a district, school or the state to offer remediation; or (2) establishing voluntary programs that districts or schools may choose to participate in.

Students identified – Who is identified in the new policy as eligible for or in need of remediation? What group of students is this new policy intended to help? Options may include: (1) targeting policies toward any student not academically proficient in a number of subjects or grades; (2) targeting policies toward students in specific districts or schools; or (3) identifying students by academic performance at specific grade levels or subject areas throughout the state.

Assessments used – In what manner are students identified? Options may include: (1) allowing local districts to determine eligible students through the use of local assessments or evaluations; (2) identifying students through use of state or national assessments; or (3) using a combination of approaches.

Grades – At which grades will the policy be targeted? Options may include: (1) targeting policies toward specific grades or grade spans; or (2) creating expansive policies that cover multiple grades or grade spans.

Services – Does the policy mandate what services are offered to students? Options may include: (1) requiring that research- or scientifically-based approaches be used in remediation; (2) listing in the policy other required services to be

offered; (3) directing the state board of education to determine appropriate services; or (4) allowing the local district to decide appropriate services.

Subjects – Will the policy be targeted toward specific subject areas, and if so, what subjects will the policy address? Options may include: (1) targeting policies at specific subject areas such as early literacy; or (2) encompassing a number of academic subjects such as reading, mathematics and science.

Funding – How is the policy funded? Options may include: (1) fully funding programs through appropriations or automatic (not competitive) grants targeted at the lowest-performing schools or lowest-performing students; (2) requiring local districts to fund the programs; (3) using federal funds (for example, as part of its school improvement plans described in ALASKA ADMIN. CODE TIT. 4 § 06.845, Alaska directs schools to set aside at least 10% of their Title I funds to provide for professional development that addresses the academic performance problem that resulted in the school's designation as not making adequate yearly progress); (4) or using a combination of all the above. Another option is to consider requiring schools or districts report results and make future funding contingent on achieving a certain level of achievement.

Required for promotion or graduation – Will participation in remediation under this policy be required for a student to either graduate high school or be promoted to the next grade level? Options may include: (1) establishing voluntary programs for students; (2) allowing districts to require participation; or (3) requiring student participation.

Primary Source

State statutory collections.

Other Sources

¹ Virginia Department of Education Web site, <http://www.pen.k12.va.us/2plus4in2004/>, accessed August 17, 2005.

² National Center for Education Statistics, [1.1 Million Homeschooled Students in the United States in 2003](#), July 2004.

³ Education Commission of the States, [Compulsory School Age Requirements](#), May 2004.

⁴ National Center for Education Statistics, [Remedial Education at Degree-Granting Postsecondary Institutions in Fall 2000](#), 2003.

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Helping State Leaders Shape Education Policy



Summer Remediation Policies

By Kyle Zinth

August 2005

Remediation of students with academic deficiencies is an issue faced by every state in the country, and the states have developed a variety of policies meant to bring student achievement up to grade level. For years various states have chosen the summer months as an ideal opportunity to remediate specific learning deficiencies, with the purposes of these programs ranging from ensuring literacy and competence in mathematics and science to preparing high school students for graduation exit exams or for preparing high school graduates for postsecondary education.

With the demands of adequate yearly progress (AYP) set forth in the No Child Left Behind Act, states are now implementing new remediation policies for students who are not proficient in one or more subject areas, and for entire schools and districts that are failing to make AYP. Many states are taking advantage of the summer break as a logical and convenient time to offer students remediation between grades, in addition to programs that are offered during the traditional school year.

Although a number of states also operate summer programs for special education students who are in danger of regressing in their learning over the summer break, those policies have not been listed here. Special education and English language learners completing an individual education plan are typically exempt from the listed remediation requirements. Listed policies originate in statutory collections when possible. When no relevant policies could be located in a state's statutes, however, the state's administrative code was consulted and two listed policies reflect this.

Selected findings:

- Thirty-four states and the District of Columbia have summer remediation policies in either their statutory compilation or administrative code, and 18 states have multiple policies, which are frequently targeted at different age groups or subject areas.
- **Twelve states operate summer remediation programs designed exclusively to ensure their students are reading at proficient levels:** California, Colorado, Connecticut, Florida, Idaho, Iowa, Kansas, Minnesota, Missouri, Ohio, Oklahoma and West Virginia. These policies are generally found at the elementary level and are especially common for students between kindergarten and 3rd grade.
- **Fourteen states explicitly include both mathematics and science as subjects in their remediation policies:** California, Colorado, Illinois, Kentucky, Louisiana, Massachusetts, Minnesota, Nevada, Pennsylvania, Tennessee, Texas, Virginia, Vermont and West Virginia. An additional five states and the District of Columbia include mathematics: Delaware, Nebraska, New Jersey, New York and South Carolina.
- **Ten states have policies that are targeted towards districts or schools, or students in specific districts or schools:** Alaska, California, Connecticut, Massachusetts, Missouri, Nebraska, New Mexico, New York, Pennsylvania and Tennessee. These districts or schools are identified for reasons ranging from not making AYP, the size of the district's population or measures of poverty within the population. (The District of Columbia is not included in this count, as it comprises a single school district.)
- **Nine states operate summer remediation programs explicitly designed to assist high school students meet graduation requirements:** California, Connecticut, Florida, Indiana, Massachusetts, New Jersey, New York, South

Carolina and Texas. Additionally, two states – Louisiana and New York – have policies relating to remediation of future or current high school graduates who intend to attend or are currently enrolled in a college or university.

Listed below are summaries of summer remediation policies, along with statutory references. Additions or corrections to listed policies are welcome.

Alabama

ALA. CODE § 16-6B-3

Offering of remediation under policy	Mandates
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	At-risk students performing below the standards set by the state board of education.
Funding	Local boards of education are required to budget at least \$100 dollars for each student identified as at risk and performing below standards set by the state board of education. The money is to be spent on tutorial assistance programs, which may include, but are not limited to, after school, Saturday school, summer school or any combination of them. Funds may be budgeted from state or federal funds, although federal funds already budgeted for at-risk students don't count towards the \$100.
Grades	Does not specify
Subjects	Does not specify

Alaska

ALASKA ADMIN. CODE TIT. 4 § 06.845 (**schools**), ALASKA ADMIN. CODE TIT. 4 § 06.850 (**districts**)

Offering of remediation under policy	Mandates that schools or districts not making adequate yearly progress (AYP) prepare improvement plans.
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	To be “incorporate[d], as appropriate....”
Students/schools/districts identified in the policy	Schools or districts not making AYP.
Funding	School improvement plans: Schools are to set aside at least 10% of Title I funds to provide the school’s teachers and principal with high-quality professional development that directly addresses the academic performance problem that resulted in the school being designated as not making AYP. District improvement plans: Code does not specify funding, although districts are to specify the responsibilities of the department of education, including technical assistance to be provided by the department.
Grades	Does not specify
Subjects	Does not specify

Arkansas

ARK. CODE ANN. § 6-16-702 - ARK. CODE ANN. § 6-16-705

Offering of remediation under policy	Mandates
Student participation in remediation	Required
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Students not performing at grade level during the regular school year.
Funding	Does not specify
Grades	K-3rd grades
Subjects	Does not specify

California

CAL. EDUC. CODE § 53027

Offering of remediation under policy	Voluntary
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Students experiencing difficulty learning to read.
Funding	Districts are eligible for reimbursement from the state.
Grades	K-4th grades
Subjects	Reading

CAL. EDUC. CODE § 37252

Offering of remediation under policy	Mandates for all districts offering any or all grades 7-12, voluntary for charter schools.
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Students not demonstrating sufficient progress toward passing the high school exit examination. This is determined through the student's performance on assessments, grades or other indicators of academic achievement as determined by the district.
Funding	The state provides funding to districts or charter schools through the annual budget act and through supplemental education funds as described in CAL. EDUC. CODE § 42239 and CAL. EDUC. CODE § 42239.1.
Grades	7th-12th grades
Subjects	State administers assessments in English language arts and mathematics (CAL. EDUC. CODE § 60648)

CAL. EDUC. CODE § 37252.2

Offering of remediation under policy	Mandates for all districts offering any or all of grades 2-9, voluntary for charter schools.
Student participation in remediation	A district or charter school may require attendance.
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Students who have been recommended for retention , or who have been retained due to the requirements of CAL. EDUC. CODE § 48070.5. Performance on state assessments is also used to identify students eligible for remediation.
Funding	The state provides funding to districts or charter schools through the annual budget act and through supplemental education funds as described in CAL. EDUC. CODE § 42239 and CAL. EDUC. CODE § 42239.1.
Grades	2nd-9th grades
Subjects	Does not specify, although the policy includes content guidelines for remedial reading or written expression programs operated under this policy.

CAL. EDUC. CODE § 37252.8

Offering of remediation under policy	Mandates for all districts offering any or all of grades 2-6, voluntary for charter schools.
Student participation in remediation	A district or charter school may require attendance.
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Students identified as having deficiencies based on the results of state assessments tests or identified as at-risk for retention according to state standards.
Funding	Districts or charter schools are eligible for reimbursement from the state.
Grades	K-6th grades
Subjects	Mathematics , reading or written expression
Notes	Unless extended, policy becomes inactive as of July 1, 2005, and repealed January 1, 2006.

CAL. EDUC. CODE § 37253

Offering of remediation under policy	Voluntary
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Does not specify
Funding	Districts or charter schools are eligible for reimbursement from the state.
Grades	Does not specify
Subjects	Mathematics and science , and any other subject designated by the superintendent of public instruction as a core subject
Notes	Unless extended, policy becomes inactive as of July 1, 2005, and repealed as of January 1, 2006.

CAL. EDUC. CODE § 48200.7

Offering of remediation under policy	Mandates for the first three elementary schools, voluntary thereafter.
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Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Requires the state department of education to identify the three lowest-performing elementary schools in the Compton Unified School District and targets students performing two or more grades behind their current grade level in mathematics or English language arts. The school district may identify other schools, which may include middle or high schools.
Funding	State funded, although the amount of funding claimed by the district cannot exceed twice the amount allocated for the policy during the 1997-98 fiscal year as adjusted each year by the inflation adjustment determined by CAL. EDUC. CODE § 48200.7.
Grades	K-12th grades
Subjects	Mathematics and English language arts

Colorado

COLO. REV. STAT. § 22-7-504

Offering of remediation under policy	Mandates
Student participation in remediation	Required
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Students whose reading readiness or literacy is below grade level.
Funding	Does not specify for students in kindergarten or 1st grade, although schools may apply for grants for students eligible for COLO. REV. STAT. § 22-7-506 (listed below).
Grades	K-3rd grades
Subjects	Reading

COLO. REV. STAT. § 22-7-506

Offering of remediation under policy	Does not specify
Student participation in remediation	Required if a part of the student's individual literacy plan
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Students who are not reading at a proficient level.
Funding	Grants. Schools submit plans to the Read To Achieve board for grants describing proposals to improve student literacy. If the Read To Achieve board approves of the plan, it is forwarded to the Colorado state board of education for approval. Grants are provided with money from the Read-To-Achieve cash fund, which is created using funds from the tobacco litigation settlement cash fund.
Grades	Students in 2nd and 3rd grade, or between 3rd and 4th grade
Subjects	Reading

COLO. REV. STAT. § 22-86-101 - COLO. REV. STAT. § 22-86-106

Offering of remediation	
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under policy	Does not specify
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	Required
Students/schools/districts identified in the policy	Students attending “facility” schools (defined below) who are performing below grade level in reading, writing, mathematics or science.
Funding	Grants. Facility schools may submit grant applications to the state board of education.
Grades	Does not specify
Subjects	Reading, writing, mathematics and science
Notes	Facility schools are those operated by a residential child care facility, a residential treatment center or any other facility included on the facility list maintained by the state board of education and that receives a portion of the per-pupil operating revenues of one or more school districts to provide educational services for children who are included on the roll of out-of-district placed children.

Connecticut

CONN. GEN. STAT. § 10-223A

Offering of remediation under policy	Mandates
Student participation in remediation	Required for promotion or graduation
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Students who have substantial academic deficiencies that jeopardize their eligibility for promotion or graduation.
Funding	Does not specify
Grades	Does not specify
Subjects	Does not specify

CONN. GEN. STAT. § 10-265G

Offering of remediation under policy	Mandates
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	Required for kindergarten, an option for students in 1 st -3rd grades
Students/schools/districts identified in the policy	Students in kindergarten identified as needing additional reading and reading readiness instruction and students in 1st–3rd grades identified as substantially deficient in reading.
Funding	Grants. Priority school districts (definition below) submit plans for grants described in the “early reading success grant program,” (CONN. GEN. STAT. § 10-265F).
Grades	K-3rd grades
Subjects	Reading
Notes	Priority school districts are those located in the eight largest towns in the state in addition to the 11 towns identified with each of the greatest number and ratio of children served by the temporary family assistance program (CONN. GEN. STAT. § 10-266P).

Offering of remediation under policy	Mandates
Student participation in remediation	Required
Summer school is a required or optional component of the policy	Required
Students/schools/districts identified in the policy	Students in priority districts who fail to meet the statewide standard for remedial assistance on the 4th and 6th grade mastery examination.
Funding	Grants. Priority districts apply to the state board of education to receive grants to pay for required summer programs. Preference for grants is given to elementary and middle schools with the highest number of students who are substantially deficient in reading (CONN. GEN. STAT. § 10-265M).
Grades	4th and 6th grades
Subjects	Reading

Delaware

Offering of remediation under policy	Mandates
Student participation in remediation	Districts may require
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Students in 3rd, 5th or 8th grades either “Below the Standard, Level II” or “Well Below the Standard, Level I” on the reading portion of the Delaware Student Testing Program (DSTP) assessment, 8th graders “Below the Standard, Level II” or “Well Below the Standard, Level I” on the mathematics portion of the DSTP assessment and students whose performance on “off-grade assessments” does not meet proficiency.
Funding	Does not specify
Grades	3rd, 5th and 8th grades
Subjects	Reading and mathematics

District of Columbia

Offering of remediation under policy	Mandates
Student participation in remediation	Required
Summer school is a required or optional component of the policy	Required
Students/schools/districts identified in the policy	For grades 1-5: Students scoring below “basic” on the Stanford 9 exam in reading and mathematics, not demonstrating classroom evidence documenting basic performance and scoring within 75% of the basic level in reading and mathematics on the Stanford 9 must complete summer school and demonstrate classroom evidence of basic-level performance to be eligible for promotion. Students scoring below 75% of basic in reading and mathematics on the Stanford 9 are required to attend summer school and are not eligible for grade promotion.

	For students in 8th grade: Students scoring below 90% of the basic level in reading and mathematics on the Stanford 9 exam are required to attend summer school each year until successful completion of the District Secondary Level Proficiency Exam (DSLPE) or attainment of the basic level in reading and mathematics on the Stanford 9 exam. Non- or limited-English speaking or disabled students meeting the goals of their individual education plan or learning plan are exempted, as are students who will turn 16 during the next school year. Students turning 16 who are promoted are to be provided with transitional support at the high school level and are required to attend summer school until attainment of basic level in reading and mathematics on the Stanford 9 exam.
Funding	Does not specify
Grades	1st-5th grades and 8th grade
Subjects	Reading and mathematics

Florida

FLA. STAT. ANN. § 1008.25

Offering of remediation under policy	Mandates
Student participation in remediation	Required for promotion
Summer school is a required or optional component of the policy	Required
Students/schools/districts identified in the policy	Students whose reading deficiency has not been remedied – demonstrated by scoring a Level 2 or higher on the Florida Comprehensive Assessment Test (FCAT) for 3rd grade – by the end of 3rd grade.
Funding	Funding addressed through the categorical fund for supplemental academic instruction (FLA. STAT. ANN. § 1011.62).
Grades	3rd grade
Subjects	Reading

FLA. STAT. ANN. § 1003.433

Offering of remediation under policy	Mandates
Student participation in remediation	Required for student to earn a “standard” high school diploma
Summer school is a required or optional component of the policy	Required
Students/schools/districts identified in the policy	Students who have met all requirements for the standard high school diploma except for passage of the 10th-grade FCAT or an alternate assessment by the end of 12th grade.
Funding	Funding addressed through the categorical fund for supplemental academic instruction (FLA. STAT. ANN. § 1011.62).
Grades	High school
Subjects	Does not specify

Georgia

Offering of remediation under policy	Mandates
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	Required
Students/schools/districts identified in the policy	Students who have been retained or who have failed academic subjects.
Funding	Local boards of education are to submit projected numbers of students eligible for the program to the state department of education no later than November 30 of each year to calculate the state costs to operate the program as a separate funding item in the mid-term adjustment for the current fiscal year. Covers teacher salaries, instructional materials and facilities maintenance and operations costs. Transportation costs are to be calculated and allocated at one-sixth the annual costs for each bus operated for the program, excluding costs for items paid in the initial allotment for each earned bus, such as bus replacement and insurance costs. (Funding covered more in depth in GA. CODE ANN. § 20-2-184.1.)
Grades	K-8th grades
Subjects	"Academic subjects"

Idaho

Offering of remediation under policy	Mandates
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Students identified as below grade level on reading assessments.
Funding	Instructional costs are to be reimbursed by the state, with the exception of transportation, which will only be reimbursed up to \$30 per student per session. The state department of education is required to adopt reporting forms, establish reporting dates and adopt any additional guidelines and standards necessary to ensure all students read fluently and at grade level by the end of 3rd grade.
Grades	1st-3rd grades
Subjects	Reading

Illinois

Offering of remediation under policy	Does not specify
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	Required
Students/schools/districts identified in the policy	Students determined by the school district – using criteria established by the state board of education – as in need of remedial education to qualify for academic

	advancement.
Funding	Grants. The state department of education is directed to adopt rules regarding the procedure by which application can be made for the grants. A district receiving a grant for summer school must use the funds to employ certified personnel to provide instructional materials for students who are in need of remedial (or gifted and talented) education and who attend summer school in the district.
Grades	Does not specify
Subjects	Does not specify

ILL. REV. STAT. CH. 105, § 5/2-3.64

Offering of remediation under policy	Mandates
Student participation in remediation	Required
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	A student whose performance is determined to be two or more grades below current grade placement.
Funding	The state is responsible for providing school districts with the new and additional funding required to enable the districts to operate remediation programs for the pupils who are required to enroll in and attend those programs.
Grades	3rd-8th grades
Subjects	Reading and mathematics for 3rd-8th grades, additionally, biological and physical sciences for students in 4th and 7th grades.

ILL. REV. STAT. CH. 105, § 5/10-20.9A

Offering of remediation under policy	Mandates
Student participation in remediation	Required for promotion
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Decisions to promote or retain students are based on successful completion of the curriculum, attendance, performance based on Illinois Goals and Assessment Program tests, the Iowa Test of Basic Skills or other testing or criteria established by the school board.
Funding	Does not specify
Grades	Does not specify
Subjects	Does not specify

ILL. REV. STAT. CH. 105, § 22.33B

Offering of remediation under policy	Grants that authority to school boards.
Student participation in remediation	School boards may mandate attendance.
Summer school is a required or optional component of the policy	Required
Students/schools/districts identified in the policy	Students identified as being academically at-risk in critical subjects such as language arts and mathematics.
Funding	Does not specify
Grades	Any grades the district offers

Subjects	Critical subjects such as language arts and mathematics
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Indiana

IND. CODE § 20-3.1-13-1 - IND. CODE § 20-3.1-13-4

Offering of remediation under policy	Mandates for students in 3rd, 6th, 8th and 10th grade, optional for other grade levels (grade levels specified in IND. CODE § 20-10.1-16-8)
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	Required
Students/schools/districts identified in the policy	Students identified as at risk for academic failure through the use of state achievement standards (IND. CODE § 20-3.1-6-2).
Funding	The school city is responsible for funding remediation programs through the use of available funding from the state. These summer remediation expenses are eligible for reimbursement from the state in the same manner as other state funding, including summer school funding. Summer remediation is to be free of charge; however, a parent may ask for a subsidy to pursue remediation through a contractor. This subsidy is equal to 50% of the lowest per-student cost of summer remediation services provided by the contractor. Parents may use the funds to purchase remediation services in Marion County or at an accredited public school.
Grades	Mandates for students in 3rd, 6th, 8th and 10th grade, optional for students of any other grade level (grade levels specified in IND. CODE § 20-10.1-16-8).
Subjects	Does not specify
Notes	Students failing to pass Indiana's high school exit exam are eligible for remediation under this policy.

IND. CODE § 20-10.1-7-12.1

Offering of remediation under policy	Voluntary
Student participation in remediation	Voluntary
Summer school is a required or optional component of the policy	Required
Students/schools/districts identified in the policy	Students voluntarily receiving remediation.
Funding	Directs the state board of education to adopt rules governing state funds for this program. The state budget office may transfer funds to cover the expenses for tuition support if during any fiscal year the cost of the summer school program is in excess of the amount appropriated according to rules adopted by the state board of education. Before any transfer is made, the matter must be referred to the state budget committee for an advisory recommendation (IND. CODE § 20-10.1-7-13).
Grades	Does not specify
Subjects	Does not specify

Iowa

IOWA CODE ANN. § 256D

Offering of remediation under policy	Mandates
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Students identified through diagnostic assessments that measure reading accuracy and fluency skills. The specific diagnostic assessments are to be identified by the state department of education.
Funding	Grants allocated by the state.
Grades	K-3rd grades
Subjects	Basic skills, especially reading

Kansas

KAN. STAT. ANN. § 72-8237

Offering of remediation under policy	Does not specify
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	Required
Students/schools/districts identified in the policy	Students in need of remedial instruction.
Funding	Districts may collect fees for summer programs, although they may not charge students required to attend a summer program due to the laws, regulations or rules of the state board of education, policies of the board of education or if it is a part of the student's individual education plan. Each district operating a summer program is required to establish a summer program fund to pay for summer school programs. Funds are to consist of "all moneys deposited therein or transferred thereto according to law." This includes fees charged for summer school attendance.
Grades	Does not specify
Subjects	Does not specify

KAN. STAT. ANN. § 72-7534

Offering of remediation under policy	Mandates
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Students who are not making satisfactory progress toward mastering basic reading skills.

Funding	Funded by the state.
Grades	K-3
Subjects	Reading

Kentucky

KY. REV. STAT. ANN. § 158.070

Offering of remediation under policy	Mandates
Student participation in remediation	Local boards of education may require attendance.
Summer school is a required or optional component of the policy	Optional
Students/schools/districts identified in the policy	Students needing additional time to achieve the outcomes defined in the legislative declaration of goals for Kentucky's schools (KY. REV. STAT. ANN. § 158.6451).
Funding	Grants. The state board of education is directed to determine administrative regulations establishing criteria for the allotment of grants to local school districts.
Grades	Does not specify
Subjects	Basic communication, mathematics, the sciences , the arts, the humanities, social studies and practical living studies (as specified in KY. REV. STAT. ANN. § 158.6451)

Louisiana

LA. REV. STAT. ANN. § 17:24.4

Offering of remediation under policy	Mandates
Student participation in remediation	Local school boards may require attendance.
Summer school is a required or optional component of the policy	Required
Students/schools/districts identified in the policy	Students not meeting the minimum achievement level necessary for promotion.
Funding	Funded in part with a state appropriation specifically for summer remediation and in part with other funds available to each governing body of schools required to provide summer remediation programs. The department of education may allocate funds to the governing bodies once the number of students who failed to meet the minimum required achievement level is known, as opposed to a reimbursement method once summer school programs are complete.
Grades	At least 4th and 8th grades (for promotion to the 5th and 9th grades)
Subjects	English/language arts, mathematics, science and social studies

LA. REV. STAT. ANN. § 17:401

Offering of remediation under policy	Mandates
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	Optional

Students/schools/districts identified in the policy	High school students intending to attend college after graduation who have demonstrated insufficient academic achievement to successfully undertake college work.
Funding	To be implemented at "no increased cost to the state."
Grades	High school
Subjects	Does not specify

LA. REV. STAT. ANN. § 401.12

Offering of remediation under policy	Mandates
Student participation in remediation	Voluntary
Summer school is a required or optional component of the policy	Required
Students/schools/districts identified in the policy	Students needing extra instruction, reinforcement or time on task to achieve mastery of the basic skills of reading, mathematics and writing. Students may be identified through: (1) recommendation by their classroom teacher; (2) failure to achieve mastery on any mandated criteria-referenced test administered in the past year; (3) if it is determined the student is reading one or more grade levels below actual grade level; or (4) if the student has been recommended for retention.
Funding	Program is funded through appropriations by the state legislature.
Grades	K-4th grades
Subjects	Reading, mathematics and writing

Massachusetts

MASS. GEN. LAWS ANN. CH. 69, § 11

Offering of remediation under policy	Mandates
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	School districts in which more than 20% of the students score below level two on the Massachusetts Comprehensive Assessment System (MCAS).
Funding	Does not specify
Grades	10th-12 grades (MASS. GEN. LAWS ANN. CH. 69, § 1D)
Subjects	Mathematics, science and technology, history and social science, English and foreign languages (MASS. GEN. LAWS ANN. CH. 69, § 1D)
Notes	Passing the MCAS is required for high school graduation.

Minnesota

MINN. STAT. ANN. § 120B.12

Offering of remediation under policy	Mandates
Student participation in remediation	Districts may require attendance.
Summer school is a required or optional	One option

component of the policy	
Students/schools/districts identified in the policy	Students in 1st grade – identified through locally adopted assessments – at risk of not learning to read before the end of 2nd grade.
Funding	Does not specify
Grades	1st grade
Subjects	Reading

MINN. STAT. ANN. § 126C.15

Offering of remediation under policy	Mandates
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Students who enroll underprepared to learn and whose progress toward meeting state or local content or performance standards is below the level appropriate for their age.
Funding	Funded by the state through basic skills revenue (MINN. STAT. ANN. § 126C.10).
Grades	Grades 3-8 and at the high school level (MINN. STAT. ANN. § 120B.30)
Subjects	Language arts, mathematics, science , social studies, health and physical education and the arts (MINN. STAT. ANN. § 120B.021)

Missouri

MO. REV. STAT. § 162.1100

Offering of remediation under policy	Mandates
Student participation in remediation	Required
Summer school is a required or optional component of the policy	Required
Students/schools/districts identified in the policy	Students in transitional districts not achieving grade-level standards.
Funding	Does not specify
Grades	Preschool-12th grade
Subjects	Does not specify

MO. REV. STAT. § 167.227

Offering of remediation under policy	Voluntary
Student participation in remediation	Voluntary
Summer school is a required or optional component of the policy	Statute references student access to summer schools in other districts.
Students/schools/districts identified in the policy	Student request; a district does not have to accept the student. May be for advanced, academic or remedial work.
Funding	A district may accept a nonresident student and count the student as a resident and receive state aid, or count the student as a nonresident and charge the student tuition.
Grades	Does not specify
Subjects	Does not specify

MO. REV. STAT. § 167.640

Offering of remediation under policy	Voluntary
Student participation in remediation	District may mandate attendance as a condition for promotion.
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Students identified by the district as failing to master skills and competencies established for that particular grade level by the district board of education.
Funding	Districts offering remediation under this policy may count the extra hours of instruction in the calculation of average daily attendance for the purposes of state aid.
Grades	Does not specify
Subjects	Does not specify

MO. REV. STAT. § 167.645

Offering of remediation under policy	Mandates
Student participation in remediation	Required
Summer school is a required or optional component of the policy	Required
Students/schools/districts identified in the policy	Students identified as reading below grade level.
Funding	The state department of elementary and secondary education may reimburse districts for additional instructional personnel costs incurred, minus the revenue generated by the district through the foundation formula for the additional reading instruction average daily attendance.
Grades	3rd-6th grades
Subjects	Reading

Nebraska

NEB. REV. STAT. § 79-536

Offering of remediation under policy	Mandates
Student participation in remediation	Required
Summer school is a required or optional component of the policy	Required
Students/schools/districts identified in the policy	Students in Class V districts making unsatisfactory progress.
Funding	Does not specify
Grades	Students between the ages of 6 and 15
Subjects	Chief emphasis to be on reading, language arts, arithmetic and “areas of personality development especially in need of development.”

Nevada

Offering of remediation under policy	Mandates
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Students identified as in need of additional instructional time to pass or to reach proficiency.
Funding	Does not specify
Grades	Does not specify
Subjects	English, mathematics, science and social studies. English includes reading, composition and writing. Social studies include history, geography, economics and government (NEV. REV. STAT. § 389.018).

New Jersey

Offering of remediation under policy	Mandates
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Students not meeting state and local examination standards.
Funding	Does not specify
Grades	Students not meeting state and local examination standards for graduation by the end of 11th grade, and 8th graders not meeting established examination requirements.
Subjects	For graduation, students must at a minimum display proficiency in reading, writing and computational skills . Local school boards may require additional competencies.

New Mexico

Offering of remediation under policy	Mandates
Student participation in remediation	Required for promotion
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Students failing to make adequate yearly progress (AYP).
Funding	Local districts are required to fund remediation programs. Parents are responsible for paying for summer remediation for students in grades 9-12, although if they are found to be indigent, the district is required to cover the expenses.
Specified grade	1st-12th grades
Subjects	Does not specify

Offering of remediation under policy	Mandates
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	Required
Students/schools/districts identified in the policy	Schools failing to make AYP for three or more years.
Funding	Schools failing to make AYP for two consecutive years may apply to the state for financial assistance, states failing to make AYP for three or more consecutive years must provide supplemental services for students out of available funds.
Grades	Does not specify
Subjects	Does not specify

New York

N.Y. EDUC. LAW § 3601-A

Offering of remediation under policy	Mandates for districts receiving compensatory education funds.
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Eligible students are: (1) those who score below the statewide reference point defined by the commissioner on standardized 3rd- and 6th-grade reading and mathematics examinations and 5th-grade writing tests; (2) those who score below a reference point on preliminary competency tests or regents competency tests; (3) students in 1 st -3rd grades with deficiencies in reading, writing or mathematics; (4) kindergarteners with educational deficiencies; or (5) limited English proficiency students who score below a statewide reference point on an examination administered in English. Students not meeting the above criteria but failing in two or more academic areas may be eligible to receive compensatory services described in this policy.
Funding	Through a funding formula
Grades	K-6th grades
Subjects	Reading, writing and mathematics

N.Y. EDUC. LAW § 3602

Offering of remediation under policy	Does not specify
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	Required
Students/schools/districts identified in the policy	Students needing: (1) improved performance in academic subjects; (2) preparation to retake parts of the regents examination; (3) preparation for regents examinations.
Funding	Through a funding formula.
Grades	Does not specify
Subjects	Does not specify

N.Y. EDUC. LAW § 6451

Offering of remediation under policy	Does not specify
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	Required
Students/schools/districts identified in the policy	Graduates of an approved high school – or those who have attained a New York state high school equivalency diploma or its equivalent – who have the potential to successfully complete a postsecondary program and are economically and educationally disadvantaged.
Funding	The state contracts with nonpublic institutions of higher education that meet certain criteria to provide services.
Grades	High school graduates
Subjects	Does not specify

N.Y. EDUC. LAW § 6452

Offering of remediation under policy	Mandates
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	Required
Students/schools/districts identified in the policy	Graduates of an approved high school – or those who have attained a New York state high school equivalency diploma or its equivalent – who have the potential to successfully complete a postsecondary program and are economically and educationally disadvantaged.
Funding	The state provides funds to the State University of New York and the City University of New York to provide services.
Grades	High school graduates
Subjects	Does not specify

N.Y. EDUC. LAW § 6455

Offering of remediation under policy	Does not specify
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Residents of New York who are either economically disadvantaged or from a minority group historically underrepresented in the scientific, technical, health and health-related professions, and who demonstrates interest in and a potential for a professional career if provided special services. Eligible students must be in good academic standing and enrolled full time in an approved, undergraduate-level program of study.
Funding	Grants awarded according to criteria established by the commissioner of education. Applications for funding must be submitted by eligible institutions in accordance with requirements established by the commissioner and priority consideration is given to institutions coordinating their efforts to increase minority access with similar activities for programs at the secondary level.
Grades	Undergraduate college students
Subjects	Science or technical fields

Ohio

OHIO REV. CODE ANN. § 3313.608

Offering of remediation under policy	Mandates
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Students not reading at grade level. Districts not making adequate yearly progress (AYP) must use state assessments to determine student reading proficiency; districts meeting AYP may use other assessments.
Funding	Ohio law does not specify which entity is responsible for covering the costs of remediation programs, although the state does currently allocate funds specifically for interventions, most of which are to be used for 3rd-grade reading interventions. A combination of targeted federal, state and local funds are commonly utilized in funding remediation programs. Programs operated under this policy that are funded in whole or in part by state funds must meet specific conditions: (1) remediation methods must be based on reliable educational research; (2) school districts must conduct testing before and after student participation in the program to allow for monitoring the results of the program; (3) parents of participating students must be involved in programming decisions; and (4) services must be conducted in a school building or community center, not on an at-home basis.
Grades	3rd grade
Subjects	Reading

Oklahoma

OKLA. STAT. TIT. 70, § 1-109

Offering of remediation under policy	Voluntary
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Does not specify
Funding	Funded through the pupil category weight as determined by the state board of education, based on an amount of funding specified in the state board's annual appropriation and the level of participation. Participating school districts are to submit an application to the state board that contains a plan for determining measurable results regarding academic achievement, including the remediation needs of the district's students. The state board is required to ensure diversity in regards to participating districts' size, geography and amount of school district budget.
Grades	Does not specify
Subjects	Does not specify

OKLA. STAT. TIT. 70, § 1210.508E

Offering of remediation under policy	Voluntary
Student participation in remediation	School may require for promotion

Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Students unable to read at grade level.
Funding	The state board of education or school districts may implement the program through utilization of private, local or federal funds. Districts also may file a claim with the state department of education for reimbursement of up to \$400 for each student who is determined to require remediation (OKLA. STAT. TIT. 70, § 1210.508D).
Grades	Initially 3rd grade, to be extended – contingent on available funding – one grade level each year until the program extends to 3rd–8th grades.
Subjects	Reading

OKLA. STAT. TIT. 70, § 1210.508C

Offering of remediation under policy	Required
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Students not reading at grade level.
Funding	Does not specify
Grades	Kindergarten
Subjects	Reading

OKLA. STAT. TIT. 70 § 1210.533

Offering of remediation under policy	Voluntary
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Students in need of academically oriented programs.
Funding	Grants. Through a competitive grants process, to be targeted towards school districts or nonprofit organizations serving students in at-risk or disadvantaged urban districts. Program to be fully implemented and funded by the state once the current expenditure per pupil in average daily attendance in public elementary and secondary schools in unadjusted dollars – as reported by the National Center for Education Statistics annually in the Digest of Education Statistics – reaches at least 90% of the regional average expenditure for that same year, and funds are provided.
Grades	Does not specify
Subjects	Does not specify

Pennsylvania

PA. STAT. ANN. § 15-1512-C

Offering of remediation under policy	Mandates
Student participation in	

remediation	Does not specify
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Students not demonstrating academic proficiency on assessments mandated by state and federal law.
Funding	State funds allocated according to a formula.
Grades	K-12th grades
Subjects	To comply with No Child Left Behind, grades 3-8 and at least one grade between 10th and 12th grade are required to be tested in reading and mathematics . Starting in the 2007-08 school year, it will be required to administer a science assessment at least once during the following grade spans: 3-5, 6-9 and 10-12.
Notes	The Pennsylvania System of School Assessment (PSSA) test is administered in subjects and at grade levels required by No Child Left Behind. The department of education determines what other assessments may be used to identify students in grades K-3.

PA. STAT. ANN. § 17-1709-B

Offering of remediation under policy	Mandate
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	Required
Students/schools/districts identified in the policy	Directed toward schools that have been placed on the “education empowerment list,” schools that have a history of low-test performance or financial distress.
Funding	Grants, to be awarded by the state department of education.
Grades	Does not specify
Subjects	Does not specify

South Carolina

S.C. CODE ANN. § 59-5-65

Offering of remediation under policy	Mandates
Student participation in remediation	Required for promotion
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Students not meeting requirements for promotion established by the state board of education. Twenty-five percent of the assessment for reading is based on the basic skills reading test and 25% of the assessment for math is based on the basic-skills math test. The state board of education is required to determine what constitutes the other 75% of the assessment in each subject.
Funding	Does not specify
Grades	1st, 2nd, 3rd, 6th and 8th grades
Subjects	Reading and mathematics

S.C. CODE ANN. § 59-18-500

Offering of remediation under policy	Mandates
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Student participation in remediation	Schools may require attendance.
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Students who lack the skills to perform at grade level, as determined by assessment results, school work or teacher judgment.
Funding	Districts are required to use early child development and academic assistance funds to carry out academic plans, including required summer school attendance (S.C. CODE ANN. § 59-139-05 - S.C. CODE ANN. § 59-139-90).
Grades	3rd-8th grades
Subjects	Does not specify

S.C. CODE ANN. § 59-30-10

Offering of remediation under policy	Mandates
Student participation in remediation	Required to earn a high school diploma.
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Students failing the high school exit exam four times who have otherwise met all graduation requirements and who certify their military, educational or other career goals must be placed on hold as a result of failure to pass the exit exam.
Funding	Summer remediation and testing fees are to be covered by the student.
Grades	12th grade
Subjects	Basic skills, which include reading, writing and mathematics.

Tennessee

TENN. CODE ANN § 49-1-602

Offering of remediation under policy	Mandates
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Authorizes the two school systems having the greatest number of schools placed on notice or probation status for failure to make adequate yearly progress to establish an inner city educational enhancement pilot project.
Funding	The commissioner of education may approve the allocation of state discretionary grants.
Grades	Does not specify
Subjects	Include – but are not limited to reading – mathematics, science and computer literacy

Texas

TEX. EDUC. CODE ANN. § 29.082

Offering of remediation under policy	Voluntary
Student participation in	

remediation	Required (TEX. EDUC. CODE ANN. § 25.085)
Summer school is a required or optional component of the policy	Required
Students/schools/districts identified in the policy	Students in grades K-11 identified as likely to not be promoted to the next grade or 12th graders identified as likely not to graduate from high school before the beginning of the next school year.
Funding	Districts may allocate a portion of their state distributed compensatory education funds, or they may apply to the Texas Education Agency for funding.
Grades	K-12th grades
Subjects	Does not specify

TEX. EDUC. CODE ANN. § 29.088 (**mathematics**), TEX. EDUC. CODE ANN. § 29.089 (**science**)

Offering of remediation under policy	Voluntary
Student participation in remediation	Encouraged
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Students not performing successfully or at grade level in mathematics or science. Districts also may set additional criteria for eligible students.
Funding	Participating districts are to apply to the state commissioner of education for funds. If there are not sufficient funds for all applying districts, the state commissioner of education is directed to adopt guidelines determining which districts will receive funds.
Grades	Does not specify
Subjects	Mathematics and science

Vermont

VT. STAT. ANN. TIT. 16 § 215

Offering of remediation under policy	Voluntary
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Any public school, vocational school or supervisory union.
Funding	Grants of up to \$50,000. The program includes a 1-1 match from other sources of funding, including grants from businesses, foundations and other federal or local funds. Priority is given to schools identified by the state commissioner of education as having difficulty meeting state quality standards or making insufficient progress in improving student performance.
Grades	K-12th grades
Subjects	Mathematics, science, reading and language arts, social studies, service, the arts and technology. Also specifies grade-level proficiency in reading by the end of 3rd grade.

Virginia

Offering of remediation under policy	Mandates
Student participation in remediation	Required
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Students failing all Standards of Learning assessments.
Funding	The state board of education is required to establish standards for full funding of summer remedial programs. Standards are required to include – but are not limited to – the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the state's share of the per-pupil instructional costs, state funds are provided for the full cost of summer and other remediation programs, provided the programs comply with standards established by the board.
Grades	3rd-8th grades
Subjects	Include – but are not limited to – English, history and social science, mathematics and science (VA. CODE ANN. § 22.1-253.13:3)

Washington

Offering of remediation under policy	Voluntary
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	One option
Students/schools/districts identified in the policy	Students needing to improve academic achievement.
Funding	Funded through student achievement funds, which are distributed out of surplus state general funds.
Grades	K-12th grades
Subjects	Does not specify

West Virginia

Offering of remediation under policy	Voluntary
Student participation in remediation	Encouraged, although county boards may use summer school attendance as a factor determining grade promotion.
Summer school is a required or optional component of the policy	Required
Students/schools/districts identified in the policy	Students not reading at grade level or performing at grade level in mathematics or science.
Funding	Competitive grant program contingent on legislative appropriation of funds. Priority for

	funding includes schools that have test scores below state standards and receive federal funds for the improvement of reading, mathematics or science.
Grades	K-4th grades for reading and mathematics, 4th-8th grades for science
Subjects	Reading, mathematics and science

W. VA. CODE § 18-5-39

Offering of remediation under policy	Voluntary
Student participation in remediation	Does not specify
Summer school is a required or optional component of the policy	Required
Students/schools/districts identified in the policy	Students in need of remedial instruction.
Funding	Districts may charge tuition for summer school, although the county board may offer reduced or free tuition to students whose parents are unable to pay. Collected tuition cannot exceed the actual cost of the program.
Grades	Does not specify
Subjects	Does not specify

Resources:

ECS State Policy Database,
<http://www.ecs.org/ecs/ecscat.nsf/WebTopicP12?OpenView&count=300&RestrictToCategory=Remediation>

Legislative Office of Education Oversight, Academic Intervention Services in Ohio, May 2005,
http://www.loeo.state.oh.us/reports/PreEleSecPDF/Intervention_Web.pdf

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Helping State Leaders Shape Education Policy

the state board to define “bullying” in its Student Conduct Policy Guidelines, while some states do not establish state definitions nor provide for local or state board definition of “bullying.”

State-level support

A handful of states establish requirements for the state board or department of education to facilitate anti-bullying efforts in schools. In Arkansas, the state board must **review every district’s anti-bullying policies** and may recommend changes or improvements. Rhode Island’s Department of Elementary and Secondary Education, New Jersey’s state superintendent and West Virginia’s state board, respectively, must **develop a model policy** to guide districts in approving their own policies and programs. The Connecticut Department of Education runs a **competitive safe learning grant program** to help school districts meet various goals, including “eliminating bullying behaviors among students.” Oklahoma’s Department of Education is mandated to disseminate “**a list of research-based programs** appropriate for the prevention of harassment, intimidation, and bullying of students at school” to every public school in the state.

Local board requirements

In most states, local boards are required to adopt policies prohibiting bullying on school property, school activities, etc. Statute may specify **consequences for districts** that do not comply with this requirement – in Georgia, any district whose board does not adopt a policy prohibiting bullying, include this prohibition in the code of conduct for middle and high school students, and meet other requirements set forth in GA. CODE ANN. § 20-2-751.4 is ineligible to receive state funding.

Student services

Any Arkansas “student services program” must include **group conflict resolution services**, including “programs designed to prevent bullying.” In Louisiana, elementary schools are authorized to develop “**youth development and assistance programs**” that must include services for students such as “behavioral training and intervention techniques that promote cooperation and enhance interpersonal and conflict resolution skills, peer mediation, anger management, bullying prevention, life skills training, mentoring, counseling, and tutoring programs that improve academic achievement.”

School intervention strategy

Connecticut statute requires every local and regional board’s anti-bullying policy to “include an intervention strategy for school staff to deal with bullying.” The Vermont superintendent’s model school plan on student discipline must include the same.

Curriculum

State statute may require schools to include anti-bullying instruction in the curriculum. In Virginia, the **character education program** in every school must “address the inappropriateness of bullying.” In Georgia, the character education program must address “methods of discouraging bullying and violent acts against fellow students.”

Reporting requirements and immunity (see also “School employee rights and responsibilities” below) Some states specify that students and/or school staff **must report suspected bullying to the appropriate authority**. In Arkansas, for example, “a school employee who has witnessed or has reliable information that a pupil has been a victim of bullying defined by the district” must report the incident to the school principal **and is immune from tort liability**. Local and regional board policies in Connecticut must allow “students to anonymously report acts of bullying to teachers and school administrators,” as well as “require teachers and other school staff who witness acts of bullying or receive student reports of bullying to notify school administrators.” In New Jersey, statute specifies that “a school employee, student or volunteer **[may] not engage in reprisal, retaliation or false accusation against a victim, witness or one with reliable information** about an act of harassment, intimidation or bullying.”

Student rights and sanctions

Some statutes detail how students are to be **informed of school or district anti-bullying policies and disciplinary actions** to take against students found bullying.

Rights

In Georgia and Louisiana, local boards must require the prohibition against bullying to be included in the **student code of conduct** (for only middle and high school students in Georgia); in Colorado, the conduct

and discipline code must include “a specific policy concerning bullying prevention and education.” In Arkansas, local boards must “require that notice of what constitutes bullying, that bullying is prohibited, and the consequences of engaging in bullying be **conspicuously posted in every classroom, cafeteria, restroom, gymnasium, auditorium, and school bus** in the district” and that copies of this notice be given to students. Washington State students promptly reporting an incident of bullying to a school official in compliance with district requirements have **immunity** “from a cause of action for damages arising from any failure to remedy the reported incident.” In New Jersey, every district must “**develop a process for discussing the district's harassment, intimidation or bullying policy** with students.”

Sanctions

In Georgia, any student found to be bullying for the third time in a school year **must be assigned to an alternative school**. Every Illinois district's student discipline policy must include “**early intervention procedures** based upon available community-based and district resources.”

Parent rights

In Arkansas, local boards must “require that copies of the **notice of what constitutes bullying, that bullying is prohibited, and the consequences of engaging in bullying be provided to parents, students, school volunteers, and employees**. Each policy shall require that a full copy of the policy be made available upon request.” In Connecticut, every local and regional board's anti-bullying policy must allow parents “to file written reports of suspected bullying,” require the parents of a bullied student as well as the parents of a bullying student to be notified, and **be informed of how school staff responded to such acts and the consequences for any further acts of bullying**. New Hampshire statute specifies that all parents involved in a student bullying incident must be **informed by the principal within 48 hours** of the occurrence of this incident and must be advised of “their due process rights including the right to appeal to the state board of education,” although the district superintendent may grant the principal a waiver from the notification requirement if the superintendent believes it is in the child's best interest.

School employee rights and responsibilities

As stated above, in a number of states, school employees who witness or suspect bullying are required to report this to a specified school official, and such employees are generally granted immunity. In Connecticut, **a school administrator is required to investigate any written reports of suspected bullying received from parents**; in New Jersey, every district must have a procedure for either the principal or the principal's designee **to conduct a prompt investigation of violations and complaints** related to the district's anti-bullying policy. As noted above, however, a New Hampshire principal may receive a waiver of the notification requirement from the district superintendent if the superintendent believes it in the child's best interest.

Teacher professional development provisions

Some states' anti-bullying policies include provisions allowing or requiring districts to offer teachers anti-bullying professional development. Arkansas statutes state, “The local school board may provide opportunities for school employees to participate in programs or other activities designed to develop the knowledge and skills to prevent and respond to acts” of bullying by students. In New Jersey, school districts are required to “provide training on the school district's harassment, intimidation or bullying policies to school employees and volunteers who have significant contact with students.” In addition, districts must incorporate “information regarding the school district policy against harassment, intimidation or bullying ... into a school's employee training program.”

School public reporting requirements

In Vermont, the state superintendent's model school plan on student discipline must require schools “to **collect data on the number of reported incidents of bullying and the number of incidents that have been verified** and to make such data available to the commissioner and to the public.” In addition, “On or before January 15, 2007, the commissioner of education shall **report to the senate and house committees on education on implementation of [the anti-bullying provisions** in Vt. Stat. Ann. tit 16, § 165]. The report shall include pertinent data such as incidences of bullying gathered by school districts.” In Colorado, every local board must annually **report to the general public on the schools' bullying prevention and education policies**, “including information related to the development and implementation of any bullying prevention programs.” In Connecticut, every school must “maintain a list of

the number of verified acts of bullying in [the] school and make such list available for public inspection.”

Comprehensive Anti-bullying Policies

A comprehensive state anti-bullying policy includes the following components:

- Defines bullying (either statewide or local definition)
- Prohibits bullying by students
- Informs students and others of anti-bullying policy
- Enables students and parents to report bullying incidents
- Requires teachers and school staff to report bullying incidents
- Provides immunity to those reporting bullying incidents and protection from reprisal, retaliation or false accusation against victims, witnesses or others with information regarding a bullying incident
- Requires administrators to investigate reported incidents (*many state policies lack this requirement*)
- Encourages or requires bullying prevention education in schools

The anti-bullying statutes in Connecticut, New Jersey, Oregon, Vermont and West Virginia contain all the above provisions.

Statutory References

ARK. CODE ANN. § 6-18-514, § 6-18-1005
CAL. EDUC. CODE § 32270, 35294.21
COLO. REV. STAT. ANN. § 22-32-109.1
CONN. GEN. STAT. ANN. § 10-222d,10-263e
GA CODE ANN. § 20-2-145, 20-2-751.4, 20-2-751.5
105 ILL. COMP. STAT. ANN. 5/10-20.14
LA. REV. STAT. ANN. § 17:416.13, 17:416.17
N.H. REV. STAT. ANN. § 193-F:2, 193-F:3
N.J. STAT. ANN. § 18A:37-13 through 18A:37-17
N.Y. EDUC. LAW § 2801-a
OKLA. STAT. ANN. tit. 70, § 24-100.3 through § 24-100.5
OR. REV. STAT. § 339.351, 339.353, 339.356, 339.359, 339.362, 339.364
R.I. GEN. LAWS § 16-21-24, 16-21-26
VT. STAT. ANN. tit. 16, § 11, 165, 565, 1161a
VA. CODE ANN. § 22.1-208.1, 22.1-279.3:1, 22.1-279.6; § 8.01-220.1:2; 2004 H.B. 629 (new section)
WASH. REV. CODE ANN. § 28A.300.285, 28A.600.480
W. VA. CODE ANN. § 18-2C-1 through -6
17 GUAM CODE ANN. § 3112.1 (2003 PUBLIC LAW 27-71)

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State Anti-bullying Statutes

By Jennifer Dounay

April 2005

Introduction

Bullying by students on school grounds, a subject of renewed interest for state policymakers in recent years, was most recently brought to the national spotlight by the highly publicized school shootings of the late 1990s, in which the shooters were reported to be the victims of bullies at the school. Heightening this attention is the growing body of research on (1) the prevalence of bullying in K-12 schools, (2) the likelihood of school bullies to develop more serious socio-emotional problems with the passage of time and (3) the impact of bullying on its victims and school climate in general. In the late 1990s, in response to this convergence of recent events and research, state legislatures began to adopt or strengthen existing policies aimed at curbing bullying by K-12 students on school property.

While “hazing” and “harassment” have likewise received attention through high-profile incidents and court cases in recent years, this *ECS StateNote* does not include statutes on these behaviors, unless they are components of state anti-bullying statutes. “Hazing” refers to the intimidation of another student for purposes of joining a club or other group, while “harassment” refers to the intimidation of a student based solely on the student’s race/ethnicity/nationality, sex, sexual orientation, religion, etc. Some state policies refer to “harassment,” “intimidation,” and “bullying” altogether rather than just “bullying” alone.

This StateNote includes only statutory provisions and excludes state board policies or department programs not based in statute.

How Many States Have Anti-bullying Statutes?

Seventeen states and Guam have enacted anti-bullying legislation: Arkansas, California, Colorado, Connecticut, Georgia, Illinois, Louisiana, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Rhode Island, Vermont, Virginia, Washington and West Virginia.

Components of Anti-bullying Policies

Anti-bullying statutes vary considerably in their content and approaches but generally include one or more of the components below.

With the exception of the “definition of bullying” below, state policies are highlighted as examples of state action and do not necessarily reflect that an identified state is the only state with such a policy.

Definition of bullying

Three states (Arkansas, New Jersey and Oregon) **require districts to establish a definition** of “bullying.” In 11 states and Guam, bullying is defined in statute. For example, in Colorado, “bullying” is defined as “any written or verbal expression, or physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events.” Virginia statute mandates

the state board to define “bullying” in its Student Conduct Policy Guidelines, while some states do not establish state definitions nor provide for local or state board definition of “bullying.”

State-level support

A handful of states establish requirements for the state board or department of education to facilitate anti-bullying efforts in schools. In Arkansas, the state board must **review every district’s anti-bullying policies** and may recommend changes or improvements. Rhode Island’s Department of Elementary and Secondary Education, New Jersey’s state superintendent and West Virginia’s state board, respectively, must **develop a model policy** to guide districts in approving their own policies and programs. The Connecticut Department of Education runs a **competitive safe learning grant program** to help school districts meet various goals, including “eliminating bullying behaviors among students.” Oklahoma’s Department of Education is mandated to disseminate “**a list of research-based programs** appropriate for the prevention of harassment, intimidation, and bullying of students at school” to every public school in the state.

Local board requirements

In most states, local boards are required to adopt policies prohibiting bullying on school property, school activities, etc. Statute may specify **consequences for districts** that do not comply with this requirement – in Georgia, any district whose board does not adopt a policy prohibiting bullying, include this prohibition in the code of conduct for middle and high school students, and meet other requirements set forth in GA. CODE ANN. § 20-2-751.4 is ineligible to receive state funding.

Student services

Any Arkansas “student services program” must include **group conflict resolution services**, including “programs designed to prevent bullying.” In Louisiana, elementary schools are authorized to develop “**youth development and assistance programs**” that must include services for students such as “behavioral training and intervention techniques that promote cooperation and enhance interpersonal and conflict resolution skills, peer mediation, anger management, bullying prevention, life skills training, mentoring, counseling, and tutoring programs that improve academic achievement.”

School intervention strategy

Connecticut statute requires every local and regional board’s anti-bullying policy to “include an intervention strategy for school staff to deal with bullying.” The Vermont superintendent’s model school plan on student discipline must include the same.

Curriculum

State statute may require schools to include anti-bullying instruction in the curriculum. In Virginia, the **character education program** in every school must “address the inappropriateness of bullying.” In Georgia, the character education program must address “methods of discouraging bullying and violent acts against fellow students.”

Reporting requirements and immunity (see also “School employee rights and responsibilities” below) Some states specify that students and/or school staff **must report suspected bullying to the appropriate authority**. In Arkansas, for example, “a school employee who has witnessed or has reliable information that a pupil has been a victim of bullying defined by the district” must report the incident to the school principal **and is immune from tort liability**. Local and regional board policies in Connecticut must allow “students to anonymously report acts of bullying to teachers and school administrators,” as well as “require teachers and other school staff who witness acts of bullying or receive student reports of bullying to notify school administrators.” In New Jersey, statute specifies that “a school employee, student or volunteer **[may] not engage in reprisal, retaliation or false accusation against a victim, witness or one with reliable information** about an act of harassment, intimidation or bullying.”

Student rights and sanctions

Some statutes detail how students are to be **informed of school or district anti-bullying policies and disciplinary actions** to take against students found bullying.

Rights

In Georgia and Louisiana, local boards must require the prohibition against bullying to be included in the **student code of conduct** (for only middle and high school students in Georgia); in Colorado, the conduct

and discipline code must include “a specific policy concerning bullying prevention and education.” In Arkansas, local boards must “require that notice of what constitutes bullying, that bullying is prohibited, and the consequences of engaging in bullying be **conspicuously posted in every classroom, cafeteria, restroom, gymnasium, auditorium, and school bus** in the district” and that copies of this notice be given to students. Washington State students promptly reporting an incident of bullying to a school official in compliance with district requirements have **immunity** “from a cause of action for damages arising from any failure to remedy the reported incident.” In New Jersey, every district must “**develop a process for discussing the district's harassment, intimidation or bullying policy** with students.”

Sanctions

In Georgia, any student found to be bullying for the third time in a school year **must be assigned to an alternative school**. Every Illinois district's student discipline policy must include “**early intervention procedures** based upon available community-based and district resources.”

Parent rights

In Arkansas, local boards must “require that copies of the **notice of what constitutes bullying, that bullying is prohibited, and the consequences of engaging in bullying be provided to parents, students, school volunteers, and employees**. Each policy shall require that a full copy of the policy be made available upon request.” In Connecticut, every local and regional board's anti-bullying policy must allow parents “to file written reports of suspected bullying,” require the parents of a bullied student as well as the parents of a bullying student to be notified, and **be informed of how school staff responded to such acts and the consequences for any further acts of bullying**. New Hampshire statute specifies that all parents involved in a student bullying incident must be **informed by the principal within 48 hours** of the occurrence of this incident and must be advised of “their due process rights including the right to appeal to the state board of education,” although the district superintendent may grant the principal a waiver from the notification requirement if the superintendent believes it is in the child's best interest.

School employee rights and responsibilities

As stated above, in a number of states, school employees who witness or suspect bullying are required to report this to a specified school official, and such employees are generally granted immunity. In Connecticut, **a school administrator is required to investigate any written reports of suspected bullying received from parents**; in New Jersey, every district must have a procedure for either the principal or the principal's designee **to conduct a prompt investigation of violations and complaints** related to the district's anti-bullying policy. As noted above, however, a New Hampshire principal may receive a waiver of the notification requirement from the district superintendent if the superintendent believes it in the child's best interest.

Teacher professional development provisions

Some states' anti-bullying policies include provisions allowing or requiring districts to offer teachers anti-bullying professional development. Arkansas statutes state, “The local school board may provide opportunities for school employees to participate in programs or other activities designed to develop the knowledge and skills to prevent and respond to acts” of bullying by students. In New Jersey, school districts are required to “provide training on the school district's harassment, intimidation or bullying policies to school employees and volunteers who have significant contact with students.” In addition, districts must incorporate “information regarding the school district policy against harassment, intimidation or bullying ... into a school's employee training program.”

School public reporting requirements

In Vermont, the state superintendent's model school plan on student discipline must require schools “to **collect data on the number of reported incidents of bullying and the number of incidents that have been verified** and to make such data available to the commissioner and to the public.” In addition, “On or before January 15, 2007, the commissioner of education shall **report to the senate and house committees on education on implementation of [the anti-bullying provisions** in Vt. Stat. Ann. tit 16, § 165]. The report shall include pertinent data such as incidences of bullying gathered by school districts.” In Colorado, every local board must annually **report to the general public on the schools' bullying prevention and education policies**, “including information related to the development and implementation of any bullying prevention programs.” In Connecticut, every school must “maintain a list of

the number of verified acts of bullying in [the] school and make such list available for public inspection.”

Comprehensive Anti-bullying Policies

A comprehensive state anti-bullying policy includes the following components:

- Defines bullying (either statewide or local definition)
- Prohibits bullying by students
- Informs students and others of anti-bullying policy
- Enables students and parents to report bullying incidents
- Requires teachers and school staff to report bullying incidents
- Provides immunity to those reporting bullying incidents and protection from reprisal, retaliation or false accusation against victims, witnesses or others with information regarding a bullying incident
- Requires administrators to investigate reported incidents (*many state policies lack this requirement*)
- Encourages or requires bullying prevention education in schools

The anti-bullying statutes in Connecticut, New Jersey, Oregon, Vermont and West Virginia contain all the above provisions.

Statutory References

ARK. CODE ANN. § 6-18-514, § 6-18-1005
CAL. EDUC. CODE § 32270, 35294.21
COLO. REV. STAT. ANN. § 22-32-109.1
CONN. GEN. STAT. ANN. § 10-222d, 10-263e
GA CODE ANN. § 20-2-145, 20-2-751.4, 20-2-751.5
105 ILL. COMP. STAT. ANN. 5/10-20.14
LA. REV. STAT. ANN. § 17:416.13, 17:416.17
N.H. REV. STAT. ANN. § 193-F:2, 193-F:3
N.J. STAT. ANN. § 18A:37-13 through 18A:37-17
N.Y. EDUC. LAW § 2801-a
OKLA. STAT. ANN. tit. 70, § 24-100.3 through § 24-100.5
OR. REV. STAT. § 339.351, 339.353, 339.356, 339.359, 339.362, 339.364
R.I. GEN. LAWS § 16-21-24, 16-21-26
VT. STAT. ANN. tit. 16, § 11, 165, 565, 1161a
VA. CODE ANN. § 22.1-208.1, 22.1-279.3:1, 22.1-279.6; § 8.01-220.1:2; 2004 H.B. 629 (new section)
WASH. REV. CODE ANN. § 28A.300.285, 28A.600.480
W. VA. CODE ANN. § 18-2C-1 through -6
17 GUAM CODE ANN. § 3112.1 (2003 PUBLIC LAW 27-71)

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Helping State Leaders Shape Education Policy



Policies Dealing With Evolution in Select States

By Kyle Zinth

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Overview

As is the case with many issues, in crafting standards for science education – especially those that deal with evolution – policymakers have had to grapple with competing demands of the citizenry. Setting policy on the teaching of evolution in public schools has a long history of provoking controversy, from the Scopes Monkey Trial in 1925 to Louisiana's 1981 [Balanced Treatment for Creation-Science and Evolution-Science Act](#), which was ruled unconstitutional in 1987 by the U.S. Supreme Court in [Edwards v. Aguillard](#).

Common arguments *against* teaching evolution include the following:

- It is only a theory and should therefore not be taught as though it is a fact.
- It promotes the religion of secular humanism.
- It is nothing more than a philosophy.
- The scientific assumptions underlying evolution are flawed.
- It undermines what parents are teaching their children.

Common arguments *for* teaching evolution include:

- The word "theory" in science has a different meaning than it does in general usage.
- Science and theology are different spheres of human knowledge and experience, neither need negate the other.
- Based on available evidence, it is the best scientific explanation available for the abundance of species currently observed on Earth.
- In the global economy of the 21st century, students who are not exposed to the latest scientific theories will be at a severe competitive disadvantage compared to those students who are.
- Those advocating against the teaching of evolution do not forward a testable scientific hypothesis.

States have chosen to address the topic of evolution in a number of ways, three in particular. Some states have implemented standards that are highly supportive of biological evolution; others address critical analysis of scientific theories, including evolution; and some states express varying levels of skepticism about the theory. This document presents examples of each approach at the state level, in addition to examples from local districts. The examples in this document are not intended to be exhaustive. [For print readers of this document, text for all hyperlinks may be found at the end of this document.]

Decisions about the inclusion of evolution in public school curriculum can have an effect beyond the curriculum in a single state. For example, in 2003 the Texas state board of education adopted biology textbooks that included references to evolution. As the second largest market for textbooks in the nation and a state with a statewide textbook adoption policy, Texas holds considerable power – as do other large statewide adoption states like Florida and California – to determine the content of science textbooks purchased by other states because textbook manufacturers tailor their products to conform to the requirements of a lucrative market.

Examples of State-Level Action

State Standards That Support Evolution Education

Despite the controversy that is sometimes attached to the teaching of evolution, a number of states have standards in place that are highly supportive of the theory. These standards require that students be given a firm grounding in the various aspects of current evolutionary theory, which includes, for instance, analyzing the fossil record, Darwin's contribution to the theory and the different lines of scientific evidence that support the theory. Three such states are California, New Mexico and South Carolina.

California (1998)

California's [science content standards](#) contain specific standards for the teaching of biological evolution for 7th grade life sciences and 9th through 12th grade biology/life sciences.

The 7th-grade life sciences standards state: "Biological evolution accounts for the diversity of species developed through gradual processes over many generations." As a basis for understanding this concept students are expected to know:

- That both genetic variation and environmental factors are causes of evolution and diversity of organisms
- The reasoning used by Charles Darwin in reaching his conclusion that natural selection is the mechanism of evolution
- How independent lines of evidence from geology, fossils and comparative anatomy provide the bases for the theory of evolution
- How to construct a simple branching diagram to classify living groups of organisms by shared derived characteristics and how to expand the diagram to include fossil organisms
- That extinction of a species occurs when the environment changes and the adaptive characteristics of a species are insufficient for its survival.

The 9th through 12th grade biology/life sciences standards state: "The frequency of an allele in a gene pool of a population depends on many factors and may be stable or unstable over time." As a basis for understanding this concept, students are expected to know:

- Why natural selection acts on the phenotype rather than the genotype of an organism
- Why alleles that are lethal in a homozygous individual may be carried in a heterozygote and thus maintained in a gene pool
- That new mutations are constantly being generated in a gene pool
- That variation within a species increases the likelihood that at least some members of a species will survive under changed environmental conditions
- That the conditions for Hardy-Weinberg equilibrium in a population and why these conditions are not likely to appear in nature
- How to solve the Hardy-Weinberg equation to predict the frequency of genotypes in a population, given the frequency of phenotypes.

An additional concept that 9th through 12th grade students are expected to know is that "Evolution is the result of genetic changes that occur in constantly changing environments." As a basis for understanding this concept, students are expected to know:

- How natural selection determines the differential survival of groups of organisms
- That a great diversity of species increases the chance that at least some organisms survive major changes in the environment
- The effects of genetic drift on the diversity of organisms in a population
- That reproductive or geographic isolation affects speciation
- How to analyze fossil evidence with regard to biological diversity, episodic speciation, and mass extinction.
- How to use comparative embryology, DNA or protein sequence comparisons, and other independent sources of data to create a branching diagram (cladogram) that shows probable evolutionary relationships.
- How several independent molecular clocks, calibrated against each other and combined with evidence from the fossil record, can help to estimate how long ago various groups of organisms diverged evolutionarily from one another.

New Mexico (2003)

New Mexico's [Science Content Standards, Benchmarks, and Performance Standards](#) address the teaching of biological evolution at the 7th grade level and at the 9th through 12th grade levels.

Benchmark II for 5th through 8th grade life sciences states that students will "[u]nderstand how traits are passed from one generation to the next and how species evolve." Performance standards for 7th grade students address what they are expected to know in the areas of reproduction, heredity and biological evolution.

Biological evolution performance standards:

7. Describe how typical traits may change from generation to generation due to environmental influences (e.g., color of skin, shape of eyes, camouflage, shape of beak).
8. Explain that diversity within a species is developed by gradual changes over many generations.
9. Know that organisms can acquire unique characteristics through naturally occurring genetic variations.
10. Identify adaptations that favor the survival of organisms in their environments (e.g., camouflage, shape of beak).
11. Understand the process of natural selection.
12. Explain how species adapt to changes in the environment or become extinct and that extinction of species is common in the history of living things.
13. Know that the fossil record documents the appearance, diversification, and extinction of many life forms.

Benchmark II for 9th through 12th grade life sciences states that students will "[u]nderstand the genetic basis for inheritance and the basic concepts of biological evolution."

Related performance standards as they relate to knowledge of genetics and biological evolution for 9th through 12th grade students:

Genetics

1. Know how DNA carries all genetic information in the units of heredity called genes, including:
 - the structure of DNA (e.g., subunits A, G, C, T)
 - information-preserving replication of DNA
 - alteration of genes by inserting, deleting, or substituting parts of DNA.
2. Use appropriate vocabulary to describe inheritable traits (i.e., genotype, phenotype).
3. Explain the concepts of segregation, independent assortment, and dominant/recessive alleles.
4. Identify traits that can and cannot be inherited.
5. Know how genetic variability results from the recombination and mutation of genes, including:
 - sorting and recombination of genes in sexual reproduction result in a change in DNA that is passed on to offspring
 - radiation or chemical substances can cause mutations in cells, resulting in a permanent change in DNA.
6. Understand the principles of sexual and asexual reproduction, including meiosis and mitosis.
7. Know that most cells in the human body contain 23 pairs of chromosomes including one pair that determines sex, and that human females have two X chromosomes and human males have an X and a Y chromosome.

Biological Evolution

8. Describe the evidence for the first appearance of life on Earth as one-celled organisms, over 3.5 billion years ago, and for the later appearance of a diversity of multicellular organisms over millions of years.
9. Critically analyze the data and observations supporting the conclusion that the species living on Earth today are related by descent from the ancestral one-celled organisms.
10. Understand the data, observations, and logic supporting the conclusion that species today evolved from earlier, distinctly different species, originating from the ancestral one-celled organisms.
11. Understand that evolution is a consequence of many factors, including the ability of organisms to reproduce, genetic variability, the effect of limited resources, and natural selection.
12. Explain how natural selection favors individuals who are better able to survive, reproduce, and leave offspring.

13. Analyze how evolution by natural selection and other mechanisms explains many phenomena including the fossil record of ancient life forms and similarities (both physical and molecular) among different species.

South Carolina (2004)

South Carolina's [Biology I](#) course is designed to familiarize students with the major concepts of biological science, which includes biological evolution. Course standards are separated into the different concepts, with the section on biological evolution consisting of three components, two of which are excerpted below. State standards are laid out in each of these sections, along with expected student performance objectives or competencies. Also included in the standards – but not highlighted below – are suggested strategies, activities and labs.

Component One: *Species evolve over time. Evolution is the consequence of the interactions of (1) the potential for a species to increase its numbers, (2) the genetic variability of offspring due to mutation and recombination of genes, (3) a finite supply of the resources required for life, and (4) the ensuing selection by the environment of those offspring better able to survive and leave offspring.*

State Standard	Performance Objectives/Competencies
Demonstrate an understanding of the factors that affect evolution such as the number of offspring, genetic variability, finite supply of resources, and environmental factors.	<ul style="list-style-type: none"> Define genetic variability. Explain/discuss factors that increase genetic variability to include sexual reproduction, mutation, and genetic recombination during crossing-over. Define carrying capacity and evaluate its role as a limiting factor.
Demonstrate an understanding of the scientific evidence that establishes that change occurs over time.	<ul style="list-style-type: none"> Distinguish between microevolution and macroevolution. Compare and contrast analogous, homologous, and vestigial structures and their role in determining evolutionary relationships. Analyze how fossils provide geological evidence of change over time. Understand how analysis of DNA base sequences and amino acid sequence in proteins can provide biochemical evidence of change over time. Discuss how examination of embryological features can provide evidence of common ancestry and change over time.

Component Two: *Natural selection and its evolutionary consequences provide a scientific explanation for the fossil record of ancient life forms, as well as for the striking molecular similarities observed among the diverse species of living organisms.*

State Standard	Performance Objectives/Competencies
Demonstrate an understanding of the process of natural selection and its consequences.	<ul style="list-style-type: none"> Explain that natural selection is the process responsible for evolution. Compare directional, stabilizing and disruptive natural selection. Account for why traits that do not confer an advantage may or may not disappear over time.
Infer how the fossil record can reveal evolutionary changes over time.	<ul style="list-style-type: none"> Discuss the process by which fossils are created. Demonstrate an understanding of why fossil remains do not leave a complete record of

State Standard	Performance Objectives/Competencies
	evolution.
Discuss the various lines of scientific evidence that underlie our understanding of the evolution and diversification of life over time.	<ul style="list-style-type: none"> • Compare and contrast homologous and analogous structures in organisms. • List and explain vestigial structures. • Compare similarities and embryonic development. • Compare similarities in macromolecules.
Describe how carbon dating is utilized in the study of evolution.	<ul style="list-style-type: none"> • Explain radioactive decay and half-life, discuss limitations of C-14. • Calculate the age of a fossil using C-14 data.
Discuss Charles Darwin's contribution to the study of evolution.	<ul style="list-style-type: none"> • Explain the uniqueness of islands (like the Galapagos) and the data they yield (i.e., sites of primary succession). • Assess the significance of <i>The Origin of Species</i>.

States with Standards Addressing Critical Analysis

Scientists must perform critical analysis of any theory to test its validity, and the science standards in Minnesota and Ohio address students' ability to critically analyze scientific theories, including the theory of evolution. Inclusion in this category should not be interpreted to mean that the science standards in these states are opposed to the teaching of evolution in public schools under their jurisdiction.

Minnesota (2003)

Minnesota's 7th through 12th grade life [science standards](#) – page 22 – state that students will "understand how biological evolution provides a scientific explanation for the fossil record of ancient life forms, as well as for the striking molecular similarities observed among the diverse species of living organisms."

Relevant benchmarks:

1. *The student will understand that species change over time and the term biological evolution is used to describe this process.*
2. *The student will use the principles of natural selection to explain the differential survival of groups of organisms as a consequence of:*
 - *The potential for a species to increase its numbers;*
 - *The genetic variability of offspring due to mutation and recombination of genes;*
 - *A finite supply of the resources required for life; and,*
 - *The ensuing selection based on environmental factors of those offspring better able to survive and produce reproductively successful offspring.*
3. *The student will describe how genetic variation between populations is due to different selective pressures acting on each population, which can lead to a new species.*
4. *The student will use biological evolution to explain the diversity of species.*

Referring to 9th through 12th grade students, Minnesota's [science standards](#) state – page 16 – that students will "understand the nature of scientific ways of thinking and that scientific knowledge changes and accumulates over time."

It is important to note that Minnesota's standards do not single out evolutionary theory for more scrutiny than what is required for other scientific theories. One of the state benchmarks states that students will "be able to explain how scientific and technological innovations as well as new evidence can challenge portions of or entire accepted theories and models including but not limited to cell theory, atomic theory, theory of evolution, plate tectonic theory, germ theory of disease and big bang theory."

Complete benchmarks:

1. *The student will be able to distinguish among hypothesis, theory and law as scientific terms and how they are used to answer a specific question.*

2. The student will be able to explain how scientific and technological innovations as well as new evidence can challenge portions of or entire accepted theories and models including but not limited to cell theory, atomic theory, theory of evolution, plate tectonic theory, germ theory of disease and big bang theory.

3. The student will recognize that in order to be valid, scientific knowledge must meet certain criteria including that it: be consistent with experimental, observational and inferential evidence about nature; follow rules of logic and reporting both methods and procedures; and, be falsifiable and open to criticism.

4. The student will explain how traditions of ethics, peer review, conflict and general consensus influences the conduct of science.

5. The student will recognize that some scientific ideas are incomplete, and opportunity exists in these areas for new advances.

Ohio (2002)

Ohio's [Academic Content Standards](#) outline what students should know and be able to do. The academic content standards are not mandated, as Ohio's school districts exercise local control and determine their own curricula. All statewide assessments are based on the content standards.

The standards address the teaching of evolution at multiple grade levels, but are especially detailed at the 10th grade level:

State Benchmark	Grade-level Indicators
<p>Explain how evolutionary relationships contribute to an understanding of the unity and diversity of life.</p>	<ul style="list-style-type: none"> • Describe that biological classification represents how organisms are related with species being the most fundamental unit of the classification system. Relate how biologists arrange organisms into a hierarchy of groups and subgroups based on similarities and differences that reflect their evolutionary relationships. • Explain that the variation of organisms within a species increases the likelihood that at least some members of a species will survive under gradually changing environmental conditions. • Relate diversity and adaptation to structures and their functions in living organisms (e.g., adaptive radiation).
<p>Describe a foundation of biological evolution as the change in gene frequency of a population over time. Explain the historical and current scientific developments, mechanisms and processes of biological evolution. Describe how scientists continue to investigate and critically analyze aspects of evolutionary theory. (The intent of this benchmark does not mandate the teaching or testing of intelligent design.)</p>	<ul style="list-style-type: none"> • Recognize that a change in gene frequency (genetic composition) in a population over time is a foundation of biological evolution. • Explain that natural selection provides the following mechanism for evolution; undirected variation in inherited characteristics exist within every species. These characteristics may give individuals an advantage or disadvantage compared to others in surviving and reproducing. The advantaged offspring are more likely to survive and reproduce. Therefore, the proportion of individuals that have advantageous characteristics will increase. When an environment changes, the survival value of some inherited characteristics may change. • Describe historical scientific developments that occurred in evolutionary thought (e.g., Lamarck and Darwin, Mendelian Genetics and modern synthesis).

State Benchmark	Grade-level Indicators
	<ul style="list-style-type: none"> Describe how scientists continue to investigate and critically analyze aspects of evolutionary theory. (The intent of this indicator does not mandate the teaching or testing of intelligent design.)
<p>Explain how natural selection and other evolutionary mechanisms account for the unity and diversity of past and present life forms.</p>	<ul style="list-style-type: none"> Analyze how natural selection and other evolutionary mechanisms (e.g. genetic drift, immigration, emigration, mutation) and their consequences provide a scientific explanation for the diversity and unity of past life forms, as depicted in the fossil record and present life forms. Explain that life on Earth is thought to have begun as simple, one-celled organisms approximately 4 billion years ago. During most of the history of Earth only single-celled microorganisms existed, but once cells with nuclei developed about a billion years ago, increasingly complex multicellular organisms evolved.
<p>Summarize the historical development of scientific theories and ideas, and describe emerging issues in the study of life sciences.</p>	<ul style="list-style-type: none"> Use historical examples to explain how new ideas are limited by the context in which they are conceived. These ideas are often rejected by the scientific establishment; sometimes spring from unexpected findings; and usually grow slowly through contributions from many different investigators (e.g., biological evolution, germ theory, biotechnology and discovering germs). Describe advances in life sciences that have important long-lasting effects on science and society (e.g., biological evolution, germ theory, biotechnology and discovering germs). Analyze and investigate emerging scientific issues (e.g., genetically modified food, stem cell research, genetic research and cloning).

The state's academic standards also address two standards – *Scientific Inquiry* and *Scientific Ways of Knowing* – that describe the nature of scientific ways of thinking and behaving. *Scientific Inquiry* benchmarks are discussed on page 42 of the standards, with the relevant grade-level indicators detailed starting on page 80. *Scientific Ways of Knowing* benchmarks are discussed on page 44, with relevant grade-level indicators detailed starting on page 87.

In March 2004 the state board adopted a set of model lessons that included many lessons on evolution, including one lesson plan for 10th grade students: "[Critical Analysis of Evolution.](#)" Working in groups, students are instructed to research the five aspects of evolutionary theory: (1) anatomical and molecular homology, (2) the fossil record, (3) antibiotic resistance, (4) peppered moths and (5) endosymbiosis. At the end of the assignment, students are to write brief summaries describing various aspects of their research that have supported or challenged evolutionary theory. It is important to note that although model lessons provide an example that teachers may follow while teaching particular benchmarks and indicators, they are *not* mandated.

States That Express Skepticism of Evolution

Perhaps the best-known recent action regarding education about evolution is the modification of the state's science standards by the Kansas State Board of Education in 2005. Also in 2005, Alabama

adopted new science standards that address evolution education, although the preface to the new standards does retain some skepticism, and a disclaimer is placed into science textbooks.

Kansas (2005)

In adopting Kansas' [Science Education Standards](#), the state board stated that, "Evolution is accepted by many scientists but questioned by some. The Board has heard credible scientific testimony that indeed there are significant debates about the evidence for key aspects of chemical and biological evolutionary theory." The standards include seven indicators for students in 8th through 12th grades under benchmark three, which states that students "will understand the major concept of the theory of biological evolution."

Indicator One states that students will "understand evolution, descent with modification, is a scientific explanation for the history of the diversification of organisms from common ancestors."

Additional specificity under indicator one includes:

c. Patterns of diversification and extinction of organisms are documented in the fossil record. Evidence also indicates that simple, bacteria-like life may have existed billions of years ago. However, in many cases the fossil record is not consistent with gradual, unbroken sequences postulated by biological evolution.

f. The view that living things in all the major kingdoms are modified descendants of a common ancestor (described in the pattern of a branching tree) has been challenged in recent years by:

- i. Discrepancies in the molecular evidence (e.g., differences in relatedness inferred from sequence studies of different proteins) previously thought to support that view.*
- ii. A fossil record that shows sudden bursts of increased complexity (e.g., the Cambrian Explosion), long periods of stasis and the absence of abundant transitional forms rather than steady gradual increases in complexity, and*
- iii. Studies that show animals follow different rather than identical early stages of embryological development.*

Indicator Three states that students will understand that "biological evolution is used to explain the earth's present day biodiversity: the number, variety and variability of organisms."

Additional specificity under Indicator Three:

- a. Separate populations within a species may become sufficiently different enough that new species develop. This process is called speciation.*
- b. Changes in inherited traits accumulate in populations.*
- c. Historically only a small percentage of species have survived to modern times.*
- d. Whether microevolution (change within a species) can be extrapolated to explain macroevolutionary changes (such as new complex organs or body plans and new biochemical systems which appear irreducibly complex) is controversial. These kinds of macroevolutionary explanations generally are not based on direct observations and often reflect historical narratives based on inferences from indirect or circumstantial evidence.*

Indicators Seven states that students will explain "proposed scientific explanations of the origin of life as well as scientific criticisms of those explanations."

Additional specificity under Indicator Seven:

Some of the scientific criticisms include:

- a. A lack of empirical evidence for a "primordial soup" or a chemically hospitable pre-biotic atmosphere;*
- b. The lack of adequate natural explanations for the genetic code, the sequences of genetic information necessary to specify life, the biochemical machinery needed to translate genetic information into functional biosystems, and the formation of proto-cells; and*
- c. The sudden rather than gradual emergence of organisms near the time that the Earth first became habitable.*

Alabama (2005)

The preface to Alabama's 2005 [science standards](#) (readers may experience a delay in opening link) states:

The theory of evolution by natural selection, a theory included in this document, states that natural selection provides the basis for the modern scientific explanation for the diversity of living things. Since natural selection has been observed to play a role in influencing small changes in a population, it is assumed, based on the study of artifacts, that it produces large changes, even though this has not been directly observed. Because of its importance and implications, students should understand the nature of evolutionary theories. They should learn to make distinctions among the multiple meanings of evolution, to distinguish between observations and assumptions used to draw conclusions, and to wrestle with the unanswered questions and unresolved problems still faced by evolutionary theory.

In November of 2005, the state board of education voted to continue a requirement that science textbooks contain the disclaimer, "evolution is a controversial theory."

Other State Action

Kentucky (1976)

[KY. REV. STAT. ANN. § 158.177](#)

In 1976, the Kentucky legislature asserted a teacher's right to include the Bible theory of creation in any class concerning the "theories of the creation of man and the earth, and which involves the theory thereon commonly known as evolution[.]" The statute was repealed and reenacted with the same section number in 1990.

(1) In any public school instruction concerning the theories of the creation of man and the earth, and which involves the theory thereon commonly known as evolution, any teacher so desiring may include as a portion of such instruction the theory of creation as presented in the Bible, and may accordingly read such passages in the Bible as are deemed necessary for instruction on the theory of creation, thereby affording students a choice as to which such theory to accept.

(2) For those students receiving such instruction, and who accept the Bible theory of creation, credit shall be permitted on any examination in which adherence to such theory is propounded, provided the response is correct according to the instruction received.

(3) No teacher in a public school may stress any particular denominational religious belief.

(4) This section is not to be construed as being adverse to any decision which has been rendered by any court of competent jurisdiction.

Examples of Action in Individual Counties/Districts

Cobb County, Georgia

In 2002, the Cobb County school district placed stickers on science textbooks stating that, "This textbook contains material on evolution. Evolution is a theory, not a fact, regarding the origin of living things. This material should be approached with an open mind, studied carefully, and critically considered."

In January 2005, the U.S. District Court for the Northern District of Georgia [found that the policy](#) "violate[d] the Establishment Clause of the First Amendment and Article I, Section II, Paragraph VII of the [Constitution](#) of the State of Georgia." The court ordered the district to remove the stickers from all science textbooks and prohibited the district from disseminating the sticker in any form. As of December 2005, the case is under appeal.

Dover, Pennsylvania

In 2004, the Dover school board decided to read the [following statement](#) prior to portions of biology class that dealt with evolution:

The Pennsylvania [Academic Standards](#) require students to learn about Darwin's theory of evolution and eventually to take a standardized test of which evolution is a part.

Because Darwin's theory is a theory, it continues to be tested as new evidence is discovered. The theory is not a fact. Gaps in the theory exist for which there is no evidence. A theory is defined as a well-tested explanation that unifies a broad range of observations.

Intelligent design is an explanation of the origin of life that differs from Darwin's view. The reference book, 'Of Pandas and People,' is available for students who might be interested in gaining an understanding of what intelligent design actually involves.

With respect to any theory, students are encouraged to keep an open mind. The school leaves the discussion of the origins of life to individual students and their families. As a standards-driven district, class instruction focuses upon preparing students to achieve proficiency on standards-based assessments.

In December 2005, the U.S. District Court for the Middle District of Pennsylvania ruled that the school board's decision to require biology students to hear about intelligent design was unconstitutional in [Kitzmiller vs. Dover School District](#). In the ruling, the judge found that the "Defendants' [Intelligent Design] Policy violates the Establishment Clause of the First Amendment of the Constitution of the United States and Art. I, § 3 of the [Constitution](#) of the Commonwealth of Pennsylvania."

Text of hotlinks:

Balanced Treatment for Creation-Science and Evolution-Science Act:
<http://www.legis.state.la.us/lss/lss.asp?doc=80458>

Edwards v. Aguillard:
<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=CASE&court=US&vol=482&page=578>

California science content standards: <http://www.cde.ca.gov/re/pn/fd/documents/sci-stnd.pdf>

New Mexico Science Content Standards, Benchmarks, and Performance Standards:
http://www.ped.state.nm.us/cilt/downloads/science/science_standards.pdf

South Carolina Biology I course standards:
<http://www.myscschools.com/offices/cso/standards/science/documents/Biology1courseguide09-2004.doc>

Minnesota science standards: <http://education.state.mn.us/mde/static/000282.pdf>

Ohio science standards Academic Content Standards:
http://www.ode.state.oh.us/academic_content_standards/ScienceContentStd/PDF/SCIENCE.pdf

Ohio "Critical Analysis of Evolution":
http://www.ode.state.oh.us/academic_content_standards/sciencesboe/pdf_setA/L10-H23_Critical_Analysis_of_Evolution_Mar_SBOE_changes.pdf

Kansas Science Education Standards: <http://www.ksde.org/outcomes/sciencstd.pdf>

Alabama science standards: <ftp://ftp.alsde.edu/documents/54/01SciTOC.rtf>

KY. REV. STAT. ANN. § 158.177: <http://www.lrc.ky.gov/KRS/158-00/177.PDF>

Selman v. Cobb County School District: <http://www.talkorigins.org/faqs/cobb/selman-v-cobb.html>

Georgia Constitution: <http://www.law.emory.edu/GEORGIA/gaconst.html>

Dover school district statement: [http://www.dover.k12.pa.us/doversd/lib/doversd/_shared/Letter to Parents about Biology Curriculum--011005.pdf](http://www.dover.k12.pa.us/doversd/lib/doversd/_shared/Letter_to_Parents_about_Biology_Curriculum--011005.pdf)

Pennsylvania Academic Standards: <http://www.pde.state.pa.us/k12/lib/k12/scitech.pdf>

Kitzmiller v. Dover School District: http://www.pamd.uscourts.gov/kitzmiller/kitzmiller_342.pdf

Pennsylvania Constitution: http://www.dgs.state.pa.us/dgs/lib/dgs/pa_manual/section2/article_i.pdf

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Helping State Leaders Shape Education Policy



Site-Based Decisionmaking: State-level Policies

By Jennifer Dounay

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Site-based management, which is intended to devolve decisionmaking to a team at the school-building level, first gained state policymakers' interest in the late 1980s as part of a broader movement towards deregulation of school governance. Recent interest in school-based budgeting, as well as the parental-involvement requirements of the No Child Left Behind Act and the growing body of research on the impact of parental involvement on student engagement and achievement, may lead to renewed consideration of this policymaking option.

This *ECS StateNote* does not address district-level advisory councils (except where these have power over school-based advisory councils) or school-site advisory councils established only to govern a specific issue such as school traffic safety, a school health clinic or charter school proposal.

- Thirty-four states and the Virgin Islands have statutes related to site-based decisionmaking.
- Seventeen states **mandate site-based management statewide** in one form or another (Alabama, Arizona, Colorado, Florida, Georgia, Hawaii, Kansas, Kentucky, Massachusetts, Michigan, New Mexico, New York, North Carolina, South Carolina, Texas, Utah, West Virginia).
- Two states (Illinois and Ohio) **mandate site-based management for specified districts** – Illinois requires site-based management in all Chicago schools, and Ohio mandates that a site-based management council be established in at least one building in districts with more than 5,000 students and that have not been identified as “effective” or “excellent” through the state accountability system. A third state, New York, **both mandates site-based management statewide and also places additional site-based management requirements on the New York City district.**
- Delaware is the only state that **mandates that schools consider implementing site-based decisionmaking but does not require site-based management statewide.**
- **Powers most commonly devolved to site-based decisionmaking teams:** Due to the greatly varying nature of site-based decisionmaking policies from one state to the next, these powers defy easy categorization. The main question to consider, however, is: Does the state policy give a school team advisory or policymaking authority? Site-based management policies typically specify authority to **advise the principal or other decisionmakers** in questions relating to school budget, staffing, curriculum and/or school improvement plans mandated by state accountability systems. Some states also require school teams or councils to advise on questions of school discipline policies, scheduling the school day/week, teacher professional development and other areas. In a handful of states, site-based management teams **have decisionmaking authority** in one or more of the areas listed above.
- **Where school councils have the greatest power:** Chicago and Kentucky devolve the greatest level of responsibility to school councils. In Chicago, school councils must evaluate the principal's performance, determine additional criteria to be included in a principal's performance contract and determine whether a principal's performance contract will be renewed. In both Chicago and Kentucky, the school council has the power to fill a principal vacancy, approve the building

expenditure plan, allocate teachers and other school staff, in addition to the powers granted school councils in many other states.

- **Team membership:** A site-based management team is usually comprised of the school principal, teachers at the school, parents of students attending the school and community members who are not parents of children at the school or school employees. A handful of states also allow or require members to include a high school student representative, a representative from the business community or noncertified school staff. Some states specify the number of members on a team and the number of representatives from each constituency at the school, while other states leave this decision for the local board or school-based team to determine. Some states provide for some or all school council members to be appointed; others specify that members must be elected, generally by their peers at the school site.
- Seven states (Georgia, Hawaii, Illinois, Indiana, Kentucky, Massachusetts, Minnesota) **require school council members to complete training**. Of these seven, state statutes vary in their specificity – some mandate the number of hours to be completed by new – and occasionally continuing – team members, and the knowledge and skill areas to be included in training; others do not specify the clock hours or issues that training must include. In most other states, rather than requiring all school council members to complete training, state policies offer technical assistance or training to site-based decisionmaking teams but do not require teams to avail themselves of this technical support or attend a specified number of hours of training. Sixteen states and the Virgin Islands do not have statutory provisions regarding training or technical assistance to site-based decisionmaking teams. **West Virginia** statute requires the state board to assist local school improvement councils upon request, but does not address training or technical assistance for faculty senates or school curriculum teams, which also provide a degree of site-based management in all schools in the state. **New York** statutes/regulations set forth training provisions for site-based management participants in New York City's program but not in the statewide program.
- Six states (Georgia, Hawaii, Illinois, Kentucky, North Carolina and Oregon) have provisions requiring **school councils to be held to some degree of accountability**. North Carolina is the only one of these that specifies rewards rather than sanctions for school council performance. A seventh state (Minnesota) **allows** districts to enter into a type of performance contract with school-based decisionmaking teams. Where states have established accountability measures for members of site-based decisionmaking teams, these measures have been included in state profiles.

Comprehensive Site-based Management Policies

A comprehensive state site-based management policy includes the following requirements:

- School council is comprised of the principal and an even or nearly even number of parents and teachers
- Staggered terms for school council members (except the principal)
- School council members reflect the racial makeup of the school's student body
- School council teacher and parent members elected by their peers at the school
- School council members protected from interference by other stakeholders in the school or district, and procedures in place to allow such violations to be settled
- Clear statement of respective roles/authority of local board, principal and school council
- School councils provide input on school staffing (including principal selection), curriculum and budget
- Mandatory, high-quality training for both new and continuing school council members
- Training for a specified number of clock hours (no less than six hours a year) within a month of first election to office
- Training addresses school budgeting, staff selection and/or any other responsibilities devolved to the school council
- Ongoing, high-quality technical assistance available to school councils
- Accountability provisions allowing school council members to be removed for poor performance, continuing poor school performance or ethical considerations.

Kentucky is the only state whose site-based management policies include all these components.

State policies that *relate* to school councils or site-based decisionmaking generally, but are not part of the primary statutes governing school councils, are included in the **Notes** section of the state profiles below.

Alabama

SBM mandated, recommended, or voluntary: Mandated

Statewide or pilot: Statewide

Responsibilities/level of authority: To “propose a budget for classroom instructional support,” including professional development and technology. Teachers at local school must vote to approve plan; if plan is not approved, it must be returned to committee until a plan obtains teacher approval.

Composition of council, if mandated: Four teachers and school’s principal or his/her designee.

Training/technical support addressed in legislation: No

Citation/year passed: ALA. CODE § 16-1-8.1

Arizona

SBM mandated, recommended, or voluntary: Mandated

Statewide or pilot: Statewide

Responsibilities/level of authority: Not specified in statute. A local board, however, may give a school council “responsibility to develop a curriculum and may delegate any additional powers that are reasonably necessary to accomplish decentralization.”

Composition of council, if mandated: Initial number of members to be determined by local board, after which time the school council must determine the number, though numbers of teachers and parents should be same, and these two together must comprise a majority of the council’s members. Unless another member is elected chairperson by a majority of school council members, the school principal is to serve in this office. The council must reflect the local community’s ethnic makeup, and must include parents of pupils in the school (who are not district employees); “teachers; noncertified employees; community members; pupils, if the school is a high school”; and the school principal. § 15-352 adds that a local board may allow an alternative school to create a school council with members other than those specified above, as long as teachers and parents of school attendees are represented. It also states that boards of districts with only one school or with a student population of under 600 students may vote not to have a school council.

Training/technical support addressed in legislation: No

Notes: § 15-102 aims “to promote the involvement of parents and guardians of children enrolled in the schools within the school district....” Local boards are to adopt a parental-involvement policy addressing a number of areas. Such policy may include, “Efforts to, with appropriate training, support parents as shared decisionmakers and to encourage membership on school councils.”

Legal citations: ARIZ. REV. STAT. ANN. § 15-102, 15-351, § 15-352

Arkansas

SBM mandated, recommended, or voluntary: Voluntary. ARK. CODE ANN. § 1303 states: "Following a secret ballot vote by two-thirds ... of the certified employees in a local building site to implement site-based decisionmaking, the local school district board of directors may adopt a policy for implementing site-based decisionmaking in the district.... For the policy to be implemented, it must be adopted by a majority of the board of directors of the school district."

Statewide or pilot: Statewide

Responsibilities/level of authority: "The school council ... may implement policies in the following areas:

- (1) Planning and resolution of issues regarding instructional practices
- (2) Selection and implementation of discipline and classroom management techniques
- (3) Curriculum, including: (A) Needs assessment; (B) Curriculum development; (C) Alignment with state standards; (D) Technology utilization; and (E) Program appraisal
- (4) (A) Assignment of all instructional and noninstructional staff time; and (B) Provision for planning time
- (5) Assignment of students to classes and programs
- (6) ... Schedule of the school day and week
- (7) ... Use of school space during the regular school hours
- (8) (A) Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications and attendance requirements; and (B) Evaluation and supervision of extracurricular programs."

Other powers may be given councils by local boards.

See **Notes** below for areas that local policies implementing site-based decisionmaking must address.

Buildings which wish to follow a plan other than that set out in legislation may devise their own, to be approved by the director of the department of education and the state board. Any such plan must "show evidence that it has been developed by representatives of the parents, students, and employees of the school and that two-thirds ... of the certified employees voting in a secret ballot have agreed to the model."

Training/technical support addressed in legislation: No, but ARK. CODE ANN. § 6-13-1308 authorizes the department of education to "develop sample guidelines to assist local boards of directors in the development of their policies" and "provide professional development activities to assist schools in implementing site-based decisionmaking."

Composition of council, if mandated: "[T]eachers, classified employees, and the building principal or administrator," the former two selected by their peers in a secret ballot election. Teachers must comprise a majority of council members. Parents may serve on the council "if two-thirds of the parents present at a meeting called for that purpose vote to participate in site-based decisionmaking." Parents selected may not be relatives of school board members or school employees.

Notes: § 6-13-1305 states that the board policy implementing site-based decisionmaking also must address the following: "(1) Parent, citizen, and community participation, including the relationship of the school council with other groups; (2) Cooperation and collaboration within the district, with other districts, and with other public and private agencies; (3) Professional development plans developed pursuant to the state accreditation standards; (4) School improvement plans, including the form and function of strategic planning and its relationship to district planning; (5) School budget and administration, including: (A) Discretionary funds; (B) Activity and other school funds; (C) Funds for maintenance, supplies, and equipment; and (D) Accounting and auditing; (6) Assessment of individual student progress, including testing and reporting of student progress to students, parents, the school district, the community, and the state; (7) Requirements for waiver of district policies; (8) Requirements for record keeping by the school council; and (9) A process for appealing a decision made by a school council."

§ 6-15-1005 states that every public schools must have a parental involvement plan which permits parents to be active in their children's education. "These plans will address communication with parents, volunteering, learning activities that support classroom instruction, participation in school decisions, and collaboration with the community." In addition, "Every school will involve parents in developing school goals and priorities and evaluating the effectiveness of the school improvement plan."

Legal citations: ARK. CODE ANN. § 6-13-1301, -1302, -1303, -1304. -1305, -1306, -1307, -1308, -1309; 6-15-1005

California

SBM mandated, recommended, or voluntary: Voluntary. Adopted district model may apply to as few as one school in the district. A school district, however, is “eligible to participate only upon the approval of participation by both the governing board of the district and the exclusive representative of certificated employees of the district.”

Statewide or pilot: Statewide

Responsibilities/level of authority: Districts may implement “alternative models of school-based management projects, or advanced career opportunities for classroom teachers projects, or a combination of both[.]” “Further, it is the intent of the Legislature that school district governing boards and administrators work with classroom teachers and teacher bargaining units to develop and strengthen procedures that increase teachers’ decisionmaking authority in responsibilities that affect their ability to teach. These procedures may include, but need not be limited to, the following:

- (1) Selection of new teachers and administrators
- (2) Evaluation of teacher and administrator performance
- (3) Selection of curricular areas for improvement
- (4) Tailoring and coordination of curriculum and instruction across grade levels and within departments at the schoolsite level
- (5) Establishment of pupil discipline policies
- (6) Design and conduct of staff development programs and policies
- (7) Assignment of pupils and scheduling of classes
- (8) Schoolwide problem solving and program development
- (9) Organization of the school for effective instruction
- (10) Development of procedures designed to institutionalize teacher involvement in decisionmaking
- (11) Determining the roles and functions of teachers, administrators, and classified employees at the school site
- (12) Development of alternative methods of teacher compensation
- (13) Establishment of policies ... providing schoolsite administrators and teachers with greater budget authority, including the allocation of fiscal, personnel, and other resources at the schoolsite.”

District SBM plans must include (a) A plan to include parents in design, implementation and evaluation of school restructuring activity. “(b) A plan for staff development ... to assist in restructuring elements specified in the district proposal. (c) A plan for regularly assessing the progress of participating schools in meeting the goals identified in their funding proposal.... Districts are encouraged, as well, to establish a process of onsite quality reviews with the objective of evaluating the quality of instruction, leadership, staff development, and the planning and decisionmaking processes at participating schools.”

State board may, upon request of a local board, waive portions of education statutory requirements for an entire district, or for an individual school or programs therein. Certain specified statutes cannot be waived.

Composition of council, if mandated: Not mandated

Training/technical support addressed in legislation: No

Notes: CAL. EDUC. CODE § 44666 and 44667 set forth the legislative intent for establishing site-based decisionmaking in the state.

Legal citations: CAL. EDUC. CODE § 44666, 44667, 44667.2, 44669, 52049.1

Colorado

SBM mandated, recommended, or voluntary: Mandated. According to § 22-7-106, however, school advisory councils need not be established in schools that had, prior to January 1, 2000, a committee or council performing the duties enumerated in legislation for school advisory councils.

Statewide or pilot: Statewide (for school advisory councils); unknown (for school advisory accountability committees)

Responsibilities/level of authority:

- Make recommendations to the school principal regarding “the prioritization of expenditures of school moneys.”
- Meet at least quarterly to discuss:
 - Means to determine whether student achievement is being helped or hindered by decisions relating to “the educational process”
 - “Reporting to students, parents, boards of education, educators, and the school district board of education on the educational performance of the school and providing data for the appraisal of such performance”
 - “Recommendations to the principal on the expenditure of all school grants”
 - School safety issues.
- Annually adopt “high, but achievable, goals and objectives for the improvement of education in its building” as well as “a plan to improve educational achievement in the school, to implement methods of maximizing graduation rates from the secondary schools of the district, and to increase the ratings for the school’s accreditation category...” Each building committee’s plans shall be reviewed by its district advisory committee before submission to the local board. “Procedures for the implementation of the plan shall be included in the budget submitted to the board....” The local board, having collected each school’s plan, is then to consult with its district accountability committee and “compile school building goals and objectives and plans” to create a districtwide plan to submit to the state board of education for purposes of accreditation.
- “Make recommendations” to the school’s “chief executive officer” regarding “the prioritization of expenditures of school district moneys[.]” The chief executive officer must “consider such recommendations ... in formulating budget requests to be presented to the board of education.”
- Consult with the principal in how to distribute or spend any award the school earns through the state’s School Awards Program for academic performance.
- Advise the local board on a district safe school plan, which each district is mandated to put into place or revise.

Composition of council, if mandated: School advisory councils are to have seven members: the school principal; a teacher at the school; three parents/guardians of students enrolled at the school; one “adult member designated by an organization of parents, teachers, and students recognized by the school”; and a community member involved in business, to be selected by the school principal. “No more than three members of a school advisory council shall be employed by or relatives of an employee of the school district.”

Training/technical support addressed in legislation: No

Notes: § 22-7-202 gives the state board authority to identify areas in which it may invite school districts to develop pilot programs. Pilot programs must “focus on teaching basic skills in reading, writing, and mathematics, but may involve.... Methods of decentralizing school district management in large school districts in order to improve building achievement and climate.”

§22-7-407 specifies that after a district has adopted content standards, the district must inform parents and the district’s school advisory councils “of the application and effect of such content standards and standards-based education, including how students’ progress in achieving content standards will be measured and how parents will be informed of such progress.”

Legal citations: COLO. REV. STAT. ANN. § 22-7-106, -107, -202, -205, -207, -407; 22-11-303; 22-32-109.1

Connecticut

SBM mandated, recommended, or voluntary: Recommended

Statewide or pilot: Statewide

Responsibilities/level of authority: Statute requires the state board to create a model parent- and community-involvement program, to be distributed to all local and regional boards. The specific tasks of school-based teams are to be determined by the state board. The statute, however, mandates that in the model program, school-based teams: “(1) foster model agreements between parents and their children with the cooperation of the school, such agreements to cover goals and objectives for the student for the school year; (2) adopt agreements to foster cooperation and improve communication between such representatives regarding matters such as academic rights and responsibilities, codes of social conduct and disciplinary policies; and (3) develop agreements to encourage

community residents to take an active role in improving the school and to become school volunteers. The model program developed by the state board shall provide model agreements for the use of school-based teams in the development of their own local or regional agreements.”

Composition of council, if mandated: § 10-4g: Model program created by state board must include creation of school-based teams, comprised of an unlegislated number of “parents, students, teachers, administrators, local or regional boards of education, and community groups and organizations....”

Training/technical support addressed in legislation: No

Legal citations: CONN. GEN. STAT. ANN. § 10-4g

Delaware

SBM mandated, recommended, or voluntary: Mandatory consideration by district advisory committee (see **Notes** below), voluntary acceptance.

Statewide or pilot: Statewide

Responsibilities/level of authority: Schools that have opted for site-based management and have an approved shared decisionmaking transition plan (see **Notes** below) are eligible to apply for three-year school improvement implementation grants. School improvement plans must include: “(1) Comprehensive school improvement goals tied to state and local academic performance standards and strategies to achieve these and other goals identified by the school, including staff development and parental involvement; (2) A description of the rationale for the proposed governance structure, stating how and why the governance process should improve decisionmaking and support continuous improvement in teaching and student learning; (3) Review by the broader school community with agreement that the school improvement plan is consistent with the school district plan ...; (4) A proposed budget that explains the use of resources allocated to the school to support strategies for achieving the school improvement goals; (5) The structural changes or procedures for providing the necessary time and skill-building to support shared decisionmaking and continuous improvement in teaching and student learning; (6) The assessment and evaluation process that the school will use to measure its progress toward achieving its stated goals; (7) A proposed timeline for phasing-in its school improvement plan; and (8) A proposed budget for the use of the school improvement grant.”

School improvement plans may propose “policies or suggestions ... including but not limited to: curricular, instructional and assessment strategies to be used at the school; assignment of staff within the school; assignments of students to classes; the school’s calendar; staff development; classroom materials; parental involvement; the need for extra learning time for students through longer days and years and Saturday sessions; the needs of at-risk students; discipline and school climate; teacher orientation and mentoring; and proposed waivers of regulations and district policies.”

Every school in a district that has approved a district transition plan for shared decisionmaking is “entitled to receive a grant to conduct structured conversations and activities and to develop a school transition plan which incorporates shared decisionmaking.”

“[A]ny school-based committee ... may apply to its local board for a waiver of any regulation, rule or policy and the local board may grant such waiver where: (1) Such a waiver would further the accomplishment of state and local educational policies, particularly those addressing student achievement in the core academic subjects of mathematics, science, language arts and social studies; (2) such a waiver would not impose undue administrative burdens upon the State or the local district or harm the district’s ability to ensure that public funds are properly expended and the applicable state and federal laws are followed; and (3) the purpose of the regulation, rule, or policy to be waived can be satisfied in a less burdensome ... manner than through compliance with the rule, regulation or policy The public shall be provided an opportunity to present comments concerning the waiver to be requested at a [local board meeting] ... preceding its formal adoption.”

Composition of council, if mandated: § 804 requires the principal to “facilitate the selection of representatives on the school advisory committee through an inclusive process....” Members should come from constituencies such as “parents, community members, teachers, administrators, other employees and students (where appropriate)” and reflect “the diversity within the school community. This process must guarantee that members of the various stakeholder groups choose their respective representatives.

Schools applying for supplemental grants according to § 1605 must have a majority of committee members who are school staff, “of which a majority shall be instructional staff; ... the committee [must include] representatives of the support staff, student body (for schools enrolling students, grades 7 through 12), parents and the community....”

District advisory committee: Local board selection of committee members must be “through an inclusive process that reflects the diversity within the school community.” School employees must select their own representatives to district shared decisionmaking advisory committees. “For student (where appropriate), parent and community groups, the local board of education” must collaborate with organizations representing each of these stakeholders to select representatives.

Training/technical support addressed in legislation: No, although 14 § 802 requires the department of education to “provide local school boards with assistance, guidance and strategies to initiate and plan the implementation of these structured conversations and activities” in developing a district advisory committee. § 803 mandates that the department offer local boards and district transition teams “assistance, guidance and strategies to initiate, develop and formally adopt their district transition plans.” § 805 compels the department “and the relevant local district administration to provide “school transition teams with assistance, guidance and strategies to initiate, develop and formally adopt their transition plans.”

Notes: § 157, a statute encouraging parental involvement, states, “Among the most important elements of effective parental and family involvement in education are ... school based decisionmaking – parents involve themselves in the educational decisionmaking process at the school and district level and are welcomed in that role by schools....”

§ 1605 pertains to financial support offered districts for alternative education programs for disruptive students in public schools. Schools serving students in grades 7-10 and that would like to receive a supplemental grant larger than the base grant must, among other criteria, “establish a site-based committee in the school to govern discipline matters.... The grant application must certify” that a majority of the committee members are school staff, and of those, a majority are instructional staff, and that the committee also includes support staff, students, parents and community members. The grant also must certify “the committee has the authority ... to 1. Establish a school code of conduct which defines the roles and responsibilities of all members of the school community (administrators, teachers, support staff, contracted service personnel, students, families and child/family advocates); 2. Hear concerns from a staff member dissatisfied with the disposition of any disciplinary matter by the school administration; 3. Refer students to programs [of alternative education for disruptive students]; 4. Design, approve and oversee the implementation of [safety/discipline] programs established in the school; 5. Establish and enforce the school's attendance policy; 6. Establish extended day, week or year programs, for students with discipline or attendance problems, or at risk of academic failure, that provide for the assessment of penalties for violations of school discipline or attendance policies and for academic acceleration and tutoring, mentoring and counseling services for such students and their families as an integral program component; 7. Establish staff development programs for conflict resolution for all school staff, and establish programs in classroom and behavioral management for schools staff identified as needing improvement; 8. Design student mentoring, conflict resolution and/or peer counseling programs for all students, especially for those who are identified as having chronic discipline, academic or attendance problems.”

Delaware is unique in that a series of steps must be followed in order for site-based decisionmaking to be implemented in a school. Every local board is required to “facilitate the selection of a district shared decisionmaking advisory committee (**District Advisory Committee**),” which must issue a “Report and Recommendation” to its local board stating either advising the district not to consider shared decisionmaking, or recommending “developing a district transition plan to implement shared decisionmaking as a means of pursuing school improvement in the district,” identifying a process for creating a district transition plan “and determining the composition and roles and responsibilities of the ‘District Transition Team’ to develop the district transition plan.” If the school community [defined in statute] agrees to go forward with shared decisionmaking, the board must “vote to endorse the concept of shared decisionmaking, the process for establishing a district transition plan, the composition of the District Transition Team ...; and the roles and responsibilities delegated to the team.” “If the board has concerns with a recommendation by the District Advisory Committee, it [must] remand that recommendation to [the team] for its proposed resolution of the concerns. The resolution shall be presented to and endorsed by the board before the board applies for a district transition planning grant.”

After the district transition planning process obtains board endorsement, the district must apply for a “transition planning grant” from the department of education. “A local board’s decision not to adopt a District Transition Plan for shared decisionmaking shall not limit the authority of a school principal who demonstrates significant faculty support to submit a waiver request to the local board ... or to develop a school improvement plan; provided, however, that this subsection shall not deprive the local board of its authority to disapprove a waiver request or a school improvement plan....”

School Advisory Committees are to be created in any school in a district that has adopted a “district transition plan” (see above.) Subsequent to “structured conversations and activities” as defined in statute, each school advisory

committee must state in a Report and Recommendation to the board whether they intend to develop “a school transition plan to implement shared decisionmaking for educational improvement in the school” or not pursue shared decisionmaking further. If the committee decides to work towards a site-based decisionmaking structure, they must engage in structured conversations and activities to develop a process for drafting the school transition plan, identify members of a “School Transition Team” (representatives of stakeholder groups to be chosen by their peers with the principals’ facilitation), and “develop the roles and responsibilities delegated to the School Transition Team.” All these activities must be documented in the Report and Recommendation. Each representative must “indicate that [he/she] has made a good faith effort to communicate with the membership of the representative’s stakeholder group so as to ensure that the views of the membership of the representative’s stakeholder group were reflected in the Report and Recommendation.”

School advisory committees that have followed these steps are eligible to apply for one-year school transition grants. Such applications also must indicate that the school has “[c]ommitted to develop a school improvement plan including comprehensive school improvement goals tied to state and local academic performance standards and strategies to achieve these goals and including staff development for building the necessary capacities and skills to successfully implement shared decisionmaking and improve parental involvement; ... [e]stablished plans for communicating the results of the school improvement plan to the broader school community for information and critical review; and ... [d]escribed how the various stakeholder groups will formally express their opinion regarding the school transition plan prior to its adoption by the local board of education.” The local board must adopt the school transition plan after public review and comments, unless a school transition plan is proven to be “inconsistent with specific provisions of the adopted district transition plan and such disapproval shall extend only to such inconsistent provisions of the school transition plan.”

Legal citation: DEL. CODE ANN. tit. 14, § 157, 801, 802, 803, 804, 805, 806, 807, 808, 1049A, 1605

Florida

SBM mandated, recommended, or voluntary: Mandatory. Districts with 10,000 or fewer students, however, may, instead of school advisory councils, create a district advisory council with “at least one duly elected teacher from each school in the district.”

Statewide or pilot: Statewide

Responsibilities/level of authority: Local boards must determine functions for advisory councils to perform, though no advisory council can “have any of the powers and duties” state law delegates to local boards. § 1008.385 requires every district school board to use “its system of planning and budgeting to emphasize a system of school-based management in which individual school centers become the principal planning units and to integrate planning and budgeting at the school level.”

§ 1001.42 requires the school advisory council to present a school improvement plan to its local school board for approval. The statute also requires local boards to “adopt policies that clearly encourage and enhance maximum decisionmaking appropriate to the school site. Such policies must include guidelines for schools in the adoption and purchase of district and school site instructional materials and technology, the implementation of student health and fitness standards, staff training, school advisory council member training, student support services, budgeting, and the allocation of staff resources.”

School councils must:

- Help in the “preparation and evaluation of the school improvement plan” required in § 1001.42(16) and, with the department’s technical assistance, in the school’s annual budget and plan as required by § 1008.385(1).
- Discuss district code of student conduct at the beginning of every school year
- Be notified when the district board has received the final report of the district’s financial practices review (conducted on continuous five-year cycle per §1008.35); each chair of a school advisory council must be sent a copy of the district’s report. After receiving the report, the district board must inform advisory councils of the opportunity to attend a “public forum to accept public input and review the findings and recommendations of the report ... before the district school board votes whether to adopt the action plan, or if no action plan was required because the district was found to be using the best practices...”
- Decide jointly with the school staff how to use a financial award obtained through the Florida School Recognition Program for outstanding academic achievement or improvement.

School advisory councils also may :

- Approve instructional programs

- Choose to implement the postsecondary education readiness and career planning model for students, parents and school staff, set forth in § 1007.21

Composition of council, if mandated: Every council must include the school principal “and an appropriately balanced number of teachers, education support employees, students, parents, and other business and community citizens who are representative of the ethnic, racial, and economic community served by the school.” Each local board must determine procedures for electing and appointing advisory council members. Teachers, education support employees, students and parents must be elected by their peers. The local board must “establish procedures for use by schools in selecting business and community members that include means of ensuring wide notice of vacancies and of taking input on possible members from local business, chambers of commerce, community and civic organizations and groups, and the public at large.” A majority of members must be persons not employed by the school. Career center and high school advisory councils must include students, and middle/junior high school advisory councils may include students. Adult education and career center councils do not need to include parents as members. Every local board must examine each advisory council’s membership composition. If a council’s membership does not represent “ethnic, racial, and economic community served by the school,” the board must appoint additional members to reach proper representation.

Training/technical support addressed in legislation: Yes, although school council members are not required to complete training. Local boards must “adopt policies that clearly encourage and enhance maximum decisionmaking appropriate to the school site. Such policies must include ... school advisory council member training....” In addition, “Upon request, the department shall provide technical assistance and training to any ... school advisory council ... for conducting needs assessments, developing and implementing school improvement plans, developing and implementing assistance and intervention plans, or implementing other components of school improvement and accountability.” Buildings “designated as performance grade category ‘D’ or ‘F’ and school districts in rural and sparsely populated areas of the state” have first priority for this assistance.

The School Community Professional Development Act establishes a professional development system to help the “school community” – defined as including members of school advisory councils – “meet state and local student achievement standards and the state education goals and to succeed in school improvement.”

Notes: Local boards must “adopt waiver process policies to enable all schools to exercise maximum flexibility and notify advisory councils of processes to waive school district and state policies” and “develop policies for periodically monitoring the membership composition of school advisory councils to ensure compliance with requirements” in the main school advisory council statute, § 1001.452. Local boards are authorized to adopt policies governing school advisory councils.

Under the Family and School Partnership for Student Achievement Act, the Department of Education is required to develop guidelines for a parent guide to successful student achievement which describes what parents need to know about their child’s educational progress and how they can help their child to succeed in school. The guidelines “must include ... [o]pportunities for parental participation, such as ... school advisory councils....” The act also requires each local board to “adopt rules that strengthen family involvement and family empowerment.” The rules must be “developed in collaboration with parents, school administrators, teachers, and community partners,” and must touch on “opportunities for parents to participate on school advisory councils....”

Legal citations: FLA. STAT. ANN. § 1001.42, 1001.43, 1001.452, 1002.23, 1003.02, 1006.07, 1006.28, 1007.21, 1008.345, 1008.35, 1008.36, 1012.98

Georgia

SBM mandated, recommended, or voluntary: Mandatory. By October 1, 2003, every district was required to have a school council in all the schools under its jurisdiction.

Statewide or pilot: Statewide

Responsibilities/level of authority: School councils began to be phased in districts statewide at the beginning of the 2001-02 school year. After a school council has experienced two years of “successful operation” and has received “a high performance designation by the Office of Student Achievement,” the local board must “devolve to the school council such additional authority in matters of school operation as the board deems appropriate.” Local boards must “consider all recommendations of the school council, including the annual report” and must respond to such recommendations within 60 days of receipt in writing. Councils must meet at least four times annually. The principal must “develop the school improvement plan and school operation plan and submit the plans to the school council for its review, comments, recommendations, and approval.” Councils, explicitly advisory, are to “provide

advice and recommendations to the school principal and, where appropriate, the local board of education and local school superintendent on any matter related to student achievement and school improvement, including, but not limited to, the following:

- (1) School board policies
- (2) School improvement plans
- (3) Curriculum and assessments
- (4) Report cards issued or audits of the school conducted by the Office of Student Achievement
- (5) Development of a school profile which shall contain data as identified by the council to describe the academic performance, academic progress, services, awards, interventions, environment, and other such data as the council deems appropriate
- (6) School budget priorities, including school capital improvement plans
- (7) School-community communication strategies
- (8) Methods of involving parents and the community
- (9) Extracurricular activities in the school
- (10) School-based and community services
- (11) Community use of school facilities
- (12) Student discipline and attendance
- (13) Reports from the school principal regarding progress toward the school's student achievement goals, including progress within specific grade levels and subject areas and by school personnel
- (14) The method and specifications for the delivery of early intervention services or other appropriate services for underachieving students."

Local board policy determines the role of the school council in the principal selection process.

"The council may appoint committees, study groups, or task forces for such purposes as it deems helpful and may utilize existing or new school advisory groups."

Composition of council, if mandated: School council membership must "be open to teachers, parents, and business representatives selected from all businesses that are designated school business partners." There must be at least seven members on any school council; if there are more than seven members, "the number of parent members and teacher members must be equal." Every council must include: at least two parents/guardians of students at the school (may not be employees who are parents of such students); two businesspersons; at least two certified, non-administrator teachers teaching at least 4 courses at the school; the school principal; and "other members as specified in the council's bylaws, such as, but not limited to, students, staff, and representatives of school related organizations." The council bylaws must indicate how these and the business members will be selected. "An employee of the local school system may serve as a parent representative on the council of a school in which his or her child is enrolled if such employee works at a different school. With the exception of the principal and the business representatives, members [must] be elected by, and from among, the group they represent." Councils are to "be reflective of the school community."

Council member accountability: "The members of the school council are accountable to the constituents they serve. They must (1) Maintain a school-wide perspective on issues; (2) Regularly participate in council meetings; (3) Participate in information and training programs; (4) Act as a link between the school council and the community; (5) Encourage the participation of parents and others within the school community; and (6) Work to improve student achievement and performance."

Training/technical support addressed in legislation: Yes. Council members must take part in information and training programs. The local board must "provide a training program to assist schools in forming a school council and to assist school council members in the performance of their duties." This program must "address the organization of councils, their purpose and responsibilities, applicable laws, rules, regulations and meeting procedures, and important state and local school system program requirements and" must "provide a model school council organization plan." School council members must be offered annual supplemental training programs. The state board of education is required to "develop and make available a model school council training program."

Note: Statute establishes importance of improving communication and participation of parents and community in school oversight legislative intent.

Local boards may adopt policies, which allow "an alternative to a school council at a charter school, an alternative school, or a psychoeducation center if another governance body or advisory council exists that performs a comparable function."

Legal citations: GA. CODE ANN. § 20-2-85, -86

Hawaii

SBM mandated, recommended, or voluntary: Mandated (except for charter schools and conversion charter schools). Pre-existing school/community-based management councils must transition to school community councils by July 1, 2005, and schools that did not have school/community-based management councils must establish these by July 1, 2005.

Statewide or pilot: Statewide

Responsibilities/level of authority: School councils must:

- “Review and evaluate the school’s academic plan and financial plan, and either recommend revisions of the plans to the principal, or recommend the plans for approval by the complex area superintendent” [principals are to “be responsible for the initial development of their schools’ academic and financial plans”]
- Ensure that the school’s academic and financial plans are aligned with the educational accountability system under § 302A-1004
- Participate in principal selection and evaluation, and transmit any such evaluations to the complex area superintendent
- Provide collaborative opportunities for input and consultation.”
- Have the school’s principal and the business and fiscal officer consider their recommendations on the school’s repair and maintenance needs prior to these leaders’ meeting with the department to advise it of said needs.

School councils may “develop mechanisms to provide for classroom cleaning, including but not limited to having parent, student, or other community groups clean the classrooms on a regular, continuing basis,” so long as no full-time janitorial staff at the school are subsequently “displaced.”

“Complex area superintendents may require revisions to a school’s academic and financial plans if the plans are in violation of law or conflict with statewide educational policies and standards, or are otherwise in the best interests of the school.”

The principal is authorized to “set aside any decision made by the school community council if the principal determines it to be in the best interests of the school, provided that the principal notifies the school community council. If the school community council opposes a decision of the principal,” the council must first bring an appeal “to the complex area superintendent for resolution, and, if necessary, to the superintendent and, finally, to the board of education.” [Hawaii, as one statewide district, does not have separate local and state boards of education.] The principal may not set aside school community council decisions “to recommend annual academic and financial plans” for the complex area superintendent’s approval.

Transition provision: “All policies or bylaws adopted, and all decisions made, by a school/community-based management council shall remain in effect until repealed or revised by members of the new school community council.”

Composition of council, if mandated: Council composition must be determined by each school council; however, the number of school staff on any school council must be equal to the number of “primary stakeholders” [students, parents and community members] on the school council. In addition, each school council must include the school principal and at least one representative of the following groups: parents, teachers, noncertified school staff, community representatives and student representatives. Parents, teachers and noncertified school staff are to be elected by their peers at the school. Community representatives must be “elected by ballots distributed among and collected from parents of the school’s students; student representatives must be elected by the school’s student council.”

Council member accountability: “The superintendent of education may recommend to the board of education dissolution of a school community council and establish an interim school community council if the school community council engages in any act or omission that would constitute gross negligence, willful and wanton misconduct, or intentional misconduct. The superintendent may recommend to the board the removal of any member of a school community council. The superintendent [must] appoint or facilitate the creation of an interim school community council at any school that has not established a council or has had its council dissolved. In appointing or facilitating the creation of an interim school community council at any school that has had its council dissolved, the superintendent may appoint individuals who were previously members of the council.”

Training/technical support addressed in legislation: Yes. The 2004 Public Act 221 states that all school community councils “will receive training for their duties, including reviewing and recommending for

approval by the complex area superintendent the academic and financial plans for their school.” The 2004 Public Act 51 appropriates funds to “[facilitate] the transition from school/community-based management to school community councils by training and other necessary activities.” Statute also requires complex area superintendents to help school community councils and principals in “obtaining the support and services of the department and ensuring the progress and success of the school’s academic and financial plan.”

Notes: Section 19 of 2004 Public Act 51 establishes legislative intent for establishing school community councils (the act did away with the state’s pre-existing “school/community-based management” provisions). The act likewise establishes “parent-community networking centers ... for the purposes of improving student achievement and building a sense of family among all.”

The state board must “formulate such policy and exercise such control as may be necessary to define a common set of educational goals that the schools subject to the school/community-based management system” must fulfill. The board also is mandated to establish standards for measuring the efforts of each participating school toward achieving those goals each year. The participating schools” are “free to use all reasonable means to accomplish those goals with the resources available to them.”

Legal citations: HAW. REV. STAT. ANN. § 302A-1124, -1125, -1505, -1507, 2004 PUBLIC ACTS 51 AND 221

Illinois

SBM mandated, recommended, or voluntary: Mandatory for all Chicago schools except those designated a “Small School” by the Chicago board, alternative schools and other schools identified in 105 ILL. COMP. STAT. 5/34-2.4b.

Statewide or pilot: Only for Chicago schools

Responsibilities/level of authority:

- Annually evaluate the building principal’s performance “using a board approved principal evaluation form, which shall include the evaluation of (i) student academic improvement, as defined by the school improvement plan, (ii) student absenteeism rates at the school, (iii) instructional leadership, (iv) the effective implementation of programs, policies, or strategies to improve student academic achievement, (v) school management, and (vi) any other factors deemed relevant by the local school council, including, without limitation, the principal’s communication skills and ability to create and maintain a student-centered learning environment, to develop opportunities for professional development, and to encourage parental involvement and community partnerships to achieve school improvement.”
- Determine whether the principal’s performance contract will be renewed.
- Select a new principal to serve under a four-year performance contract. *105 ILL. COMP. STAT. ANN. 5/34-2.3 sets out guidelines for local school councils’ activities around principal performance contracts.*
- “Establish additional criteria to be included as part of the performance contract of its principal,” as long as these criteria do “not discriminate on the basis of race, sex, creed, color or disability unrelated to ability to perform, and shall not be inconsistent with the uniform 4 year performance contract for principals” or other statutory provisions governing principals’ authority and responsibility.
- “To approve the expenditure plan prepared by the principal with respect to all funds allocated and distributed to the attendance center by the Board. The expenditure plan [must] be administered by the principal.” Any expenditure plan must “be consistent with and subject to the terms of any contract for services with a third party entered into by the Chicago School Reform Board of Trustees or the board under this Act.” With a supermajority vote of seven members (or eight members of a high school council) the local school council may transfer allocations within funds “provided that such a transfer is consistent with applicable law and collective bargaining agreements.”
- “A local school council may direct the [district] superintendent to approve written charges against its principal on behalf of the Council upon the vote of 7 members of the Council” in a first step towards removal for cause. “No written warning shall be required for a material breach of the uniform principal performance contract as that conduct is deemed to be irremediable; provided however, that not less than 30 days before the vote of the local school council to seek the dismissal of a principal for a material breach of a uniform principal performance contract, the local school council [must] specify the nature of the alleged breach in writing and provide a copy of it to the principal.”
- To approve a school improvement plan. The school community must have the opportunity to make recommendations regarding the plan. At least twice a year, the local school council and principal must “report publicly on progress and problems with respect to plan implementation.”

- Make recommendations to the principal on textbook selection and curriculum developed per the school improvement plan.
- "To evaluate the allocation of teaching resources and other certificated and uncertificated staff to the attendance center to determine whether such allocation is consistent with and in furtherance of instructional objectives and school programs reflective of the school improvement plan adopted for the attendance center; and to make recommendations to the board, the general superintendent and the principal concerning any reallocation of teaching resources or other staff whenever the council determines that any such reallocation is appropriate because the qualifications of any existing staff at the attendance center do not adequately match or support instructional objectives or school programs which reflect the school improvement plan."
- To make recommendations to the principal and superintendent "of persons to fill any vacant, additional or newly created positions for teachers at the attendance center or at attendance centers which include the attendance center served by the local school council."
- To ask the local board how the local school council will receive training and assistance. A local school council may require the board to "contract with personnel or not-for-profit organizations not associated with the school district to train or assist council members."
- "To advise the principal concerning the attendance and disciplinary policies for the attendance center."
- Building-level expenditure plans are developed by the principal in conjunction with the local school council and local school councils must approve budget reductions that could affect prioritized services for special-needs students.
- Establish criteria for evaluation of performance consistent with "systemwide guidelines contained in the System-Wide Educational Reform Goals and Objectives Plan." The local board "may impose sanctions and take necessary corrective action" on any local school council that "persists in noncompliance with systemwide requirements."
- May adopt a school uniform or dress code policy.
- "To grant ... the use of assembly halls and classrooms when not otherwise needed, including lighting, heat, and attendants, for public lectures, concerts, and other educational and social activities."
- "To approve, in accordance with board rules and policies, receipts and expenditures for all internal accounts of the attendance center, and to approve all fund-raising activities by nonschool organizations that use the school building."
- Consult with the principal in the development of the building's three-year local school improvement plan to improve educational quality, approve the plan and monitor its implementation. (All Chicago schools must develop and implement plans, regardless of school performance.) "After the termination of the initial 3 year plan, a new 3 year plan [must] be developed and modified as appropriate on an annual basis." The plan must be designed to achieve specified goals and must contain specified components, including "a description of the steps the local school council will undertake to monitor implementation of the plan on an ongoing basis."
- Receive from the principal copies of "all internal audits and any other pertinent information generated by any audits or reviews of the programs and operation of" the building.
- Every Chicago principal "may approve contracts, binding on the board, in the amount of no more than \$10,000, if the contract is endorsed by the local school council."
- Any district with an average daily attendance of 50,000 or more that qualifies for a supplemental state aid grant per § 105 ILCS 5/18-8.05 must distribute at least \$261 million in accordance with statutory guidelines, including that the funds received by any school under this provision must be allocated by the principal and the local school council "for programs to improve educational opportunities at qualifying schools through the following programs and services: early childhood education, reduced class size or improved adult to student classroom ratio, enrichment programs, remedial assistance, attendance improvement, and other educationally beneficial expenditures which supplement the regular and basic programs as determined" by the state board. Districts receiving such funds must annually "submit an acceptable plan to meet the educational needs of disadvantaged children," which must be consistent with the school expenditure plans developed by local school councils in the district.
- Any school that does not make adequate yearly progress (AYP) for two consecutive years is placed on "academic early warning status"; a school moves to "initial academic watch status" after not making AYP for four consecutive years. The revised school improvement plan for any school on academic early warning status or initial academic watch status must be approved by the local school council and the local board unless the school is on probation. Upon not making AYP for a fifth consecutive year, the school must have its revised school improvement plan approved by the local school council and the local board along with the school restructuring plan developed by the district (the restructuring plan also must receive the state superintendent's approval).
- School councils play a role in converting existing schools to charter schools.
- Statute creates the Chicago Learning Zone grant program. "Applications for Learning Zone designation must include evidence that the application is supported by the principal of the attendance center and by a majority vote" of the local school council and school staff.

Every local school council must comply with the Open Meetings Act and the Freedom of Information Act and is “encouraged to involve additional non-voting members of the school community in facilitating the council’s exercise of its responsibilities.”

Local school council accountability: If the chief executive officer of the Chicago School Reform Board of Trustees finds that a local school council “is not carrying out its financial duties effectively, the chief executive officer is authorized to appoint a representative of the business community with experience in finance and management to serve as an advisor to the local school council for the purpose of providing advice and assistance to the local school council on fiscal matters. The advisor [must] have access to relevant financial records of the local school council” and “may attend executive sessions.” 105 ILL. COMP. STAT. ANN. 5/34-8.3a elaborates on the duties of the fiscal advisor and authorizes the superintendent to appoint a financial supervision team to “develop and implement school budgets to correct the financial irregularities identified in the fiscal advisor’s report” and, if need be, modify the local school council’s school improvement plan.

Additionally, any person under consideration for election or appointment to a local school council must divulge “any economic interest held by such person, by such person’s spouse or children, or by each business entity in which such person has an ownership interest, in any contract with the board, any local school council or any public school in the school district” as well as any convictions for offenses listed in subsection (c) of Section 34-18.5. This does not, however, “require the disclosure of any information that is contained in any law enforcement record or juvenile court record that is confidential or whose accessibility or disclosure is restricted or prohibited under Section 5-901 or 5-905 of the Juvenile Court Act of 1987.” Failure to make such disclosure makes a person ineligible to serve on a local school council. Individuals convicted of specified offenses may not serve on local school councils. Local school council members must undergo a criminal background check.

A council member may be removed from membership by a majority vote of a council’s members if the member under question “has missed 3 consecutive regular meetings, not including committee meetings, or 5 regular meetings in a 12 month period, not including committee meetings.”

Chicago’s Inspector General has “the authority to conduct investigations into allegations of or incidents of waste, fraud, and financial mismanagement in public education within the jurisdiction of the board by a local school council member or an employee, contractor, or member of the board or involving school projects managed or handled by the Public Building Commission.”

Professional personnel leadership committee: Every Chicago school also must have a professional personnel leadership committee comprised of up to seven “certified classroom teachers or other certificated personnel” employed at the school, to be elected by their peers at the school, and the two teacher members of the local school council. “The purpose of the committee is to develop and formally present recommendations to the principal and the local school council on all matters of educational program, including but not limited to curriculum, school improvement plan development and implementation, and school budgeting.... In furtherance of its purpose, the committee shall have the authority to gather information from school staff through interviews, on noninstructional time, without the prior approval of the principal, the local school council, the board, the board’s chief executive officer, or the chief executive officer’s administrative staff.” The committee must meet with the principal once a month “to make recommendations to the principal regarding the specific methods and contents of the school’s curriculum and to make other educational improvement recommendations approved by the committee. A report from the committee regarding these matters may be an agenda item at each regular meeting of the local school council.” The principal must give the committee the opportunity to “to review and make recommendations regarding the school improvement plan and school budget. The teacher members of the local school council may bring motions concerning the recommendations approved by the committee, which motions shall formally be considered at meetings of the local school council.”

Composition of council, if mandated: In elementary and middle schools, 11 voting members, including the school principal, two local board-appointed teachers at the school, six elected parents of students currently at the school and two elected community residents. The parents and community residents must be elected by parents at the school and may not be employees of the board of education. Every high school must have a 12th full-time student voting member, but this member is not “eligible to vote on personnel matters, including but not limited to principal evaluations and contracts and the allocation of teaching and staff resources.” If the chief executive officer of the Chicago School Reform Board of Trustees finds that a local school council “is not carrying out its financial duties effectively, the chief executive officer is authorized to appoint a representative of the business community with experience in finance and management to serve as an advisor to the local school council for the purpose of providing advice and assistance to the local school council on fiscal matters. The advisor shall have access to relevant financial records of the local school council [and] may attend executive sessions.” The membership of every local school council is “encouraged to be reflective of the racial and ethnic composition of the student population” at the school. The district board must conduct a “non-binding, advisory poll” of school staff to determine staff’s preferences for teachers to be appointed to the building’s local school council from among those who submitted statements of candidacy. A high school principal must conduct a non-binding, advisory poll of students to determine students’ preferences for a student to be appointed to the building’s local school council from among

those who submitted statements of candidacy. See also “**Local school council accountability**” section above for council member requirements.

Training/technical support addressed in legislation: A local school council may “direct the Board of Education to contract with personnel or not-for-profit organizations not associated with the school district to train or assist council members. If training or assistance is provided by contract with personnel or organizations not associated with the school district, the period of training or assistance shall not exceed 30 hours during a given school year; person shall not be employed on a continuous basis longer than said period and shall not have been employed by the Chicago Board of Education within the preceding six months. Council members shall receive training in at least the following areas: 1. school budgets; 2. educational theory pertinent to the attendance center’s particular needs, including the development of the school improvement plan and the principal’s performance contract; and 3. personnel selection.” Council members must complete this training within 90 days of election.

The Chicago board must “collaborate with universities and other interested entities and individuals to offer training to local school council members on topics relevant to school operations and their responsibilities as local school council members, including but not limited to legal requirements, role differentiation, responsibilities, and authorities, and improving student achievement. Training of local school council members [must] be provided at the direction of the board in consultation with the Council of Chicago-area Deans of Education.” Incoming local school council members must “complete a 3-day training program ... within 6 months of taking office. The board [must] monitor the compliance of incoming local school council members with the 3-day training program requirement” and must “declare vacant the office of a local school council member who fails to complete the 3-day training program ... within the 6 month period allowed.” In addition to requiring local school council members to complete the 3-day training program ..., the board may encourage local school council members to complete additional training during their term of office and [must] provide recognition for individuals completing that additional training. The board is authorized to collaborate with universities, non-profits, and other interested organizations and individuals to offer additional training to local school council members on a regular basis during their term in office. The board [is not] required to bear the cost of the required 3-day training program or any additional training provided to local school council members [as required by statute 105 ILCS 5/34-2.3b] The board [must] also offer training to aid local school councils in developing principal evaluation procedures and criteria. The board [must] send out requests for proposals concerning this training and is authorized to contract with universities, non-profits, and other interested organizations and individuals to provide this training. The board is authorized to use funds from private organizations, non-profits, or any other outside source as well as its own funds for this purpose.”

Any local school council or school improvement panel may receive technical assistance from the state board. “Such technical assistance [must] include without limitation assistance in the areas of curriculum evaluation, the instructional process, student performance, school environment, staff effectiveness, school and community relations, parental involvement, resource management, leadership, data analysis processes and tools, school improvement plan guidance and feedback, information regarding scientifically based research-proven curriculum and instruction, and professional development opportunities for teachers and administrators.”

If the superintendent identifies any Chicago school as “nonperforming” per 105 ILL. COMP. STAT. ANN. 5/34-8.3 the superintendent must develop a remediation plan for the school. The plan must include at least one of four methods, including “applying to the board for additional funding for training for the local school council.”

Notes: Chicago building principals are “encouraged to make recommendations to the appropriate local school council concerning all educational aspects” of the building.

Statute extends whistleblower protection to any local school council member who discloses information that “evidences (1) a violation of any law, rule, regulation, or policy, or (2) waste, fraud, mismanagement, abuse of authority, or a danger to the health or safety of students or the public.” No disciplinary action may be taken against this member for the disclosure of such information, and the member’s identity may not be released without the member’s written consent.

If the superintendent believes any Chicago school identified as “nonperforming” per 105 ILL. COMP. STAT. ANN. 5/34-8.3 will not be remediated by the methods required for a school placed on remediation, he or she must place the school on probation. Every school on probation must “have a school improvement plan and school budget for correcting deficiencies identified by the board.” The plan is to “include specific steps that the local school council and school staff must take to correct identified deficiencies and specific objective criteria by which the school’s subsequent progress will be determined.” A school on probation for up to one year that still has not made “adequate progress in correcting deficiencies” is subject to more severe sanctions, including the ordering of new school council elections.

Any school or district on academic watch status must have a state superintendent-appointed school or district improvement panel. Any panel for a Chicago school must have “one or more members selected from the school’s subdistrict council and one or more members from the school’s local school council.” The school or district

improvement panel must “(1) assist the school or district in the development and implementation of a revised Improvement Plan and amendments thereto and (2) make progress reports and comments to the State Superintendent of Education pursuant to rules promulgated by the State Board of Education.”

The local school council of any building with a bilingual education program is “encouraged to provide translators at each council meeting to maximize participation of parents and the community” and must “create a Bilingual Advisory Committee or recognize an existing Bilingual Advisory Committee as a standing committee. The Chair and a majority of the members of the advisory committee [must] be parents of students in the bilingual education program. The parents on the advisory committee [must] be selected by parents of students in the bilingual education program, and the committee [must] select a Chair. The advisory committee for each secondary attendance center [must] include at least one full-time bilingual education student. The Bilingual Advisory Committee [must] serve only in an advisory capacity to the local school council.”

“Local school councils may utilize the services of an arbitration board to resolve intra-council disputes.”

The chief executive officer of the Chicago School Reform Board of Trustees must “issue a written policy defining the circumstances under which a local school council is not carrying out its financial duties effectively.”

“On or before December 1, 1995, and on or before the first day of May and the first day of December of each subsequent calendar year, the Public Building Commission created and organized under this Act in and for [Chicago must] prepare and file with the General Assembly, the board of education of the school district located in that municipality, and the local school council of each attendance center in that school district for which there is pending or under construction but not completed a project for the construction, renovation, or rehabilitation of a school building or other school facility that is to be used by that attendance center, a status report that sets forth: (1) the date when work on the project began, (2) whether work on the project at the time the report is filed is progressing ahead of, on, or behind the schedule established for work on the project to be performed, (3) the projected completion date of the project, and (4) whether the labor and materials furnished for the project as of the time the report is filed were furnished at the project cost budgeted for such labor and materials, and if not, the amount by which the labor and materials so furnished exceed or are less than the project cost budgeted for such labor and materials.”

The Chicago School Reform Board of Trustees is authorized to create other local school council advisory bodies “as the Trustees deem appropriate to function in an advisory capacity to any other organizations or offices established by the Trustees.”

Any school participating in the Chicago Learning Zone grant program may waive certain provisions of state law, but may not waive “local school council provisions, including required statements of economic disclosure.” 105 ILL. COMP. STAT. ANN. 5/34-18.8 defines the circumstances upon which the Chicago board must revoke a school’s Learning Zone status.

Local boards are to ensure school councils are protected under the liability protections provided to other district boards and commissions.

“No hiring or appointment of any person in any position by the [Chicago] Board, the general superintendent, any other officer or employee of the Board, or any local school council [may] be made or entered into unless it is consistent with the district’s Financial Plan and Budget in effect and the staffing plan approved by the [School Finance] Authority ...”

Legal citations: 50 ILL. COMP. STAT. ANN. 20/19.1; 105 ILL. COMP. STAT. ANN. 5/ 2-3.25d, -3.25e, -3.25h, 5/18-8.05; 5/34-2.1, -2.2, -2.3, -2.3a, -2.3b, -2.4, 2.4a, -2.4b, -2.4c, -3.3, -8.1, -8.3, -8.3a, -8.12, -8.14, -8.18. -13.1, -18.1, -85; 105 ILL. COMP. STAT. ANN. 5/34A-405.2

Indiana

SBM mandated, recommended, or voluntary: Voluntary – participating schools apply to the department for a grant and must meet other specified criteria.

Statewide or pilot: Pilot

Responsibilities/level of authority: Not specified. To obtain a grant, however, a school application to the department must “include a detailed description of the school pilot program [and] demonstrate a significant commitment by teachers, parents and school administrators toward achieving positive outcomes in school activities[.]” In addition, a pilot program must include all the following: “(1) School based management models; (2) Parental involvement strategies; (3) Innovative integration of curricula, individualized education programs, nonstandard courses, or textbook adoption in the school improvement plan under IC 20-1-1.2-7(6).”

Composition of council, if mandated: School/community improvement councils must be comprised of an unspecified number/ratio of the following: “parents of students, school personnel, and representatives of the community.”

Training/technical support addressed in legislation: Yes. Pilot programs must include “training for participants to become effective members on school/community improvement councils.”

Notes: Each pilot school must submit a written report to the department with the school’s findings, conclusions, and recommendations concerning the school pilot program.

§ 20-10.1-26-1 provides legislative intent for establishing the 21st century schools pilot program.

While the local superintendent is to develop procedures for adopting textbooks from the state-approved list, these procedures must incorporate “the involvement of teachers and parents on an advisory committee for the preparation of recommendations for textbook adoption. The majority of the members must be teachers, and not less than ... 40% of the committee must be parents. These recommendations [must] be submitted to the superintendent in accordance with the established procedures in the local school corporation.” A teacher/parent committee also may be appointed to evaluate “books, magazines, and audiovisual material used or proposed for use in the classroom to supplement state adopted textbooks, and may make recommendations to the superintendent and the governing body concerning the use of this material.”

Legal citations: IND. CODE ANN. § 20-10.1-26-1, -2, -3, -4, -5, -6, -7, -8, -9; 20-10.1-9-21

Kansas

SBM mandated, recommended, or voluntary: Mandatory

Statewide or pilot: Statewide

Responsibilities/level of authority: School site councils are “responsible for providing advice and counsel in evaluating state, school district, and school site performance goals and objectives and in determining the methods that should be employed at the school site to meet these goals and objectives. Site councils may make recommendations and proposals to the school board regarding budgetary items and school district matters, including but not limited to, identifying and implementing the best practices for developing efficient and effective administrative and management functions. Site councils also may help school boards analyze the unique environment of schools, enhance the efficiency and maximize limited resources, including outsourcing arrangements and cooperative opportunities as a means to address limited budgets.”

Composition of council, if mandated: School site councils must be comprised of the principal and an unspecified number/ratio of “representatives of teachers and other school personnel, parents of pupils attending the school, the business community, and other community groups.”

Training/technical support addressed in legislation: No

Legal citations: KAN. STAT. ANN. § 72-6439

Kentucky

SBM mandated, recommended, or voluntary: Mandatory

Statewide or pilot: Statewide. Upon a majority vote, however, by school staff and at least 25 parents in a building that meets its accountability and student achievement goals under § 158.6455 may apply to the state board for a waiver from the requirement to establish site-based decisionmaking. The state board must grant this waiver. In addition, a district is not “required to implement school-based decisionmaking if the local school district contains only one school.”

Responsibilities/level of authority: Every local board must “adopt a policy for implementing school-based decisionmaking in the district” through the creation of school councils. Statute mandates that school councils be responsible for some duties but requires local board policy to determine school councils’ involvement in other areas enumerated in this profile.

A local school council must:

- “Set school policy consistent with district board policy which shall provide an environment to enhance the students’ achievement and help the school meet the goals established by KRS 158.645 and 158.6451.”
- Establish “the number of persons to be employed in each job classification at the school [upon] receiving notification of the funds available for the school from the local board.” The council may make decisions on vacancies that arise after the council is established but may not recommend transfers or dismissals.
- Select a school principal when a vacancy arises, from a list of applicants provided by the local superintendent.
- Provide consultation to the principal on the staff to fill vacancies, from the list of applicants provided by the local superintendent. Personnel decisions – on both principal and staff – are “binding on the superintendent who completes the hiring process.” The superintendent must likewise “provide additional applicants upon request when qualified applicants are available.”
- Determine the school’s “textbooks, instructional materials, and student support services.” The state board is required to approve a formula for districts to allocate funds to school councils, and the local board must allocate sufficient funds to each school “to meet the school’s needs related to instructional materials and school-based student support services, as determined by the school council.” The council must “consult with the school media librarian on the maintenance of the school library media center, including the purchase of instructional materials, information technology, and equipment.”
- Adopt a policy, to be implemented by the principal:
 - Determining “curriculum, including needs assessment and curriculum development;
 - Assignment of all instructional and noninstructional staff time;
 - Assignment of students to classes and programs within the school;”
 - Determining “the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar year as established by the local board;”
 - Determining how school space will be used during the school day;
 - “Planning and resolution of issues regarding instructional practices;”
 - Choosing and implementing “discipline and classroom management techniques as a part of a comprehensive school safety plan, including responsibilities of the student, parent, teacher, counselor, and principal;” elsewhere statute requires school councils to “select and implement the appropriate discipline and classroom management techniques necessary to carry out the” local board’s student behavior and discipline code.
 - Determining extracurricular programs and “policies relating to student participation based on academic qualifications and attendance requirements, program evaluation, and supervision;”
 - Establishing “procedures, consistent with local school board policy, for determining alignment with state standards, technology utilization, and program appraisal; and”
 - Adopting “procedures to assist the council with consultation in the selection of personnel by the principal, including, but not limited to, meetings, timelines, interviews, review of written applications, and review of references. Procedures [must] address situations in which members of the council are not available for consultation.”
- Review data each year on students’ performance on the Commonwealth Accountability Testing System, both on the performance of all students tested and disaggregated by race, gender, family income and disability. After reviewing this data, every school council, “with the involvement of parents, faculty, and staff, [must] develop and adopt a plan to ensure that each student makes progress toward meeting the goals” set forth in KRS 158.645 and 158.6451(1)(b) by April of each year and submit the plan to the superintendent and local board of education for review as described in KRS 160.340.” The department must “provide each school council the data needed to complete the review required by this paragraph no later than November 1 of each year.”
- “If a school council establishes committees, it [must] adopt a policy to facilitate the participation of interested persons, including, but not limited to, classified employees and parents. The policy shall include the number of committees, their jurisdiction, composition, and the process for membership selection.”
- “Determine the organization of [the school’s] ungraded primary program, including the extent to which multiage groups are necessary to implement the critical attributes based on the critical attributes and meeting individual student needs.”
- Plan the use of three of the four professional development days in the building, though “the district is encouraged to provide technical assistance and leadership to school councils to maximize existing resources and to encourage shared planning.” The state board’s formula for districts to allocate funds to school councils must include “an allocation for professional development that is at least 65% of the district’s per pupil state allocation for professional development for each student in average daily attendance in the

school.” School councils in small schools are “encouraged to work with other school councils to maximize professional development opportunities.”

- Determine how a school’s reward through the state accountability system will be used for school purposes.
- By November 1 annually receive from the department “data on its students’ performance as shown by the Commonwealth Accountability Testing System.” “Upon agreement of the school-based decisionmaking council, or the principal if there is not a council, and the superintendent, the local board [must] establish a biennial target for each school for reducing identified gaps in achievement.” In February of odd-numbered years, the council, “with the involvement of parents, faculty, and staff [must] set the school’s biennial targets for eliminating any achievement gap and submit them to the superintendent for consideration. The superintendent and the school-based decisionmaking council, or the principal if there is not a council, [must] agree on the biennial targets before they are submitted to the local board of education for adoption.” In April of odd-numbered years, the council, again “with the involvement of parents, faculty, and staff, [must] review the data and revise the consolidated plan to include the biennial targets, strategies, activities, and a time schedule calculated to eliminate the achievement gap among various groups of students to the extent it may exist.” The plan must address specified areas of activity set forth in statute.
- Elementary schools: “develop and implement a wellness policy that includes moderate to vigorous physical activity each day and encourages healthy choices among students. The policy may permit physical activity to be considered part of the instructional day,” up to 30 minutes a day or 150 minutes a week. Each school council also must “adopt an assessment tool to determine each child’s level of physical activity on an annual basis. The council or principal may utilize an existing assessment program.” The department must provide a list of available resources to assist in implementing these requirements, and must report annually to the Legislative Research Commission “on how the schools are providing physical activity ... and on the types of physical activity being provided. The policy developed by the school council or principal [must] comply with provisions required by federal law, state law, or local board policy.”
- For a school that is applying for a reading grant under § 158.792, allocate matching funds, which may come from the building’s professional development allocation.
- Provide consent for a school’s application for a department grant to provide instruction “that promotes the integration of the arts and foreign languages in the elementary school program.” Grant applications must evince that the proposed school program has the support of the school council, teachers and the local board.
- Local boards may require every school council to “make an annual report at a public meeting of the board describing the school’s progress in meeting the educational goals set forth in KRS 158.6451 and district goals established by the board.”
- If the local board delegates this: responsibility for developing procedures for recycling white paper and cardboard. (Each local board must approve “a plan and procedures for recycling white paper and cardboard in all board-owned and operated facilities.”)

A local school council may:

- At a school council’s request, a local board must submit a request to the state board for a waiver from “any administrative regulation promulgated by that board” except those set forth in § 156.160, “from a reporting requirement established by a Kentucky Revised Statute that requires the paperwork to be submitted to the Kentucky Board of Education or the department of education,” or from the special education maximum class sizes set by the state board, though an exemption from the special education maximum class sizes must “not be granted if the increased class size will impede any exceptional child from achieving his individual education program in the least restrictive environment.”
- Waive the requirement that kindergarten aides “be provided for each 24 full-time equivalent kindergarten students enrolled.”
- Textbook and instructional materials: If a local board turns down a school council’s plan, “the council may appeal to the commissioner and an administrative hearing” must be held. A council may also, through its superintendent, notify the “State Textbook Commission that it plans to adopt a basal textbook or program that is not on the recommended list by submitting evidence that the title it has chosen meets the selection criteria of the State Textbook Commission ... and the subject specific criteria of the textbook reviewers ... and complies with the required publisher specifications.”
- Be responsible for reviewing requests for approval for teachers “to count participation in a professional development activity under the flexible schedule option.”
- Grant consent allowing one certified school media librarian to be employed to serve two or more schools in a school district (statute requires every elementary and secondary school to have a library media center and employ a school media librarian.) Should a vacancy in this position arise, the school council is authorized to temporarily fill the vacancy by employing specified alternate staff.

“The policy adopted by the local board to implement school-based decisionmaking shall also address the following:

- (a) School budget and administration, including: discretionary funds; activity and other school funds; funds for maintenance, supplies, and equipment; and procedures for authorizing reimbursement for training and other expenses
- (b) Assessment of individual student progress, including testing and reporting of student progress to students, parents, the school district, the community, and the state
- (c) School improvement plans, including the form and function of strategic planning and its relationship to district planning, as well as the school safety plan and requests for funding from the Center for School Safety under KRS 158.446
- (d) Professional development plans developed pursuant to KRS 156.095
- (e) Parent, citizen, and community participation, including the relationship of the council with other groups
- (f) Cooperation and collaboration within the district, with other districts, and with other public and private agencies
- (g) Requirements for waiver of district policies
- (h) Requirements for record keeping by the school council
- (i) A process for appealing a decision made by a school council.”

In addition, “the local board may grant to the school council any other authority permitted by law. The board [must] make available liability insurance coverage for the protection of all members of the school council from liability arising in the course of pursuing their duties as members of the council.”

Statute requires the education professional standards board to establish rules allowing a local board and a school council to collaborate to “establish a mentoring program within a school to utilize national board certified teachers.”

Accountability for school councils: The state superintendent must recommend in writing to the local board of education “the removal of any ... member of a school council ... as to whom he has reason to believe is guilty of immorality, misconduct in office, incompetency, willful neglect of duty, or nonfeasance.”

State guidelines for conducting scholastic audits of underperforming schools must include the process for “Reviewing a school’s learning environment, efficiency, and academic performance of students and the quality of the school council’s data analysis and planning. The scholastic audit team [must] consider the functioning of the school council in its review and make recommendations for improvement of the school council, if needed, and concerning the authority of the school council” if necessary.

In the event “a local board determines that a school has not met its biennial target to reduce the identified gap in student achievement for a group of students, the local board [must] require the council ... to submit its revisions to the consolidated plan describing the use of professional development funds and funds allocated for continuing education to reduce the school’s achievement gap for review and approval by the superintendent. The plan [must] address how the school will meet the academic needs of the students in the various groups identified” in statute. When a school “meets its biennial target for reducing the gap in student achievement for the various groups of students identified” in statute, it is no longer required to seek approval of its plan.

“A school with a school council identified as needing improvement under [school accountability provisions in] KRS 158.6455 [must] include in its school improvement plan actions to strengthen the school council and the school-based decisionmaking process at the school.” In addition, the district must “include in its assistance plan for [such a school] actions to strengthen the functioning of the school council and the school-based decisionmaking process at the school.” A scholastic audit team “auditing a school a second time that for two or more successive accountability cycles failed to meet its goal, [must] include in the review: 1. The functioning of the school and the school council; 2. The implementation of the school improvement plan and actions related to the school council ...; 3. The interaction and relationship between the superintendent, central office personnel, and the council; and 4. A recommendation to the commissioner of education in the audit report concerning whether the school council should retain the authority granted to it under KRS 160.345. If the recommendation is to transfer the authority of the school council, the team also must recommend whether: a. The authority should be transferred to the superintendent or a highly skilled educator; and b. The school council should continue to act in an advisory capacity until all authority has been restored [when the school meets its goal for an accountability cycle as determined by the department].” Statute 160.346 provides further details on the limited powers of school councils in schools not meeting state accountability provisions.

“A member of a school council may be removed from the council for cause, after an opportunity for hearing before the local board, by a vote of four-fifths (4/5) of the membership of a board of education after the recommendation of the chief state school officer pursuant to KRS 156.132. Written notices setting out the charges for removal shall be spread on the minutes of the board and given to the member of the school council.”

Nevertheless, “a school’s right to establish or maintain a school-based decisionmaking council and the powers, duties, and authority granted to a school council may be rescinded or the school council’s role may be advisory if the commissioner of education or the Kentucky Board of Education takes action under KRS 160.346.”

Protection from interference: “(a) No board member, superintendent of schools, district employee, or member of a school council [may] intentionally engage in a pattern of practice which is detrimental to the successful implementation of or circumvents the intent of school-based decisionmaking to allow the professional staff members of a school and parents to be involved in the decisionmaking process in working toward meeting the educational goals established in KRS 158.645 and 158.6451 or to make decisions in areas of policy assigned to a school council....

(b) An affected party who believes a violation of this subsection has occurred may file a written complaint with the Office of Education Accountability. The office [must] investigate the complaint and resolve the conflict, if possible, or forward the matter to the Kentucky Board of Education.

(c) The Kentucky Board of Education [must] conduct a hearing in accordance with KRS Chapter 13B for complaints referred by the Office of Education Accountability.

(d) If the state board determines a violation has occurred, the party [is to] be subject to reprimand. A second violation of this subsection may be grounds for removing a superintendent, a member of a school council, or school board member from office or grounds for dismissal of an employee for misconduct in office or willful neglect of duty.”

Composition of council, if mandated: Every council must include two parents, three teachers and the school principal, who must chair the council. “The membership of the council may be increased, but it may only be increased proportionately.” A parent representative on the council may not be an employee or a relative of an employee of the school” or district administration office “or a local board member or a board member’s spouse. None of the members may have a conflict of interest pursuant to KRS Chapter 45A.” Parents and teachers are to be elected by their peers at the school. Any school with at least 8% minority enrollment as determined by the enrollment on the preceding October 1, must have at least one minority member on the school council. If a school council meeting the minority enrollment threshold does not have at least one minority member, the principal must convene a special election for the parents to elect an additional parent member and the teachers in the building to select one minority teacher to serve on the council. If there are no minority teachers on the faculty, an additional teacher member must “be elected by a majority of all teachers. Term limitations [do] not apply for a minority teacher member who is the only minority on faculty.”

“The General Assembly directs that appointments made by the appointing authority to every board, commission, council or other type of advisory or decisionmaking body created or reenacted by the Education Reform Act of 1990 reflect reasonable minority representation of the membership and that active minority participation at every level of implementation be continually encouraged.”

Training/technical support addressed in legislation: The department must “provide professional development activities to assist schools in implementing school-based decisionmaking.” First-time school council members must “complete a minimum of six clock hours of training in the process of school-based decisionmaking, no later than 30 days after the beginning of the service year for which they are elected to serve.” Continuing school council members must complete at least three clock hours “of training in the process of school-based decisionmaking no later than 120 days after the beginning of the service year for which they are elected to serve. Experienced members may participate in the training for new members to fulfill their training requirement.” Mandated school council training must be provided by department-endorsed trainers. Every year, each principal must relay to the department “the names and addresses of each council member and verify that the required training has been completed. School council members elected to fill a vacancy [must] complete the applicable training within 30 days of their election.”

“When a vacancy in the school principalship occurs, the school council [must] receive training in recruitment and interviewing techniques prior to carrying out the process of selecting a principal. The council [must] select the trainer to deliver the training.”

Every district must appoint a certified staff member to serve as a professional development coordinator, to “disseminate professional development information to schools and personnel.” Upon request by a school council, the coordinator must “provide technical assistance to the council ... that may include assisting with needs assessments, analyzing school data, planning and evaluation assistance, organizing districtwide programs requested by school councils or groups of teachers, or other coordination activities.” In addition, the department must help school councils “with the development of long-term school and district improvement plans that include multiple strategies for professional development based on the assessment of needs at the school level. ... State funds allocated for professional development ... may be used throughout the year for all staff, including classified and certified staff and parents on school councils or committees. A portion of the funds allocated to each school council ... may be used to prepare or enhance the teachers’ knowledge and teaching practices related to the content and subject matter that are required for their specific classroom assignments.”

The department of education is required to “establish an electronic consumer bulletin board that posts information regarding professional development providers and programs as a service to school district central office personnel, school councils, teachers, and administrators.”

Notes: “A school that chooses to have school-based decisionmaking but would like to be exempt from the administrative structure set forth [in § 160.345] may develop a model for implementing school-based decisionmaking, including but not limited to a description of the membership, organization, duties, and responsibilities of a school council. The school [must] submit the model through the local board of education to the commissioner of education and the Kentucky Board of Education, which [must] have final authority for approval. The application for approval of the model [must] show evidence that it has been developed by representatives of the parents, students, certified personnel, and the administrators of the school and that two-thirds of the faculty have agreed to the model.”

The Superintendents Training Program and Assessment Center must provide training in “school-based decisionmaking.” All superintendents are required to successfully complete the assessment center process within their first year as superintendent.

The department of education is required to develop and disseminate “statewide student discipline guidelines to ensure safe schools and recommendations designed to improve the learning environment and school climate, parental and community involvement in the schools, and student achievement.... The statewide guidelines [must] contain broad principles to guide ... school councils in the selection of discipline and classroom management techniques ... and in the development of the district-wide safety plan.”

Statute establishes the Center for School Safety, to be led by a governor-appointed board of directors. One of the 12 members of the board of directors must be a school council parent representative. In appointing the school council parent member, the governor must solicit recommendations from the Kentucky Association of School Councils.

Statute establishes a statewide School Curriculum, Assessment, and Accountability Council comprised of 17 governor-appointed voting members. Of the members, two must be “parents from recommendations submitted by organizations representing school councils and parents.”

Statute establishes a State Advisory Council for Gifted and Talented Education, comprised of 19 governor-appointed members. Four members must “be parents of students in local school districts, including two parents of students identified as gifted and talented and at least one who serves or has served on a school council.” The council must “seek dialogue with other agencies and organizations,” including the Kentucky Association of School Councils.

Statute requires the department of education to send “copies of KRS 158.181 to 158.187 [on religion and free speech in public schools] to each local school board and school-based decisionmaking council in Kentucky on an annual basis.”

“Each local school shall begin an assessment of school safety and student discipline during the 1998-1999 school year including a review of the following: ... (i) Existing school council policies relating to student discipline and student information; ... (m) Other data deemed relevant by the school council or school administration.”

Legal citations: KY. REV. STAT. ANN. § 156.072, 156.095, 156.11, 156.132, 156.160, 156.439, 156.445, 156.500, 157.360, 158.031, 158.070, 158.102, 158.148, 158.186, 158.442, 158.445, 158.6452, 158.6455, 158.648, 158.649, 158.792, 158.7992, 160.294, 160.340, 160.345, 160.346, 160.347, 161.134

Maryland

SBM mandated, recommended, or voluntary: Voluntary

Statewide or pilot: Statewide

Responsibilities/level of authority: Not specified in legislation

Composition of council, if mandated: “A committee established under this section may include parents, teachers, students, and other citizens as members.”

Training/technical support addressed in legislation: No

Legal citations: MD. CODE ANN., EDUCATION § 4-114

Massachusetts

SBM mandated, recommended, or voluntary: Mandatory

Statewide or pilot: Statewide

Responsibilities/level of authority:

- Help identify students' educational needs
- "[M]ake recommendations to the principal for the development, implementation and assessment of the curriculum accommodation plan required" in section 38Q ½
- Help review the annual school budget
- Help the principal develop a plan annually for improving student performance, to be submitted for approval by the district superintendent
- Consult with high school principals in the preparation of the student handbook setting forth student conduct rules. Every spring, the school council must review the student handbook "to consider changes in disciplinary policy to take effect" at the beginning of the next school year, "but may consider policy changes at any time." The annual review must address all areas of student conduct.

The local board may grant a school council "additional authority in the area of educational policy" provided that a school council is not given authority over collective-bargaining agreements/labor relations in the school.

Composition of council, if mandated: Statute does not specify total number of members. Every school council must include the principal, who is to serve as co-chair; parents of students at the school (to be elected by their peers); teachers at the school (likewise selected by their peers); "other persons, not parents or teachers of students at the school, drawn from such groups or entities as municipal government, business and labor organizations, institutions of higher education, human services agencies or other interested groups including those from school age child care programs"; and at schools containing any of the grades 9-12, at least one student. Parents must "have parity with professional personnel on the school councils." No more than 50% of the council may be "non-school members" [members other than parents, teachers, students and school staff]. The school principal is responsible "for defining the composition of and forming the group" following a process approved by the local superintendent and school board. "School councils should be broadly representative of the racial and ethnic diversity of the school building and community."

A new school council does not need to be formed "if an existing school council fulfills the intent of this section, the parent and teacher members thereof were selected in a manner consistent with" those set forth in statute and the majority of the membership are parents, teachers, students and school staff.

Training/technical support addressed in legislation: The state commissioner of education is required to assist districts in the development of school-based management systems." This assistance must "focus on the implementation of participatory management systems involving all school-based professionals, parents, and on the secondary level, students."

Every school district must "adopt and implement a professional development plan for all principals, teachers, other professional staff, paraprofessionals and teacher assistants" and professional support teams and annually update these plans. Every plan must include training in "participatory decisionmaking, and parent and community involvement" and training for school council members.

The state leadership academy provides training to principals and other school leadership staff. Among the areas in which the academy must provide training are "techniques for developing cooperative relationships with parents and community organizations [and] school-based management skills[.]"

Notes: The state board is mandated to "promote the implementation of participatory management systems involving school-based personnel and school councils."

Legal citations: MASS. GEN. LAWS ANN. ch. 15, § 58; ch. 69, § 1A, 1B; ch. 71, § 37H, 38Q, 59C

Michigan

SBM mandated, recommended, or voluntary: Mandatory for any district that wants all of its schools to be accredited (see **Notes** below).

Statewide or pilot: Statewide

Responsibilities/level of authority: Not specified

Composition of council, if mandated: Not specified

Training/technical support addressed in legislation: Not specified

Notes: Any district that wants all of its schools to be accredited must adopt, implement and submit to the department a 3- to 5-year school improvement plan that must include “building level decisionmaking.”

§ 380.1525 specifies that professional development programs for administrators and teachers must emphasize specified areas, including “collaborative decisionmaking” and site-based management. The statute also allows state and federal professional development funds to be used for “community leadership development.” The provision requires the state board, with the assistance of intermediate school districts, to “conduct a leadership development training program in each school district for members of the community.”

Legal citations: MICH. COMP. LAWS § 380.1277, 380.1525

Minnesota

SBM mandated, recommended, or voluntary: Voluntary. Either a local board or a “school site decisionmaking team may request that the school board enter into an agreement with a school site decisionmaking team concerning the governance, management, or control of the school.

Statewide or pilot: Statewide

Responsibilities/level of authority: “School site decisionmaking agreements must delegate powers, duties, and broad management responsibilities to site teams and involve staff members, students as appropriate, and parents in decisionmaking” and must include “a statement of powers, duties, responsibilities, and authority to be delegated to and within the site.” An agreement may include:

- An achievement contract [see more below under “team accountability”]
- Permission for the principal to make staffing and funding allocation decisions and for the team to make hiring decisions for certified and noncertified staff
- “A mechanism to implement parental involvement programs under § 124D.895 and to provide for effective parental communication and feedback on this involvement at the site level”
- A provision allowing teachers to choose the principal
- “An amount of revenue allocated to the site”
- “Any other powers and duties determined appropriate by the board.”

Each building’s school site decisionmaking team (“or the instruction and curriculum advisory committee under § 120B.11 if the school has no school site decision team”) must advise the district on how to use the district’s compensatory education funds.

“Revenue for a fiscal year received or receivable by the district” must be allocated to the site per “the agreement between the school board and the site decisionmaking team” and must “remain allocated to each site until used by the site.... The site teams and the board may enter an agreement that permits the district to provide services and retain the revenue required to pay for the services provided. The district remains responsible for legally entering into contracts and expending funds.... The district may charge the accounts of each site the actual costs of goods and services from the general or capital funds attributable to the site.”

Team accountability: “A school board may enter a written education site achievement contract with each site decisionmaking team” to establish “learning performance expectations for that site, including the goals for improvement in each area of student performance during the next year, a plan to assist the education site if their goals are not achieved, and other performance expectations and measures determined by the board and the site decisionmaking team.”

Composition of council, if mandated: “A school site decisionmaking team may include the school principal, teachers in the school or their designee, other employees in the school, parents of pupils in the school,

representatives of pupils in the school, or other members in the community.” The team must include the school principal and must “reflect the diversity of the education site.” No more than half of the team members may be district employees, “unless an employee is the parent of a student enrolled in the school site” and is serving as a parent representative.

Training/technical support addressed in legislation: Upon request, the state must “provide technical support for districts and sites” with school site decisionmaking team agreements established under the state’s primary site-based management statute, § 123B.04.

Each district’s staff development plan “must include ongoing staff development activities that contribute toward continuous improvement in achievement of “ the goal of “[providing] teachers and other members of site-based management teams with appropriate management and financial management skills.”

Notes: The state commissioner of education is required by statute to “conduct and compile research on the effectiveness of site decisionmaking” and “periodically report on and evaluate the effectiveness of site management agreements on a statewide basis.”

Every local board is required to establish an instruction and curriculum advisory committee, and districts may choose to create “building teams as subcommittees of the district advisory committee.” A building team is authorized to create and implement an “education effectiveness plan to improve instruction and curriculum.” This team must advise the district instruction and curriculum advisory committee and the board on devising an instruction and curriculum improvement plan that aligns instruction, curriculum and “assessment of student progress in meeting state graduation standards[.]”

Every local board must create an “advisory staff development committee,” which in turn must “assist site professional development teams in developing a site plan consistent with the goals of the” district staff development plan. A majority of the members of each site professional development team “must be teachers representing various grade levels, subject areas and special education.”

The state commissioner of education must develop and maintain “a program of educational effectiveness and results-oriented education,” one of the goals of which is to “increase meaningful parent involvement in site-based decisionmaking. “ The department must assist districts in implementing such programs, and program-related staff development must “be facilitated by building level decisionmaking teams.”

The department is mandated to “develop guidelines and model plans for parental involvement programs” that must include specific activities, including “involvement in a district’s curriculum advisory committee or a school building team under § 120B.11.”

A district may apply to the commissioner of education for a waiver of commissioner regulations “for purposes of implementing experimental programs in ... school management.”

The department “must make available to school districts and individual school sites assistance and training in financial management. The assistance and training” must at a minimum comprise: “(1) provision of an updated uniform financial and reporting system manual in both hard copy and computerized form which will be applicable to both the school district and to a school site under site-based management; (2) regularly scheduled training and assistance in accounting and financial operations, and special assistance as requested; (3) long-term financial planning, including that involved with district reorganization; (4) district and school level expenditure and revenue budgeting and other fiscal and organizational requirements, including that under site-based management; (5) assistance with school, district, and regional capital budget planning; and (6) the development of a model reporting system for school sites for resource use and outcome achievement. The model shall include characteristics about the student population, staffing levels, and achievement results attributable to the instructional and organizational structure of the school site.”

Legal citations: MINN. STAT. § 120B.11, § 122A.60, 122A.624, 123B.04, 124D.895, 126C.15, 127A.05, 127A.19

Mississippi

Notes: There are statutory references to the existence of site-based management in Mississippi, but no statutory language governing the creation of school councils. One reference to site-based management is in the section mandating statewide assessment. The department is required to monitor student results, and inform “the district superintendent, the school principal and the school advisory committee or other existing parent group of the situation within 30 days” of identifying student performance “below the established minimum standards.”

Another reference: "Any teacher, administrator, school council or local school board in any public school district in this state may post in a public school building, classroom or at any school event or read from any historical document or writing relating to the founding of the United States of America or this state, or both, notwithstanding the fact that such materials may include religious quotations, references or illustrations. There shall be no content-based censorship of American or Mississippi History, heritage or culture based on any religious references contained in such documents, writings or records."

Legal citations: MISS. CODE ANN. § 37-16-3, 37-13-163

Missouri

Notes: There are statutory references to the existence of site-based management in Missouri, but no statutory language governing the creation of school councils. Statute, however, requires 0.9% of funds appropriated to the department to be "distributed by the commissioner of education to address statewide areas of critical need for learning and development...." Funds may be distributed to "colleges, universities, private associations, professional education associations, statewide associations organized for the benefit of members of boards of education, public elementary and secondary schools, and other associations and organizations that provide professional development opportunities for teachers, administrators, family literacy personnel and boards of education for the purpose of addressing statewide areas of critical need.... Providing information which will assist public school administrators and teachers in understanding the process of site-based decisionmaking" is listed in the statute as one of the "statewide areas of critical need for learning and development" for which monies may be allocated from this fund.

Statute specifies that if the St. Louis school district ("transitional school district") loses its accreditation, its existing school board's powers are to be vested with a "special administrative board" whose powers and duties include the "Authority to establish school site councils to facilitate site-based school management and to improve the responsiveness of the schools to the needs of the local geographic attendance region of the school."

Legal citations: MO. ANN. STAT. § 160.530, § 162.1100

Nebraska

SBM mandated, recommended, or voluntary: Voluntary (competitive grant program)

Statewide or pilot: Statewide

Responsibilities/level of authority: Not stated in legislation

Composition of council, if mandated: Not specified in legislation

Training/technical support addressed in legislation: No

Notes: A portion of the monies collected from the sale of state lottery tickets must go to four groups, among which is the Education Innovation Fund. The governor is to allocate a portion of monies from the fund, which allocations must be "through incentive grants to ... encourage schools to establish innovations in programs or practices that result in restructuring of ... school management Such incentive grants allocated by the governor are intended to provide selected school districts, teachers or groups of teachers, nonprofit educational organizations, educational service units, or cooperatives funding for the allowable costs of implementing pilot projects and model programs." A district must develop a strategic school improvement plan before a grant is awarded. Among the purposes for which competitive grants may be offered are "programs using decisionmaking models that increase involvement of parents, teachers and students in school management [and] increased involvement of the community in order to achieve increased confidence in and satisfaction with its schools." Recipients must make annual reports "documenting the effectiveness of the program in improving the quality of education as designed in the strategic school improvement plans."

Legal citations: NEB. REV. STAT. ANN. § 9-812

Nevada

SBM mandated, recommended, or voluntary: Voluntary. “The board of trustees of a school district may prescribe rules relating to the creation and administration of a program of school-based decisionmaking for the public schools within the district.”

Statewide or pilot: Statewide

Responsibilities/level of authority: Not specified. Statute states that a local board’s rules on school-based decisionmaking must include “the procedure for a school to obtain a waiver of the requirements of regulations of the board of trustees or the state board” and “a method for allocating money to schools that have adopted a program of school-based decisionmaking and for the administration of the budget of the school district.”

A local board “may waive the requirements of regulations of the board of trustees and the state board for a public school within the district that adopts a program of school-based decisionmaking,” although the board “may not waive statutory requirements.”

A local board may petition the state board on a school council’s behalf to “waive a course of study otherwise required by statute.”

Composition of council, if mandated: Not specified. Local board rules on school-based decisionmaking, however, must provide for “the involvement of parents and other members of the community on and with the school council.”

Training/technical support addressed in legislation: No

Notes: Local board rules on school-based decisionmaking also must provide for “A method for determining the progress of a pupil in a program of school-based decisionmaking; A method for reporting the progress of a pupil to the pupil, his parents or guardians, the board of trustees and the state board; Plans for improving the schools within the district. ... and [t]he procedure which a school council or board of trustees may use to withdraw from a program of school-based decisionmaking.”

Local boards must include in its annual accountability report “Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase ... [t]he participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.”

Legal citations: NEV. REV. STAT. ANN. 385.347, 386.4154, 386.4156, 386.4158

New Mexico

SBM mandated, recommended, or voluntary: Mandatory

Statewide or pilot: Statewide

Responsibilities/level of authority: Each school council must “assist the school principal with school-based decisionmaking and to involve parents in their children’s education.” Statute specifically requires each school council to:

- “[W]ork with the school principal and give advice, consistent with state and school district rules and policies, on policies relating to instructional issues and curricula and on the public school’s proposed and actual budgets
- [D]evelop creative ways to involve parents in the schools;
- [W]here appropriate, coordinate with any existing work force development boards or vocational education advisory councils to connect students and school academic programs to business resources and opportunities
- [S]erve as the champion for students in building community support for schools and encouraging greater community participation in the public schools.”
- Provide the school principal with input on the school’s proposed budget, to be submitted to the local board
- Determine how the school’s supplemental funding from the “incentives for school improvement fund” will be used (“The total number of public schools that receive supplemental funding shall not constitute more than fifteen percent of the student membership in the state.”) Statute bars the school council from applying the

monies to “salaries, salary increases or bonuses,” though the funds “may be used to pay substitute teachers when teachers attend professional development activities.”

Composition of council, if mandated: To be determined by local board policy. School council membership must “reflect an equitable balance between school employees and parents and community members. At least one community member must represent the business community, if such person is available.” The school principal must participate as an active member on the school council and may serve as chairperson.

Training/technical support addressed in legislation: No

Notes: § 22-1-1.2 establishes legislative intent relative to school councils.

Legal citations: N.M. STAT. ANN. § 22-5-16, 22-1-1.2, 22-2C-9, 22-10A-18

New York

SBM mandated, recommended, or voluntary: Mandated, although some provisions apply only to the New York City district.

Statewide or pilot: Statewide, although some provisions apply only to the New York City district.

Responsibilities/level of authority: New York City: District must prepare plan “in consultation with associations of parents, and representatives of teachers, supervisors, paraprofessionals and other school personnel within the [district to] promote the involvement and appropriate input of all members of the school community.” Plan must balance “participation by parents with participation by school personnel” in the powers and duties of schools specified in education § 2590-i and § 2590-r. School-based management teams must be authorized to:

- “[D]evelop an annual school comprehensive educational plan that is aligned with the school based budget.” The plan must be submitted to the district superintendent and be available for public inspection.
- Meet at least monthly during the school year, at a time convenient for parent representatives
- Allow parent members to make recommendations “on the selection of the school principal”
- Develop a parental bill of rights that includes rights specified in statute.

New York City also is required to follow school-based budgeting provisions set forth in statute. Under these provisions, the principal must propose a school-based expenditure budget “after soliciting input ... from all members of the school community.” The district’s school-based budgeting system also must provide for “procedures for schools ... to modify and reallocate monies in the enacted budget [and] a collaborative school-based planning process involving parents, teachers, other school personnel and, where appropriate, students” to implement school-based budgeting.

Statewide: Every local board and every board of cooperative educational services (BOCES) must create and approve a district school-based planning and shared decisionmaking plan, to be reviewed every two years using the same inclusive process as in the plan’s creation. The plan must specify:

- “[T]he educational issues which will be subject to cooperative planning and shared decisionmaking at the building level by teachers, parents, administrators, and, at the discretion of the board of education or BOCES, other parties such as students, school district support staff, and community members
- [T]he manner and extent of the expected involvement of all parties
- [T]he means and standards by which all parties shall evaluate improvement in student achievement
- [T]he means by which all parties will be held accountable for the decisions which they share in making
- [T]he process whereby disputes presented by the participating parties about the educational issues being decided upon will be resolved at the local level
- [T]he manner in which all state and federal requirements for the involvement of parents in planning and decisionmaking will be coordinated with and met by the overall plan.”

Any district receiving an early grades class-size grant must specify how teachers and parents will participate in school based planning and “shared decisionmaking regarding the implementation of reduced class sizes programs at each school with such program in the district.”

More details about the process for developing district school-based planning and shared decisionmaking plans can be found in the **Notes** section below.

School committees may make recommendations to the local board on content and implementation of the instruction “designed to prevent the abduction of children” (mandated for all K-8 students in all public schools).

Composition of council, if mandated: New York City: Not specified, but must include parents, teachers and other school staff.

Statewide: District plans must provide for “participation by teachers and parents with administrators and school board members in school-based planning and shared decisionmaking.”

Training/technical support addressed in legislation: New York City: District plan must provide for “appropriate training to any parent and school personnel who participate in the school-based management and shared decisionmaking process.” This training is both for new and continuing members. School-based budgeting system must provide “appropriate technical support and training to school personnel, parents and other participants in school-based budgeting.”

Statewide: Not specified

Notes: While statutory references were the source of policies included in this *ECS StateNote*, regulations are included for New York in that substantial content is found therein and statute refers to this content.

New York City: Principals are required to “take all necessary steps to promote the effectiveness and integrity of school based budgeting” and to carry out the specified duties set forth in 2590-i “in consultation with parents, teachers and other staff.” While statute does not explicitly require school-based management teams to assist in selecting principals, principals must be chosen in a process that “promotes parental and staff involvement in the recruitment, screening, interviewing and recommendation of candidates.”

Statewide: Every district’s school-based decisionmaking plan must be “developed in collaboration with a committee composed of the superintendent of schools, administrators selected by the district’s administrative bargaining organization(s), teachers selected by the teachers’ collective bargaining organization(s), and parents (not employed by the district or a collective bargaining organization representing teachers or administrators in the district) selected by school-related parent organizations, provided that those portions of the district plan that provide for participation of teachers or administrators in school-based planning and shared decisionmaking may be developed through collective negotiations between the board of education or BOCES and local collective bargaining organizations representing administrators and teachers. In the City School District of the City of New York, the superintendent of each community school district, of each district that reports directly to the chancellor and of each high school superintendency shall develop such district plan in collaboration with a committee composed of administrators selected by the district’s administrative bargaining organization(s), teachers selected by the teachers’ collective bargaining organization(s), and parents (not employed by the district or a collective bargaining organization representing teachers or administrators in the district) selected by school-related parent organizations. Members of community school boards may be members of such committees.... In districts in which teachers or administrators are not represented by a collective bargaining organization or there are no school-related parent organizations, teachers, administrators and/or parents shall be selected by their peers in the manner prescribed by the board of education or BOCES to participate in the development of such district plan. In the City School District of the City of New York, the superintendent of each community school district, of each district that reports directly to the chancellor and of each high school superintendency shall develop a plan in the manner prescribed by this subdivision, and each such plan shall be incorporated into a plan by the central board of education, which plan shall comply with this section.” The plan must be adopted “by the board of education or BOCES at a public meeting after consultation with and full participation by the designated representatives of the administrators, teachers, and parents, and after seeking endorsement of the plan by such designated representatives. In the City School District of the City of New York, each plan shall be approved by the superintendent pursuant to subdivision (b) of this section after consultation with and full participation by the designated representatives of the administrators, teachers and parents, and after consultation with the members of the board of education of the community school district, and after seeking endorsement of the plan by such designated representatives. The plan shall be made available to the public. Each board of education or BOCES shall file such plan with the district superintendent or, in the case of city school districts having a population of 125,000 inhabitants or more or a BOCES, with the commissioner within 30 days of adoption.

(2) Each board of education or BOCES shall submit its district plan to the commissioner for approval within 30 days of adoption of the plan. The commissioner shall approve such district plan upon a finding that it complies with the requirements of this section and makes provision for effective participation of parents, teachers, and administrators in schoolbased planning and decisionmaking.”

Regulations specify subsequent actions if a local board or BOCES does not consult with or provide for full participation of all parties in the development of the district school-based decisionmaking plan.

Any district that “has implemented a plan for participation in school-based planning and shared decisionmaking as of February 1, 1994, through its excellence and accountability pilot district program” is not required to develop a new district plan in accordance with the regulations in tit. 8, § 100.11.

“A school district or BOCES which has developed or implemented a plan for participation of teachers and/or administrators in school-based decisionmaking as the result of a collective bargaining agreement between the board of education or BOCES and local collective bargaining organizations representing teachers and/or administrators [must] incorporate such negotiated plan as a part of the district plan required by this section. The board of education or BOCES [must] develop the remainder of the district plan, including the portion relating to parental involvement,” using the same inclusive process as required for development of district school-based decisionmaking plans.

Legal citations: N.Y. EDUC. LAW § 803-a, 2590-h(15), 2590-i, 2590-r; N.Y. COMP. CODES R. & REGS. tit. 8, § 100.11, 144.11

North Carolina

SBM mandated, recommended, or voluntary: Mandatory

Statewide or pilot: Statewide

Responsibilities/level of authority: Site-based management in North Carolina is part of the state’s School-Based Management and Accountability Program, the goals of which are to: “(i) focus on student performance in the basics of reading, mathematics, and communications skills in elementary and middle schools, (ii) focus on student performance in courses required for graduation and on other measures required by the state board in the high schools, and (iii) hold schools accountable for the educational growth of their students.” Every school in the state must assemble a “school improvement team” to “develop a school improvement plan that takes into consideration the annual performance goal for that school . . . set by the state board under G.S. 115C-105.35.” Statute specifies that parents and teachers must have a “substantial role in developing school improvement plans” and consequently, team meetings must be “held at a convenient time to assure substantial parent participation.” School improvement plans must include:

- A plan for using staff development funds that the local board may allocate to the school to carry out the school improvement plan. Local boards must give “75% of the funds in the staff development funding allotment to the schools to be used in accordance with that school’s school improvement plan.” Building plans may allow a portion of the school’s staff development funds to go towards “mentor training and for release time and substitute teachers while mentors and teachers mentored are meeting.”
- [If the school serves students in kindergarten or grade 1,] “A plan for preparing students to read at grade level by the time they enter second grade. The plan [must] require kindergarten and first grade teachers to notify parents or guardians when their child is not “reading at grade level and is at risk of not reading at grade level by the time the child enters second grade. The plan may include the use of assessments to monitor students’ progress in learning to read, strategies for teachers and parents to implement that will help students improve and expand their reading, and provide for the recognition of teachers and strategies that appear to be effective at preparing students to read at grade level.”
- “A plan to address school safety and discipline concerns”
- “A plan that specifies the effective instructional practices and methods to be used to improve the academic performance of students identified as at risk of academic failure or at risk of dropping out of school.”

School improvement teams are encouraged to:

- Include “a comprehensive parent involvement program” in their school improvement plan. The state board must “develop a list of recommended” parental involvement strategies that building teams may use to create parent involvement programs that meet the specific needs of their schools.
- Review the school’s “need for a comprehensive conflict resolution program as part of the development of its school improvement plan” and if a need for such a program is identified, choose a program from the state board list or “develop its own materials and curricula to be approved by the local board of education.”

School improvement teams may:

- Include in their school improvement plans any decision to transfer certain funds between funding allotment categories. Under the program, school boards “are allowed increased flexibility in the expenditure of state funds”; statute 115C-105.25 specifies the funding areas in which local boards are granted flexibility in use of state monies

- Include in their school improvement plans “requests for waivers of state laws, rules or policies [that inhibit the school’s] ability to reach local accountability goals.” Statute 115C-105.26 specifies the procedures local boards must follow in petitioning the state board for a waiver of state law to improve a school’s ability to improve student achievement.
- Ask the local board [or the parent organization at a school may request this] “to provide assistance in promoting or restoring safety and an orderly learning environment at a school.... If the local board fails to provide adequate assistance to the school, then the school improvement team or parent organization may ask the state board to provide an assistance team to the school.” The state board may send an assistance team to the school “to promote or restore safety and an orderly learning environment” if the local board or superintendent requests such assistance and the state board confirms the need for such assistance, or if the state board “determines within 10 days after its receipt of the request for assistance from a school improvement team or parent organization of a school that the school needs assistance and that the local board has failed to provide adequate assistance to that school.”

School improvement plans may be in effect for up to three years, but may be amended by the school improvement team “as often is necessary or appropriate.... If, at any time, any part of a school improvement plan becomes unlawful or the local board finds that a school improvement plan is impeding student performance at a school, the local board may vacate the relevant portion of the plan and may direct the school to revise that portion.” Likewise, if an assistance team assigned to a school (see next paragraph) finds that the school’s approved school improvement plan “is impeding student performance at a school, the team may recommend to the local board that it vacate the relevant portions of that plan and direct the school to revise those portions.”

The state board, as part of the school-based management and accountability program, must identify low-performing schools, and create assistance teams that may be assigned to them. Assistance teams must be made up of “currently practicing teachers and staff, representatives of institutions of higher education, school administrators, and others the state board considers appropriate.” These assistance teams are to make recommendations for school improvement.

The program must include a process for local boards and schools to resolve disputes “in the development and implementation of school improvement plans.”

Council accountability: The state board must recognize schools that meet or exceed their goals under the school-based management and accountability program. The school-based management and accountability program must “be based upon an accountability, recognition, assistance, and intervention process in order to hold each school and the school’s personnel accountable for improved student performance in the school.”

Composition of council, if mandated: Each building’s school improvement team must be comprised of the building principal; representatives of the assistant principals, teaching, support staff and teacher assistants in the building; and parents of students in the school, elected by their peers in a secret ballot. “Parents serving on school improvement teams [must] reflect the racial and socioeconomic composition of the students enrolled in that school and [may] not be members of the building-level staff.” In addition, local boards must adopt a policy to guarantee that each principal establishes a school improvement team.

Training/technical support addressed in legislation: The state board must “assist local boards and schools” in developing and implementing school-based management. Local boards must “direct the superintendent or the superintendent’s designee to provide appropriate guidance to principals to ensure that these teams are established and that the principals work together with these teams to develop, review and amend school improvement plans for their schools.”

Notes: Statute gives the state board responsibility for developing “guidelines, procedures and rules to establish, implement and enforce the School-Based Management and Accountability Program under Article 8B of [115C of the North Carolina Code] in order to improve student performance, increase local flexibility and control, and promote economy and efficiency.”

“Support among affected staff members is essential to successful implementation of a school improvement plan to address improved student performance at that school. The principal of the school [must] present the proposed school improvement plan to all of the principals, assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building for their review and vote. The vote [must] be by secret ballot. The principal [must] submit the school improvement plan to the local board of education only if the proposed school improvement plan has the approval of a majority of the staff who voted on the plan.

”The local board of education [must] accept or reject the school improvement plan. The local board [may] not make any substantive changes in any school improvement plan that it accepts. If the local board rejects a school improvement plan, the local board [must] state with specificity its reasons for rejecting the plan; the school improvement team may then prepare another plan, present it to the principals, assistant principals, instructional

personnel, instructional support personnel, and teacher assistants assigned to the school building for a vote, and submit it to the local board to accept or reject. If no school improvement plan is accepted for a school within 60 days after its initial submission to the local board, the school or the local board may ask to use the process to resolve disagreements recommended in the guidelines developed by the State Board under G.S. 115C-105.20(b)(5).” If there is no recourse to this process, the local board may develop a school improvement plan for the building, although statute encourages the local board to use the school’s proposed school improvement plan “to the maximum extent possible when developing such a plan.”

§ 115C-105.20 establishes legislative intent for creation of school-based management and accountability program.

Statute creates and establishes the membership of the Task Force on School-Based Management, under the purview of the state board of education. The task force is required to:

- “Advise the State Board of Education and Secretary of Health and Human Services on the development of guidelines for local boards of education and schools to implement school-based management as part of the School-Based Management and Accountability Program
- Advise the State Board of Education and the Secretary of Health and Human Services on how to assist the public schools and residential schools so as to facilitate the implementation of school-based management
- Advise the State Board of Education and Secretary of Health and Human Services about publications to be produced by the Department of Public Instruction on the development and implementation of school improvement plans
- Report annually to the State Board of Education on the implementation of school-based management in the public schools on the first Friday in December. This report may contain a summary of recommendations for changes to any law, rule, and policy that would improve school-based management.”

The state board must appoint a director of the Task Force on School-Based Management.

Statute requires the state board to “consider incorporating into the School-Based Management and Accountability Program a character and civic education component which may include a requirement for student councils.”

§ 115C-55 allows a local board to establish an advisory council for any school or schools within the district, to advise the board “on matters affecting the school or schools for which it is appointed. The organization, terms, composition and regulations for the operation of such advisory council “are to be determined by the local board.”

Legal citations: N.C. GEN. STAT. § 115C-12, -47, -55, -105.20, -105.21, -105.25, -105.26, -105.27, -105.30, -105.31, -105.32, -105.33, -105.35, -105.38

Ohio

SBM mandated, recommended, or voluntary: Mandatory for at least one building in districts with more than 5,000 students and that have not been identified as “effective” or “excellent” through the state accountability system (§ 3302.03(B)(1 and 2)).

Statewide or pilot: Statewide [for districts with more than 5,000 students and that have not been identified as “effective” or “excellent” through the state accountability system provisions in § 3302.03(B)(1 and 2)]

Responsibilities/level of authority: Each eligible district must identify at least one building to be run by a site-based management council (SBMC). The council’s “powers, duties, functions and responsibilities” are determined by local board rules, but must include:

- “Providing input for the implementation of guidelines, processes, and procedures established by the district board of education for selecting the principal
- Recommending to the superintendent, for cause, as established by district board of education policy, the removal from the school of the principal, teachers, and/or other professional and para-professional staff
- Recognizing the building principal as chair and facilitator of the initial organizational meeting of the SBMC, during which a temporary chair will be selected to serve until provisions are made to select a permanent chair
- Facilitating the development of a continuous improvement plan for the school
- Monitoring and evaluating the school’s progress with continuous improvement
- Preparing annually, for submission to the district superintendent and board of education, a budget for the operation of the school
- Monitoring the budget

- Preparing and communicating financial progress reports at least annually to the district board of education and the community.”

Composition of council, if mandated: The site-based management council (SBMC) membership must be determined by local board, but must include: “(a) The building principal; (b) Teachers assigned to the school; (c) Nonteaching staff; (d) A number (equal to the number of teachers serving on the SBMC) of parents, each with at least one child enrolled in the school; (e) Up to three community representatives; (f) As an option: a member of the student body, with or without voting rights.” The process for selecting members also must be determined by local boards but must provide for teachers, nonteaching staff, parent groups, and students, if applicable, to be chosen by their peers. In turn, each of these representatives must “be responsible for reporting back to the group they represent and for soliciting that group’s views and assistance.” Local board policy also must require the “teacher, nonteaching staff, and parent representative groups elected to the SBMC [to] each appoint one community representative to serve on the SBMC.”

Training/technical support addressed in legislation: No

Notes: Statute requires most site-based management provisions to be established by the state board. State board rules must create “a mechanism for resolving any differences between the council and the district board if there is disagreement as to their respective powers, duties, functions and responsibilities.”

Any district required to participate in the site-based management program may propose to the department an alternative site-based management structure for at least one of its buildings. The proposal must set forth the composition of the council, which must have the building principal and an equal number of parents and teachers, and the method of selecting and removing council members. The proposal must “also clearly delineate the respective powers, duties, functions and responsibilities of the district board and the council” and must “comply substantially” with the site-based management rules adopted by the state board.

Statute requires the department of education to “encourage, seek out, and publicize to the general public and the school districts of this state, innovative and exemplary school-parent ... partnerships.... As used in this section: (A) “School-parent partnership” means a program that actively involves parents of students in the decisionmaking process of the school district or individual schools within the district.”

Legal citations: OHIO REV. CODE ANN. § 3301.131, 3314.20; OHIO ADMIN. CODE § 3301-35-10

Oregon

SBM mandated, recommended, or voluntary: Voluntary. Any district may submit an application for the Oregon 21st Century Schools Program, which includes a site-based management component. A district application may be on behalf of one building, two or more buildings, all buildings in the district, or a consortium of two or more districts. Before a district can submit an application to participate in the program, it must identify the building(s) (and, if appropriate, districts on whose behalf the application is submitted) and establish a 21st Century Schools Council in each building affected by the proposal.

Statewide or pilot: Statewide

Responsibilities/level of authority: Must include but not be limited to the following:

- “The development of plans to improve the professional growth of the school’s staff
- The improvement of the school’s instructional program
- The development and coordination of plans for the implementation of programs under this chapter at the school
- The administration of grants-in-aid for the professional development of teachers and classified district employees
- Advising the school district board in the development of a plan for school safety and student discipline under section 5, chapter 618, Oregon Laws 2001.”

If a local board determines that a school site cannot meet these responsibilities, “the school district board [must] establish the 21st Century Schools Council in a manner that best meets the educational needs of the district.”

Before a district may submit an application to participate in the Oregon 21st Century Schools Program, it must determine, “at the direction of the 21st Century Schools Councils and, if applicable, the district planning committee, upon the following:

- The major activities to be carried out as part of the project, including but not limited to the nature and extent of the restructuring of school operations and formal relationships as described in ORS 329.555 (2).
- The specified measures of student learning and achievement, including but not limited to those described in ORS 329.555 (2) for each building affected by the application.
- The process by which each 21st Century Schools Council and, where applicable, the district planning committee will collect data and assess the progress and final performance of its program.”

The department’s Early Childhood Improvement Program is “to assist public school districts in providing programs designed to improve educational services for children” in grades K-3. Districts may apply for funds to participate in the program; district applications must include “plans developed by 21st Century Schools Councils at the school building level.”

Accountability: If the Oregon 21st Century Schools Advisory Committee (established by the state board) determines a district’s progress to be unsatisfactory, the district may be placed on one year’s probation, during which time it may receive special assistance from the department. If the advisory committee deems the district’s progress is still unsatisfactory at the end of the probationary year, the district’s participation may be terminated and it must return to “compliance with previously waived statutes, rules and local policies and agreements.” A district may also terminate its application by submitting to the state board a request for termination that has been approved by various stakeholders, including the 21st Century Schools Councils.

Composition of council, if mandated: A 21st Century Schools Council must be made up of “teachers, parents, classified employees and principals or the principal’s designee.” No more than half of any council’s membership may be teachers or parents. At least one member must be a classified employee. The principal or the principal’s designee must serve on the council. Parents, teachers and classified employees must be chosen by their peers at the school, and “other representatives” must be chosen by the council. If the local board determines that “the needs of a school site require a different composition, the school district board [must] establish the 21st Century Schools Council in a manner that best meets the educational needs of the district.”

Training/technical support addressed in legislation: Not specifically, though § 329.745 requires the department to “dedicate a portion of its funds” to provide for the establishment of professional development centers” to meet various needs, including to “assist school districts, teachers, 21st Century Schools Council members and others to formulate goals and indexes of teaching and learning conditions” as part of the Oregon 21st Century Schools Program.

Notes: § 329.537: “(1) There is a high priority given to the Oregon 21st Century Schools Program under ORS 329.537 to 329.605 and the School Improvement and Professional Development program under ORS 329.675 to 329.745. Therefore, in addition to other funds available for the purposes of the Oregon 21st Century Schools Program and the School Improvement and Professional Development program, as funds become available, an additional amount may be allocated by the Legislative Assembly for the purposes of these programs. The amount [must] be distributed to eligible school districts at the same time and in the same manner as the State School Fund is distributed. The amount distributed to any eligible school district depends on the amount approved in the school district’s application. (2) The decision to distribute funds under this section [must] be made by the State Board of Education on advice of the Oregon 21st Century Schools Advisory Committee.”

§ 329.545 sets forth legislative intent for establishing the Oregon 21st Century Schools Program and its site-based management provisions. Two of the stated purposes of the Oregon 21st Century Schools Program are identified in § 329.555: “To encourage the restructuring of school operations and formal relationships among teachers, administrators, other school personnel and local citizens for purposes of improving student achievement [and] To encourage educators, school districts and local citizens to establish measurable goals for educational attainment and increased expectations for student performance...”

§ 329.575 specifies the contents of all applications for the Oregon 21st Century Schools Program, including the number of years for which approval is requested. A district may participate for 1-5 years. § 329.585 specifies the proposals a district may submit in addition to the application for program participation.

§ 329.595 concerns the review of program applications and specifies the criteria to be considered when recommending applications for approval, including “[t]he extent to which the application proposes significant changes in the structure of school operations and the formal relationships between teachers, administrators, other school personnel and public citizens, as described in ORS 329.555 [and] a demonstration of support and commitment from all parties to support and faithfully implement the proposal.”

Participating districts must submit annual reports to the state and the local community. These reports must include “specific data that reflect the nature and extent of changes in student learning and other performance as described in its application.” A “district may submit proposed amendments to its approved program describing additional statutes,

rules or local policies and agreements that it proposes to waive. Such amendments must be accompanied by a statement of support” from various stakeholders, including “each 21st Century Schools Council involved in the project.”

§ 329.685, paragraph 2: “The state should encourage and assist local school districts in their efforts to establish school goals through a process that involves educators and members of the community and to develop effective tools to measure progress against those goals that will increase the public accountability of educational programs.”

Paragraph 4: “The establishment of 21st Century Schools Councils for the school district and for individual schools is desirable to encourage new initiatives in school-based management and the assessment of educational progress, to provide new and expanded career opportunities for teachers and to facilitate efforts to restructure the school workplace to provide educators with greater responsibility while increasing their accountability.”

§ 329.700 describes the membership and responsibilities of the Oregon 21st Century Schools [State] Advisory Committee.

Statute encourages districts to give parents opportunities “to be involved in establishing and implementing educational goals and to participate in decisionmaking at the school site.”

Legal citations: OR. REV. STAT. § 329.125, 329.237, 329.537, 329.545, 329.555, 329.565, 329.570, 329.575, 329.585, 329.595, 329.600, 329.605, 329.685, 329.700, 329.704, 329.745

Rhode Island

SBM mandated, recommended, or voluntary: Recommended component of mandatory strategic plans.

Statewide or pilot: Statewide

Responsibilities/level of authority: Every district receiving state aid must develop a strategic plan, which must “be the product of a shared community wide process which defines a vision of what students should know and be able to do [and] encourage the development of school-based improvement planning and implementation,” among other requirements.

Composition of council, if mandated: Not specified.

Training/technical support addressed in legislation: No

Notes: § 16-5-32 creates a \$3 million state fund to support various educational initiatives; the statute mandates that \$250,000 “be used to make competitive grant awards to school districts which develop exemplary school site management programs.”

Legal citations: R.I. GEN. LAWS § 16-7.1-2, 16-5-32

South Carolina

SBM mandated, recommended, or voluntary: Mandatory

Statewide or pilot: Statewide

Responsibilities/level of authority: Every district and each school must “develop a comprehensive five-year plan with annual updates to outline the District and School Improvement Plans” and every school must have “an improvement council ... to be involved in improvement and innovation efforts at the school.” The council must help prepare the five-year plan and annual updates, “assist with the development and monitoring of school improvement and innovation, provide advice on the use of school incentive grant awards, and provide assistance as the principal may request as well as carrying out any other duties prescribed by the local school board.” Local boards must “review each school improvement plan and the annual updates for integration with district plans and objectives and school progress in meeting those goals and objectives.” The local school board must “allow any council to file a separate report to the local school board if the council considers it necessary. However, no council has any of the powers and duties reserved by law or regulation to the local school board.”

Every principal must collaborate with the school improvement council to “write an annual narrative of a school’s progress in order to further inform parents and the community about the school and its operation. The narrative must cite factors or activities supporting progress and barriers which inhibit progress.” This narrative is included in the school’s annual report card to parents and the public.

Every district and school must “design a comprehensive, long-range plan with annual updates” to implement the purposes of the “Early Childhood Development and Academic Assistance” (chapter 139 of the education code). The school improvement council must assist in developing this plan; the plan and the annual updates must be part of the school improvement report. Any school accredited by the Southern Association of Colleges and Schools (SACS) can substitute the SACS five-year plan and annual updates for the “Early Childhood Development and Academic Assistance” comprehensive plan and updates, as long as the school meets “the participation requirements for the community and School Improvement Council.”

Any school that obtains a “below average” or “unsatisfactory” rating in the state accountability system must revise its school improvement plan with the help of the school improvement council.

Schools rated “unsatisfactory,” or rated “below average” and requesting assistance, must be assigned an external review team. The external review team is authorized to “consult with parents, community members, and members of the School Improvement Council to gather additional information on the strengths and weaknesses of the school.” Schools reviewed by external review teams must, in conjunction with the school improvement council, publish a report to the parents and public.

In the department’s development of a plan to accomplish the Goals 2000 national education goals, statute required the South Carolina School Improvement Councils to be solicited for input.

Composition of council, if mandated: At least two parents, at least two teachers, at least two students in schools serving grades nine and above, all elected by their peers at the school and comprising a two-thirds majority of council members. Each council also must include “other representatives of the community and persons appointed by the principal.” The council also should have “ex-officio members such as the principal and others holding positions of leadership in the school or school organizations, such as parent-teacher groups, booster clubs, and federal program advisory groups.” However, “an area vocational center’s school improvement council must be composed as defined exclusively by federal law.”

Training/technical support addressed in legislation: In its annual district report, every local board must contain “a summary of the training opportunities provided or to be provided for school improvement council members and professional educators in regard to council-related tasks.” The state board, through the School Council Assistance Project at the University of South Carolina, is required to provide “services and training activities to support school improvement councils and their efforts in preparing an annual school improvement report.”

In addition, § 59-24-50 requires the South Carolina Department of Education Leadership Academy to cooperate with local districts and other entities in developing “continuous professional development programs which meet national standards for professional development and focus on the improvement of teaching and learning,” to be ready by July 1, 1999. State-funded programs are required to meet these standards, and must offer “training, modeling, and coaching on effective instructional leadership as it pertains to instructional leadership and school-based improvement, including instruction on the importance of school improvement councils and ways administrators may make school improvement councils an active force in school improvement. The training must be developed and conducted in collaboration with the School Council Assistance Project.”

Notes: Each plan must include an “Innovation Initiative.” Districts and schools must choose at least one of four categories of innovations to implement, among which is “redefining how schools operate resulting in the decentralization of authority to the school site and allowing those closest to the students the flexibility to design the most appropriate education location and practice.”

Every district’s annual report must include “a summary of programs and activities involving parents and citizens in the school.”

The state board is mandated to have policies and procedures for districts so that “Each school has active parent and teacher participation on the school improvement council.” The state board also is required to implement “an award program to recognize business and industries, civic organizations, school improvement councils, and individuals contributing most significantly to public education.” The state board also must “through the State Department of Education, and the Commission on Higher Education ... adopt program approval standards so that programs in a college or university in this State which lead to certification as administrative personnel must include training in methods of making school improvement councils an active and effective force in improving schools.”

Legal citations: S.C. CODE ANN. § 59-20-60, 59-20-65, 59-24-50, 59-18-900, 59-5-65, 59-5-150, 59-26-20, 59-18-1310, 59-18-1500, 59-18-1510, 59-139-10, 59-139-11, 59-141-10

Tennessee

SBM mandated, recommended, or voluntary: Two programs, both voluntary

Statewide or pilot: Statewide

Responsibilities/level of authority: Program I (§ 49-2-210): Responsibilities not set forth specifically in statute. Any local board may implement a program of school-based decisionmaking. A local board opting for school-based decisionmaking must determine the areas in which decisions are to be made by the school site; these areas may be “management, curriculum, classroom management, professional development, and budget.” A local board may allow school-site decisions “to be at variance with board policies. If such local decisions impact rules and policies of the state board of education or the commissioner of education, they [must] be implemented pursuant to [the innovative education programs in] § 49-1-207 except that there [may] be no limit to the number of systems participating [49-1-207 states there may be only up to 24 school systems operating as innovative educational programs]. No such local decisions [may] have the effect of nullifying requirements of law.”

Program II (§ 49-1-207): The commissioner of education is authorized to identify up to 24 districts or any part thereof to run as “innovative educational programs which emphasize school-based decisionmaking and the creation of small learning communities.” The superintendent or principal of an identified district or school “may apply to the commissioner to operate the system or school in accordance with an alternative plan” approved by the commissioner. ... Subject to the implementation and funding of the relevant federal program, additional individual schools which emphasize school-based decisionmaking may be approved.” Schools/districts operating as innovative educational programs must “be distributed throughout the state and not concentrated in any grand division.” Alternative plans may not “impact agreements negotiated under the Educational Professional Negotiations Act [or] reduce the level of state funding to an LEA” but may waive some rules and regulations, including “regulations relative to reporting requirements and premium pay for educators, without giving rise to any contractual right to such pay.” A superintendent or principal may choose to end participation earlier than the end identified in the alternative plan with 30 days’ notice to the commissioner. “A school operating an innovative education program in accordance with this section is not a charter school and cannot convert to a charter school after being authorized under this section to conduct an innovative education program.”

Composition of council, if mandated: Not specified. Section 49-2-210, in requiring local boards adopting school-based decisionmaking to define procedures for SBM implementation, “may include guidelines for the participation of school personnel and others, including teachers, students, parents of students, and other persons in the local community.”

Training/technical support addressed in legislation: No

Notes: § 49-2-210: Local boards implementing school-based decisionmaking must “define the procedures for implementation of its policies. Policies should recognize that school based decisionmaking is a collaborative approach to planning and problem solving.”

Legal citations: TENN. CODE ANN. § 49-2-210, 49-1-207

Texas

SBM mandated, recommended, or voluntary: Mandatory

Statewide or pilot: Statewide

Responsibilities/level of authority: Every local board must ensure an improvement plan for each building under its jurisdiction is “developed, reviewed and revised annually for the purpose of improving the performance of all students.” Local board policy must establish a “campus-level planning and decisionmaking process that will involve the professional staff of the district, parents, and community members in establishing and reviewing the district’s and campuses’ educational plans, goals, performance objectives, and major classroom instructional programs.” Every local board, with the active involvement of the district-level planning and decisionmaking

committee, must specify the respective roles of the various stakeholders on committees.” Every school year, the principal and the building committee must “develop, review and revise the campus improvement plan for the purpose of improving student performance for all student populations, including students in special education programs ... with respect to the academic excellence indicators adopted under § 39.051 and any other appropriate performance measures for special needs populations.”

“Each campus improvement plan must:

- Assess the academic achievement for each student in the school using the academic excellence indicator system as described by Section 39.051
- Set the campus performance objectives based on the academic excellence indicator system, including objectives for special needs populations, including students in special education programs
- Identify how the campus goals will be met for each student
- Determine the resources needed to implement the plan
- Identify staff needed to implement the plan
- Set timelines for reaching the goals
- Measure progress toward the performance objectives periodically to ensure that the plan is resulting in academic improvement
- Include goals and methods for violence prevention and intervention on campus
- Provide for a program to encourage parental involvement at the campus.”

The campus level committee must be “involved in decisions in the areas of planning, budgeting, curriculum, staffing patterns, staff development, and school organization. The campus-level committee must approve the portions of the campus plan addressing campus staff development needs.”

Every campus-level committee must conduct at least one public meeting per year “after receipt of the annual campus rating” from the department “to discuss the building’s performance and the building’s performance objectives. “District policy and campus procedures must be established to ensure that systematic communications measures are in place to periodically obtain broad-based community, parent, and staff input, and to provide information to those persons regarding the recommendations of the campus-level committees.”

The principal must “regularly consult the campus-level committee in the planning, operation, supervision, and evaluation of the campus educational program.”

Every district’s staff development must be “related to achieving campus performance objectives” identified in the campus improvement plan, “and developed and approved by the campus-level committee.”

Composition of council, if mandated: Building-level planning and decisionmaking committees must “include representative professional staff, parents of students enrolled in the district, business representatives, and community members. The committees [must] include a business representative without regard to whether the representative resides in the district or whether the business the person represents is located in the district.” Parent representatives may not be district employees, and community members are not to be parents of students in the system. Community members must be at least 18 years old and live in the district.

Training/technical support addressed in legislation: The state commissioner of education is responsible for overseeing “the provision of training and technical support to all districts and campuses in respect to planning and site-based decisionmaking through one or more sources, including regional education service centers, for school board trustees, superintendents, principals, teachers, parents, and other members of school committees.”

Regional service centers must offer core services for purchase by districts and schools. Among these core services are “training and assistance to ... members of site-based decisionmaking committees.”

Notes: “Statute specifies that local boards are not prohibited from establishing policies providing avenues for input from others, including students or paraprofessional staff, in district- or campus-level planning and decisionmaking.”

The state education agency is mandated to “conduct an annual statewide survey of the types of district- and campus-level decisionmaking and planning structures that exist, the extent of involvement of various stakeholders in district- and campus-level planning and decisionmaking, and the perceptions of those persons of the quality and effectiveness of decisions related to their impact on student performance.”

Legal citations: TEX. EDUC. CODE ANN. § 8.051, 11.251, 11.253, 11.254, 21.451

Utah

SBM mandated, recommended, or voluntary: Mandatory

Statewide or pilot: Statewide

Responsibilities/level of authority: Every district and school is required to “provide for teacher and parent involvement in policymaking at the school site [and] establish strategic planning at both the district and school level and site-based decisionmaking programs at the school level.” Every district and school must report annually “to its patrons” on these activities.

Every school must establish a school community council to:

- “Annually evaluate the school’s U-PASS test results and use the evaluations in developing a school improvement plan.” The school improvement plan must “(a) identify the school’s most critical academic needs; (b) recommend a course of action to meet the identified needs; (c) list any programs, practices, materials, or equipment that the school will need to implement its action plan to have a direct impact on the instruction of students and result in measurable increased student performance; and (d) describe how the school intends to enhance or improve academic achievement, including how financial resources available to the school, such as School LAND [Learning and Nurturing Development] Trust Program monies received under Section **53A-16-101.5** and state and federal grants, will be used to enhance or improve academic achievement. The principal must give the school community council access to the school budget and other information necessary to create the school improvement plan. The school improvement plan is “subject to the approval of the local school board.” Every school must implement its school improvement plan and “provide ongoing support for the council’s plan.”
- “Develop the School LAND Trust Program in accordance with Section **53A-16-101.5**
- Assist in the development and implementation of a staff professional development plan as provided by Section **53A-3-701**
- Develop a child access routing plan in accordance with Section **53A-3-402** [only for elementary, middle and junior high schools]
- Advise and make recommendations to school and school district administrators and the local school board regarding the school and its programs, school district programs, and other issues relating to the community environment for students.”
- Review school plans to meet school nurse/health needs and minimize health risks of students prior to implementation (principal may alternately review plans)
- Elementary schools to develop a reading achievement plan (may also be done by a subcommittee or task force created by the school community council). This plan must be implemented by the principal, teachers and other appropriate school personnel. Statute specifies the required content of each reading achievement plan, which must be approved by the local board and undergo annual board review.

“A school community council may create subcommittees or task forces to: (i) advise or make recommendations to the council; or (ii) develop all or part” of a school improvement plan, staff professional development plan, or child access routing plan. “Any plan or part of a plan developed by a subcommittee or task force [must be approved by] the school community council.” In addition, “a school community council may appoint individuals who are not council members to serve on a subcommittee or task force, including parents, school employees, or other community members.”

“In recognition of exceptional quality teaching, Quality Teaching Block Grant monies may be used for the award of individual Quality Teaching Bonuses for Exemplary Teachers to recognize and reward excellence in classrooms as determined by school principals in partnership with their school community councils.”

A school council may recommend and thereby cause nonparticipation in the School Breakfast Program.

Composition of council, if mandated: High schools: Six parent members and five staff members, including the principal. The school community council for any school that is not a high school must have four parent members and three staff members, including the principal. A school community council may have more members as long as there are more parent members than staff members. A council may likewise have a smaller membership if there are more parent members than staff members and at least two staff members. On all school community councils, the principal is an ex officio member with full voting rights. Parents and employee members (except the principal) are elected by their peers.

Training/technical support addressed in legislation: The state board is required to “disseminate successful site-based decisionmaking models to districts and schools and provide teacher professional development opportunities and evaluation programs for site-based plans.”

Notes: Statute sets forth that the legislature must “assist in maintaining a public education system that has the following characteristics: ... emphasizes the involvement of educators, parents, business partnerships, and the community at large in the educational process by allowing them to be involved in establishing and implementing educational goals and participating in decisionmaking at the school site.”

Every local board must create a teacher evaluation program “in consultation with its educators through appointment of a joint committee.” The joint committee must consist of an equal number of board-appointed teachers, parents and administrators. Nominees for parent participants must be submitted by school community councils in the district.

Legal citations: UTAH CODE ANN. § 53A-1A-104, 53A-1a-106, 53A-1a-107, 53A-1a-108, 53A-1a-108.5, 53A-3-402, 53A-3-701, 53A-10-103, 53A-11-204, 53A-1-606.5, 53A-16-101.5, 53A-17a-124, 53A-19-301

Virgin Islands

SBM mandated, recommended, or voluntary: Not specified in legislation.

Territorywide or pilot: Territorywide

Responsibilities/level of authority: The only statutory reference to school-based management is in the section establishing the Virgin Islands Education Initiative Fund, from which dollars are allotted directly to schools according to a procedure set out in statute. The building principal is “the sole authority empowered to expend monies allocated to the school from the Education Initiative Fund,” but must consult with the building’s school-based management team “prior to making any expenditure over \$500” except in cases of emergency. Such emergency expenditures must be reported to the team at its next meeting. Consultation and emergency expenditure provisions do “not apply to any school whose school based management team has not in 30 days prior to the time of expenditure.”

Composition of council, if mandated: Not specified in legislation.

Training/technical support addressed in legislation: No

Legal citations: 33 V.I. CODE ANN. § 3093

Washington

Washington’s site-based management legislation was repealed in 1995. The state, however, maintains the Center for the Improvement of Student Learning, mandated to disseminate “best practices research and advice that can be used to help schools develop and implement: ... school-based shared decisionmaking models [and] programs to promote lifelong learning and community involvement in education.” The center also is required to “[I]dentify obstacles to greater parent and community involvement in school shared decisionmaking processes and recommend strategies for helping parents and community members to participate effectively in school shared decisionmaking processes, including understanding and respecting the roles of school building administrators and staff.”

WASH. REV. CODE ANN. § 28A.300.130

West Virginia

SBM mandated, recommended, or voluntary: Mandatory (for local school improvement councils, faculty senates and school curriculum teams)

Statewide or pilot: Statewide (for local school improvement councils, faculty senates and school curriculum teams)

Responsibilities/level of authority: There are three entities that perform site-based management functions and that must be established at each school: local school improvement councils, school curriculum teams, and faculty senates. “In any matters that fall under the purview of both the local school improvement council and the school curriculum team, the school curriculum team must have jurisdiction.”

Local school improvement councils may:

- Allocate funds from school of excellence awards
- Allocate funds from competitive grants awarded per § 18-2-29
- Adopt policies and programs to:
 - Encourage parental involvement
 - Encourage businesses to provide time for their employees who are parent(s), guardian(s) or custodian(s) to meet with teachers concerning their child's education
 - Encourage advice and suggestions from the business community
 - Encourage school volunteer programs and mentorship programs
 - Foster utilization of the school facilities and grounds for public community activities.
- "Propose alternatives to the operation of the public school which alternatives will meet or exceed the high quality standards established by the state board and will increase administrative efficiency, enhance the delivery of instructional programs, promote community involvement in the local school system or improve the educational performance of the school generally. The proposal of the council shall set forth the objective or objectives to be accomplished under the proposal, how the accomplishment of such objective or objectives will meet or exceed the standards established by the state board, the indicators upon which the meeting of such standards should be judged and a projection of any funds to be saved by the proposal and how such funds will be reallocated within the school. The alternatives proposed by the council may include matters which require the waiver of policies or rules promulgated by the state or county board and state superintendent interpretations" although waiver proposals must be submitted to the appropriate board for approval. A council may remit a waiver submission which the local board has not responded to in 60 days or has denied to the state board for an advisory opinion.
- Petition the legislative oversight commission on education accountability for a waiver to statute or legislative rule. The oversight commission in turn must "determine whether a recommendation should be made to the Legislature to waive such statute or rule."
- Allow "off-site classrooms to be developed in conjunction with local businesses if those sites have met the requirements established by the local board and if sites are located off campus."

"Councils may adopt their own guidelines.... In addition, the councils may adopt all or any part of the guidelines proposed by other local school improvement councils ... which are not inconsistent with the laws of this state, the policies of West Virginia board of education or the policies of the county board of education."

Councils must meet at least once every nine weeks and at least annually with the local board, at which time the local school improvement council chair or the chair's designee must "be prepared to address any matters as may be requested by the county board as specified in the meeting agenda provided to the council and may further provide any other information, comments or suggestions the local school improvement council wishes to bring to the county board's attention."

Prior to a local board's final decision to close or consolidate a school, the board must give a written copy of "its reasons and supporting data regarding the school closing or consolidation" to the chair, if any, of the local school improvement council for the school "to be closed or consolidated, and any school" to which the students will be consequently sent.

Faculty senates: Must convene at the beginning of the school year to "discuss matters relevant to the beginning of the school year." The state or county board may grant additional powers to faculty senates, but the following powers and duties "are specifically reserved for the faculty senate":

A faculty senate must:

- Control funds allocated to the foundation established in § 18-9A-9 "for other current expense and substitute employees." From this fund, each classroom teacher and librarian must be allotted \$50 each school year for classroom "materials, supplies or equipment," and the remainder must be spent on "academic materials, supplies or equipment in accordance with a budget approved by the faculty senate." Funds not spent in one school year may be carried over to the next. Districts may not reduce the amount of funds allocated throughout the year based on faculty allocations for such materials, supplies and equipment in the same year.
- "Elect three faculty representatives to the local school improvement council"
- Design "a strategic plan to manage the integration of special needs students into the regular classroom at their respective schools and submit the strategic plan to the superintendent of the county board of education periodically" per department guidelines. Faculty senates must "encourage the participation of local school improvement councils, parents and the community at large in developing the strategic plan for each school." Every strategic plan must, at a minimum, include: "(A) mission statement; (B) goals; (C) needs; (D) objectives and activities to implement plans relating to each goal; (E) work in progress to implement the strategic plan; (F) guidelines for placing additional staff into integrated classrooms to meet the needs of

exceptional needs students without diminishing the services rendered to the other students in integrated classrooms; (G) guidelines for implementation of collaborative planning and instruction; and (H) training for all regular classroom teachers who serve students with exceptional needs in integrated classrooms.”

- Be provided “an opportunity to make recommendations on the selection of faculty to serve as mentors for beginning teachers under beginning teacher internship programs at the school.”

A faculty senate may:

- Put together “a process [chaired by the school principal] for faculty members to interview new prospective professional educators and paraprofessional employees at the school and submit recommendations regarding employment to the principal, who may also make independent recommendations, for submission to the county superintendent.”
- Nominate “teachers for recognition as outstanding teachers under state and local teacher recognition programs and other personnel at the school, including parents, for recognition under other appropriate recognition programs and may establish such programs for operation at the school.”
- Provide “recommendations to the principal regarding the assignment scheduling of secretaries, clerks, aides and paraprofessionals at the school.”
- “Submit recommendations to the principal regarding establishment of the master curriculum schedule for the next ensuing school year.”
- “Establish a process for the review and comment on sabbatical leave requests submitted by employees at the school.”
- “Nominate a member for election to the county staff development council.”
- “Solicit, accept and expend any grants, gifts, bequests, donations and any other funds made available to the faculty senate: *Provided*, [t]hat the faculty senate [must] select a member who has the duty of maintaining a record of all funds received and expended by the faculty senate, which record [must] be kept in the school office and is subject to normal auditing procedures.”
- “Review the evaluation procedure as conducted in their school” to determine whether they were performed in agreement with the written system set forth in § 18A-2-12. If a majority of the faculty senate finds that the evaluations were not conducted in a manner in keeping with statute, the senate must submit a written report to the state board. However, this does not create “any new right of access to or review of any individual’s evaluations.”

A school curriculum team must: Determine “the programs and methods for implementing a curriculum based on state-approved instructional goals and objectives based on the needs of the individual school with a focus on reading, composition, mathematics, science and technology.” This curriculum must “be submitted to the county board for approval or for return to the school for reconsideration.”

A school curriculum team may:

- Petition “through the school’s local school improvement council for a waiver from the textbook adoption process” if the team deems “materials necessary for the implementation of such curriculum are not available through the normal adoption process.”
- “Apply for a grant from the state board for the development or implementation, or both, of remedial and accelerated programs to meet the needs of the students at the individual school.”

Composition of council, if mandated: Local school improvement council: Principal, three teachers (elected by faculty senate), two school service staff, three parents of children at the school (elected by the parent teacher organization or their peers), and two principal-appointed at-large members, “one of whom resides in the school’s attendance area and one of whom represents business or industry, neither of whom is eligible for membership under any of the other elected classes of members.” No more than one of the parent members may be an employee of that school. The council for a school serving students in grade seven or higher must include “the student body president or other student in grade seven or higher elected by the student body in those grades.” If a building is a vocational-technical school, the vocational director also must serve on the council. If a vocational-technical school has “no vocational director, then the principal may appoint no more than two additional representatives, one of whom represents business and one of whom represents industry.”

Faculty senate: All “permanent, full-time professional educators” at the school (“professional educators” defined in § 18A-1-1 includes classroom teachers, principals, supervisors and central office administrators).

School curriculum team: The principal, the school counselor, and at least three teachers “representative of the grades taught at the school and chosen by the faculty senate.” In an elementary or elementary/middle school, however, in which “the counselor is not assigned to the school on at least a one-half-time basis, the curriculum team may meet on days when the counselor is not at the school and the principal shall consult with the counselor on the issues relevant to the meeting agenda.”

Training/technical support addressed in legislation: Local school improvement councils:

The state board must assist local school improvement councils upon request. The state board may “solicit proposals from other parties or entities to provide orientation training for local school improvement council members and may enter into contracts or agreements for that purpose. Any training for members shall meet the guidelines established by the state board.”

Faculty senates: No

School curriculum teams: No

Notes: School accountability report cards must list the names of the building’s school improvement council members.

Local school improvement councils, faculty senates, student assistance teams and curriculum teams are not subject to review by the office of education performance audits.

Local boards are required to appoint a county steering committee to develop and implement a system in the district that meets the purposes of § 18-2E-8, namely quality K-12 education and postsecondary/workforce preparation. Local school improvement councils and faculty senates are to be included on such county steering committees.

Local boards must adopt and annually review policies promoting “school board effectiveness” that are to address specific objectives, including “Establishing direct links between the county board and its local school improvement councils and between the county board and its faculty senates for the purpose of enabling the county board to receive information, comments and suggestions directly from the councils and faculty senates regarding the broad guidelines for oversight procedures, standards of accountability and planning for future needs as required by this section. To further development of these linkages, each county board [must]: Meet at least annually with a quorum of members from each local school improvement council in the district.... Nothing in this section prohibits a county board from meeting with representatives of a local school improvement council, but at least one annual meeting shall be held, as specified in this section. At any time and with reasonable advance notice, county boards may schedule additional meetings with the council for any low performing school in the district....” Local boards also are mandated to “Make written requests for information from the local school improvement council throughout the year or hold community forums to receive input from the affected community as the county board considers necessary; and report details to the state board concerning the meeting or meetings held with councils.... In order to facilitate development of this report, a county board may consult with and request assistance from members of the councils.”

§ 18-5A-1 establishes legislative intent for local school involvement policies.

The state board is required to define in rule “the minimum qualities, proficiencies and skills that will be required of principals....” The rules must address “the development and use of skills necessary to make a positive use of faculty senates, ... [and] school community leadership qualities, including, but not limited to, the ability to organize and leverage community initiative, communicate effectively, work effectively with local school improvement councils, manage change, resolve conflict and reflect the highest personal values.”

A superintendent may determine a student be expelled for less than 12 consecutive months based on the circumstances of the student’s case. Upon reducing a student’s term of expulsion, the superintendent must “prepare a written statement setting forth the circumstances of the pupil’s case which warrant the reduction of the period of expulsion” and submit this statement to the local board, “the principal, the faculty senate and the local school improvement council for the school from which the pupil was expelled.”

Every local board must approve a policy granting professional educators serving on school curriculum teams professional time “if required for performance of their duties during the instructional day or extra duty compensation if required at other times and for reimbursement for necessary expenses actually incurred in attending meetings of the bodies upon which they serve upon.”

Legal citations: W. VA. CODE ANN. § 18-2E-4, 18-2E-5, 18-2E-8, 18-5-13a, 18-5-14, 18-5A-1, 18-5A-2, 18-5A-3, 18-5A-5, 18-5A-6; 18A-3-2c, 18A-5-1a, 18A-5-4

By Jennifer Dounay, policy analyst, ECS Information Clearinghouse, 303.299.3689, jdounay@ecs.org.

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Helping State Leaders Shape Education Policy



What Is a Public School? Examples of Definitions

By Kyle Zinth
September 2005

The following definitions originate in either state constitutions or in statutes. Additions are welcome.

	Citation	Definition
Arizona	ARIZ. REV. STAT. ANN. § 15-101	"School" means any public institution established for the purposes of offering instruction to pupils in programs for preschool children with disabilities, kindergarten programs or any combination of grades one through twelve."
Colorado	COLO. REV. STAT. ANN. § 22-1-101	"A public school is a school that derives its support, in whole or in part, from moneys raised by a general state, county, or district tax."
Florida	FLA. STAT. ANN. § 1003.01	"School" means an organization of students for instructional purposes on an elementary, middle or junior high school, secondary or high school, or other public school level authorized under rules of the State Board of Education."
Guam	GUAM CODE ANN. § 1105	"School" means any public schools except the University of Guam unless otherwise specifically provided."
Hawaii	HAW. REV. STAT. § 302A-101	"Public schools" means all academic and noncollege type schools either established and maintained by the department, or issued a charter by the board of education, in accordance with law. All other academic and noncollege type schools are 'private schools', irrespective of the hours during which the sessions take place."
Illinois	ILL. REV. STAT. CH. 105, § 5/1-3	"The terms 'common schools', 'free schools' and 'public schools' are used interchangeably to apply to any school operated by authority of [the school code]."
Indiana	IND. CODE ANN. § 20-18-2-15	"Public school" means a school maintained by a school corporation."
Iowa	IOWA CODE ANN. § 280.2	"The term 'public school' means any school directly supported in whole or in part by taxation. The term 'nonpublic school' means any other school which is accredited or which uses licensed practitioners as instructors."
Kentucky	KY. REV. STAT. ANN. § 158.030	"Common school" means an elementary or secondary school of the state supported in whole or in part by public taxation."
Maine	ME. REV. STAT. ANN. TIT. 20A, § 1	"Public school" means a school that is governed by a school board of a school administrative unit and funded primarily with public funds."
Maryland	MD. CODE ANN. EDUC. § 1-101	"Public schools" means the schools in the public elementary and secondary education system of this State."
Michigan	MICH. COMP. LAWS ANN. § 380.5	"Public school" means a public elementary or secondary educational entity or agency that is established under [the revised school code], has as its primary mission the teaching and learning of academic and vocational-technical skills and knowledge, and is operated by a school district, local act school district, special act school district, intermediate school district, public school academy corporation, strict discipline academy corporation, urban high school academy corporation, or by the department or state board. Public school also includes a laboratory school or other elementary or secondary school that is controlled

	Citation	Definition
		and operated by a state public university described in section 4, 5, or 6 of article VII of the state constitution [.]"
Minnesota	MINN. STAT. § 120A.05	"'Elementary school' means any school with building, equipment, courses of study, class schedules, enrollment of pupils ordinarily in prekindergarten through grade 6 or any portion thereof, and staff meeting the standards established by the commissioner." "Middle school' means any school other than a secondary school giving an approved course of study in a minimum of two consecutive grades above 4th but below 10th with building, equipment, courses of study, class schedules, enrollment, and staff meeting the standards established by the commissioner of education." "'Secondary school' means any school with building, equipment, courses of study, class schedules, enrollment of pupils ordinarily in grades 7 through 12 or any portion thereof, and staff meeting the standards established by the commissioner of education."
Missouri	MO. ANN. STAT. § 160.11	"'Public school' includes all elementary and high schools operated at public expense[.]"
Montana	MONT. CODE ANN. § 20-6-501	"As used in this title, unless the context clearly indicates otherwise, the term 'school' means an institution for the teaching of children that is established and maintained under the laws of the state of Montana at public expense."
Nebraska	NEB. REV. STAT. § 79-101	"School means a school under the jurisdiction of a school board authorized by [the school code]."
Nevada	NEV. REV. STAT. ANN. § 385.007	"'Public schools' means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board."
New Jersey	N.J. REV. STAT. § 18A:1-1	"'Public school' means a school, under college grade, which derives its support entirely or in part from public funds[.]"
New Mexico	N.M. STAT. ANN. § 22-1-2	"'[P]ublic school' means that part of a school district that is a single attendance center in which instruction is offered by one or more teachers and is discernible as a building or group of buildings generally recognized as either an elementary, middle, junior high or high school or any combination of those and includes a charter school[.]" "'[S]chool' means a supervised program of instruction designed to educate a student in a particular place, manner and subject area[.]"
New York	N.Y. CONST. ART. XI, § 1	"The legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated." From decisions: "The common schools referred to were public schools, maintained as a part of the state system of public education by state or by local tax. Op. Education Dept., 1916, 10 St. Dept. Rep. 449."
North Carolina	N.C. GEN. STAT. § 115C-1 N.C. GEN. STAT. § 115C-74	"A general and uniform system of free public schools shall be provided throughout the State, wherein equal opportunities shall be provided for all students, in accordance with the provisions of Article IX of the Constitution of North Carolina." "The school system of each local school administrative unit shall consist of 12 years of study or grades, and shall be graded on the basis of a school year of not less than nine months. Schools within the system may be organized in the discretion of the local board of education."
Oklahoma	OKLA. STAT. TIT. 70, § 1-106	"The public schools of Oklahoma shall consist of all free schools supported by public taxation and shall include nurseries, kindergartens, elementary, which

	Citation	Definition
		may include either K-6 or K-8, secondary schools and technology center schools, not to exceed two (2) years of junior college work, night schools, adult and other special classes, vocational and technical instruction and such other school classes and instruction as may be supported by public taxation or otherwise authorized by laws which are now in effect or which may hereafter be enacted."
South Carolina	S.C. CODE ANN. § 59-1-120	"'Public school' means a school operated by publicly elected or appointed school officials in which the program and activities are under the control of these officials and which is supported by public funds."
Vermont	VT. STAT. ANN. TIT. 16, § 11	"'Public school' means an elementary school or secondary school for which the governing board is publicly elected."
Washington	WASH. REV. CODE ANN. § 28A.150.010	"Public schools shall mean the common schools as referred to in Article IX of the state Constitution and those schools and institutions of learning having a curriculum below the college or university level as now or may be established by law and maintained at public expense."
	WASH. REV. CODE ANN. § 28A.150.020	"'Common schools' means schools maintained at public expense in each school district and carrying on a program from kindergarten through the twelfth grade or any part thereof including vocational educational courses otherwise permitted by law."
Wisconsin	WIS. STAT. ANN. § 115.01	"Public schools are the elementary and high schools supported by public taxation."

Kyle Zinth, researcher in the ECS Information Clearinghouse, compiled this report. Email: kzinth@ecs.org

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Helping State Leaders Shape Education Policy



Statewide Uniform Grading Scales

By Molly Burke

October 2005

Grading practices have traditionally been addressed at the local level, but with growing concern about grade inflation and/or the use of grades for high-stakes purposes such as merit scholarships, some states now address grading scales in state policy. Typically, grades have been one component examined by college admissions officers – usually in combination with class rank (where grades are a major factor), college entrance test scores, coursetaking and extracurricular activities. Grades, however, also can be an important factor – and in some cases the only factor – in determining eligibility for state merit scholarships. According to an ECS analysis of state merit scholarships, of the 17 states that offer such scholarships, 12 use class rank (usually determined primarily by grade point average – GPA) or a combination GPA and college entrance exam (SAT or ACT) scores.

Benefits of Having Statewide Uniform Grading Scales

- Comparability of student achievement across districts.
- For state with merit scholarships, more uniformity between high schools.
- Students who move between districts know what to expect from numeric grades.

What Policymakers Should Keep in Mind

- Weighting of classes (students taking more or advanced classes are rewarded) can still be used in uniform scales.
- In some subjects, such as art and music, it is hard to use numeric averages.
- This can only go so far – uniform grading scales do not address how teachers come up with numerical averages (i.e., rewarding effort, rounding up, allowing makeup assignments and extra credit).
- Uniform scales do not address the issue of grade inflation across classrooms.

Summary Information

Currently four states (Arkansas, Florida, South Carolina and West Virginia) have adopted a statewide grading scale. In Arkansas and Florida, the scale is only mandatory for secondary schools. Tennessee has convened a task force to develop a statewide grading scale. The Tennessee state board has made a recommendation for a uniform grading scale for purpose of determining eligibility for the lottery scholarships. Arkansas, Florida, South Carolina, Tennessee and West Virginia all have minimum grade point average requirements attached to their state merit scholarships.

State	Statute	Grading Scale Details																		
Arkansas	ARK. CODE ANN. § 6-15-902	<p>The following scale is the Uniform Grading Scale and numeric values for secondary schools, and the optional Uniform Grading Scale for elementary schools. Grades earned in college courses are assigned the following numeric values when such courses are used to compute student grade point average:</p> <table> <thead> <tr> <th>Average</th> <th>Grade</th> <th>Quality Points</th> </tr> </thead> <tbody> <tr> <td>90 – 100</td> <td>A</td> <td>4.0</td> </tr> <tr> <td>80 – 89</td> <td>B</td> <td>3.0</td> </tr> <tr> <td>70 – 79</td> <td>C</td> <td>2.0</td> </tr> <tr> <td>60 – 69</td> <td>D</td> <td>1.0</td> </tr> <tr> <td>0 – 59</td> <td>F</td> <td>0</td> </tr> </tbody> </table>	Average	Grade	Quality Points	90 – 100	A	4.0	80 – 89	B	3.0	70 – 79	C	2.0	60 – 69	D	1.0	0 – 59	F	0
Average	Grade	Quality Points																		
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Florida	FLA. STAT. ch. 1003.437	<p>The grading system and interpretation of letter grades used in public high schools is as follows:</p> <table> <thead> <tr> <th>Average</th> <th>Grade</th> <th>Quality Points</th> </tr> </thead> <tbody> <tr> <td>90 – 100</td> <td>A</td> <td>4.0</td> </tr> <tr> <td>80 – 89</td> <td>B</td> <td>3.0</td> </tr> <tr> <td>70 – 79</td> <td>C</td> <td>2.0</td> </tr> <tr> <td>60 – 69</td> <td>D</td> <td>1.0</td> </tr> <tr> <td>0 – 59</td> <td>F</td> <td>0</td> </tr> </tbody> </table> <p>Grade "I" is defined as "incomplete" and has a grade point average value of zero.</p> <p>For the purposes of class ranking, district school boards may exercise a weighted grading system.</p>	Average	Grade	Quality Points	90 – 100	A	4.0	80 – 89	B	3.0	70 – 79	C	2.0	60 – 69	D	1.0	0 – 59	F	0
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South Carolina	S.C. CODE ANN. § 59-5-68	<table> <thead> <tr> <th>Average</th> <th>Grade</th> </tr> </thead> <tbody> <tr> <td>93 – 100</td> <td>A</td> </tr> <tr> <td>85 – 92</td> <td>B</td> </tr> <tr> <td>77 – 84</td> <td>C</td> </tr> <tr> <td>70 – 76</td> <td>D</td> </tr> <tr> <td>63 – 69</td> <td>F (Partial Grade Point Ratio [GPR] Point Credit)</td> </tr> <tr> <td>0 – 62</td> <td>F (No GPR Point Credit)</td> </tr> </tbody> </table>	Average	Grade	93 – 100	A	85 – 92	B	77 – 84	C	70 – 76	D	63 – 69	F (Partial Grade Point Ratio [GPR] Point Credit)	0 – 62	F (No GPR Point Credit)				
Average	Grade																			
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70 – 76	D																			
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0 – 62	F (No GPR Point Credit)																			
West Virginia	West Virginia Department of Education Policy 2515	<p>The grading scale for non-weighted grades:</p> <table> <thead> <tr> <th>Average</th> <th>Grade</th> <th>Quality Points</th> </tr> </thead> <tbody> <tr> <td>93 – 100</td> <td>A</td> <td>4.0</td> </tr> <tr> <td>85 – 92</td> <td>B</td> <td>3.0</td> </tr> <tr> <td>75 – 84</td> <td>C</td> <td>2.0</td> </tr> <tr> <td>65 – 74</td> <td>D</td> <td>1.0</td> </tr> <tr> <td>0 – 64</td> <td>F</td> <td>0</td> </tr> </tbody> </table>	Average	Grade	Quality Points	93 – 100	A	4.0	85 – 92	B	3.0	75 – 84	C	2.0	65 – 74	D	1.0	0 – 64	F	0
Average	Grade	Quality Points																		
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75 – 84	C	2.0																		
65 – 74	D	1.0																		
0 – 64	F	0																		

State	Statute	Grading Scale Details																		
Tennessee	<i>Not in statute</i> State Board of Education recommendation	<p>The Tennessee State Board of Education Uniform Grading Policy recommends the following:</p> <p>For the purposes of determining eligibility for the lottery scholarships, Tennessee's Uniform Grading System should consist of the following, effective July 1, 2006:</p> <table> <thead> <tr> <th>Average</th> <th>Grade</th> <th>Quality Points</th> </tr> </thead> <tbody> <tr> <td>93 – 100</td> <td>A</td> <td>4.0</td> </tr> <tr> <td>85 – 92</td> <td>B</td> <td>3.0</td> </tr> <tr> <td>75 – 84</td> <td>C</td> <td>2.0</td> </tr> <tr> <td>70 – 74</td> <td>D</td> <td>1.0</td> </tr> <tr> <td>0 – 69</td> <td>F</td> <td>0</td> </tr> </tbody> </table> <p>Assigning additional quality points above 4.0 for honors courses, Advanced Placement, International Baccalaureate and National Industry Certification courses is not allowed for the purpose of determining eligibility for the lottery scholarships.</p>	Average	Grade	Quality Points	93 – 100	A	4.0	85 – 92	B	3.0	75 – 84	C	2.0	70 – 74	D	1.0	0 – 69	F	0
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0 – 69	F	0																		

For more information on state merit scholarships, see the following publications:

Carl Krueger, [Merit Scholarships](#), Education Commission of the States, May 2005.

Molly Burke, [Lottery Information by State](#), Education Commission of the States, updated September 2005.

Molly Burke is a researcher in the Information Clearinghouse for the Education Commission of the States.

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Teaching Quality/ Recruitment and Retention

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State Financial Incentive Policies for Recruiting and Retaining Effective New Teachers in Hard-to-Staff Schools

By Jeremiah Johnson

May 2005

Teacher Shortages

Education policy researchers have been predicting a major teacher shortage for the past two decades. Based on information from the most recent national Schools and Staffing Survey (SASS), the U.S. Department of Education estimates that an additional 2.2 million teachers will be needed over the next decade, exceeding the annual production rate of new teachers. More specifically, “hard-to-staff” schools in high-poverty urban and rural districts will require more than 700,000 new teachers in the next 10 years. Many states also have identified specific subject-area shortages that exist across their schools in topics such as math and science.

There are many explanations for these teacher shortages. Researchers claim that they stem from a combination of increased student enrollments, elevated teacher turnover rates and the “graying” of the current teaching workforce. Others, such as Richard Ingersoll of the University of Pennsylvania, contend the problem does not come from an insufficient supply of potential teachers but rather from the fact that poor working conditions are discouraging many potential teachers from choosing the profession or leading to a higher rate of migration among existing teachers.

The danger of shortages – whether in a subject or hard-to-staff school – is far-reaching. Subject shortages lead to increased rates of “out-of-field” teaching or instruction provided by teachers who are unqualified to teach in a subject area, the eradication of which has been a major goal of No Child Left Behind’s teaching quality reforms. In addition, hard-to-staff schools tend to employ greater numbers of teachers with emergency or temporary teaching certificates: another indicator of diminishing teacher quality.

Financial Incentives

Clearly, one tactic to address this problem is to attract more teachers to a high-need area through financial incentive policies. From state-based policies collected the first half of 2004, ECS’ research indicates that that:

- **Thirty-one (31)** states, plus Guam, have financial incentives to address subject-area shortages.
- Only **seventeen (17)** states offer incentives for hard-to staff-schools.
- **Fourteen (14)** states have policies to address both kinds of shortages.

Financial incentives come in many forms. The most common types of benefits involve giving college *scholarships* or deferring payment of college *loans* in exchange for teaching in a shortage area. Another common approach is to offer teachers *housing benefits* including compensation for moving expenses and special loans. Other policies include *salary increases*, offering *free or discounted training programs* and providing *yearly bonuses*.

State Financial Incentives for Teachers: At-a-Glance

Table terms:

Policy: State has a specific policy to recruit teachers to school or subject area.

L/S: Loan forgiveness or scholarship.

Housing: Housing assistance, usually mortgage.

Territory	Hard-to-Staff Schools				Critical Shortage Subject Areas			
	Policy	L/S	Housing	Other	Policy	L/S	Housing	Other
Alabama					X			X
Alaska	X		X		X			X
Arizona								
Arkansas	X	X	X	X				
California	X	X			X	X		
Colorado					X	X		
Connecticut	X		X		X		X	
Delaware					X	X		
District of Columbia								
Florida	X			X	X			X
Georgia					X	X		
Hawaii	X			X				
Idaho								
Illinois								
Indiana								
Iowa					X	X		
Kansas								
Kentucky	X	X		X	X	X		X
Louisiana					X	X		
Maine	X	X			X	X		
Maryland					X	X		
Massachusetts	X	X		X	X	X		X
Michigan					X	X		
Minnesota								
Mississippi	X	X	X	X	X	X		
Missouri	X			X	X			X
Montana								
Nebraska					X	X		
Nevada								
New Hampshire					X			X
New Jersey								
New Mexico					X	X		
New York	X	X		X	X	X		
North Carolina								
North Dakota					X	X		
Ohio					X	X		
Oklahoma					X	X		X
Oregon	X	X			X	X		
Pennsylvania	X	X			X	X		
Rhode Island	X	X			X	X		
South Carolina								
South Dakota								
Tennessee					X	X		
Texas	X	X			X	X		
Utah								
Vermont								
Virginia	X	X						
Washington					X	X		
West Virginia					X	X		
Wisconsin								
Wyoming								
TOTAL	17	12	4	8	31	25	1	8

Territory	Hard to Staff Schools				Critical Shortage Subject Areas			
	Policy?	L/S	Housing	Other	Policy?	L/S	Housing	Other
American Samoa								
Guam					X	X		
Puerto Rico								
Virgin Islands								

Statutory References

Alaska: AS 14.08.101, AS 14.08.111 (10), AS 14.08.101, AS 14.20.025, 4 AAC 12.044, AS 14.40.117, The Alaska Native Language Center, 4 AAC 12.043, 4 AAC 34.075

Alabama: Code of Ala. §16-6A-2, Code of Ala. §16-6A-10

Arkansas: A.C.A. § 6-81-131, 6-82-1501, 6-11-118, 6-17-307, 6-17-308, 6-81-1301; Arkansas Department of Rural Services

California: California Code §44395-44398, California Department of Education

Colorado: C.R.S.A. §23-3.9-101, C.R.S.A. §23-3.9-102, C.R.S.A. §23-3.9-103

Connecticut: C.G.S.A. § 8-265pp, Connecticut State Department of Education

Delaware: 14 Del.C. §1104-14 Del.C. §1108, 14 Del.C., Ch. 11, Recruiting and Training of Professional Educators for Critical Curricular Areas

Florida: F.S.A. §1001.03, F.S.A. §1012.07, F.S.A. §1012.01(2)(a), F.S.A. §1001.42, F.S.A. §1001.42

Georgia: Ga. Code Ann. § 20-3-519.(7-9), Georgia Student Finance Commission (GSFC)

Hawaii: Hawaii Recruitment and Retention Support Center

Iowa: Iowa State Department of Education, I.C.A. § 261.111

Kentucky: KRS § 157.075, KRS § 164.757, KRS § 164.769, 11 KAR 7:010

Louisiana: LSA-R.S. 17:427.2

Maine: CMR 94-457, § 12502-12507

Maryland: Md. Education Code Ann §18-703, COMAR 13A.07.07.01, Maryland State Department of Education, Maryland Teacher Staffing Report 2003-2005

Massachusetts: Massachusetts Department of Education

Michigan: M.C.L.A. §388.1051

Mississippi: Miss. Code Ann. §37-159-1, §37-159-3, §37-159-5, §37-159-7, §37-159-9, §37-159-11, §37-159-15, §37-159-17

Missouri, Missouri Department of Elementary and Secondary Education, Transition to Teaching Project, Missouri Department of Elementary and Secondary Education, Transition to Teaching Project

Nebraska: Neb.Rev.St. § 79-8,135

New Hampshire: NH Department of Education: Alternative 4, NH Department of Education: Becoming a NH Educator

New Mexico: New Mexico Commission on Higher Education, New Mexico Statutes Annotated 21-22E-6

New York, New York Consolidated Laws: Ch. 16, Tit. V, Art. 73, Part 1

North Dakota: ND Century Code 15-10-38

Ohio: Ohio Department of Education

Oklahoma: 70 Okl.St.Ann. § 698, § 698.1, § 698.3 (Amendment pending); OAC 610:25-9-1

Oregon: O.R.S. § 329.765

Pennsylvania: 24 P.S. § 5194- 5198.3, 22 Pa. Code § 121.157, 22 Pa. Code § 121.152

Rhode Island: 96 220 CRIR 003, 96 220 CRIR 003

Tennessee: T.C.A. §49-4-212, Tenn. Comp. R. & Regs. 1640-1-15-.01-1640-1-15-.04.

Texas: TEC §§21.601-21.611, TEC §61.702, 19 T.A.C §§21.2020 - 21.2026, T.A.C. §§ 21.221 - 21.241, T.A.C. §§21.301 - 21.325, 19 T.A.C §§ 21.431 - 21.448, TEC §§56.351-56.356

Virginia: Va. Code Ann. § 22.1-290.01

Washington: RCW 28B-102

West Virginia: W. VA. Code §18C-4-2, W. VA. Code §18C-4-5, West Virginia Higher Education Policy Commission, Underwood-Smith Teacher Scholarship Program, W. Va. Code §18A-3-3a

Guam: 17 G.C.A. §§18101, 18102, 18103, 18106, 18201, 18202, 18202.1, 18202.2, 18202.3, 18203, 18204, 18205, 17 G.C.A. § 5A107, 17 G.C.A. § 8104, 17 G.C.A. §5101

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Helping State Leaders Shape Education Policy



Statewide Teacher Salary Schedules

Compiled by Molly Burke

Updated July 2005

Twenty-one states have statewide salary schedules. In most cases these schedules set minimum salaries for teachers throughout the states. Local districts are allowed to pay teachers more than these minimum amounts.

Washington has a unique version of the statewide salary schedule. In this case the state possesses significant control over compensation, mostly through the collective-bargaining and budgeting processes. In addition to setting the minimum salary for teachers, the Washington State Legislature sets a maximum average salary a district must pay its teaching staff (the average salary paid by the district cannot exceed the average salary under the state salary schedule). Like other states' salary schedules, Washington's includes built-in adjustments for increasing experience and education. Districts still have the ability, though, to negotiate one-year supplemental contracts for responsibilities beyond basic education. Any other additional salary increases, however, such as cost-of-living raises must be made by legislative appropriation.

STATE	STATEWIDE SALARY SCHEDULE	CODE CITATION
Alabama	YES	ALA. CODE §16-13-231
Alaska	NO	
Arizona	NO	
Arkansas	YES	ARK. CODE ANN. § 6-17-1001
California	NO	
Colorado	NO	
Connecticut	NO	
Delaware	YES	DEL. CODE ANN. TIT.14, § 1305
Florida	NO	
Georgia	YES	GA. CODE ANN. § 20-2-212
Hawaii	YES	HAW. REV. STAT. § 302A-624
Idaho	YES	IDAHO CODE § 33-1004A
Illinois	YES	105 ILL. COMP. STAT. 5/24-8
Indiana	YES	IND. CODE ANN. § 20-6.1-5-1
Iowa	NO	
Kansas	NO	
Kentucky	YES	KY. REV. STAT. ANN. § 157.390
Louisiana	YES	LA. REV. STAT. ANN. § 17:421.3
Maine	NO	
Maryland	YES	MD. CODE ANN., EDUC. § 6-302
Massachusetts	NO	

STATE	STATEWIDE SALARY SCHEDULE	CODE CITATION
Michigan	NO	
Minnesota	NO	
Mississippi	YES	MISS. CODE ANN. § 37-19-7
Missouri	NO	
Montana	NO	
Nebraska	NO	
Nevada	NO	
New Hampshire	NO	
New Jersey	NO	
New Mexico	NO	
New York	NO	
North Carolina	YES	N.C. GEN. STAT. § 115C-12
North Dakota	NO	
Ohio	YES	OHIO REV. CODE ANN. § 3317.13
Oklahoma	YES	OKLA. STAT. ANN. § 70-18-114.4
Oregon	NO	
Pennsylvania	YES	PA. STAT. ANN. tit. 24 § 11-1142
Rhode Island	NO	
South Carolina	YES	S.C. CODE ANN. § 59-20-50
South Dakota	NO	
Tennessee	YES	TENN. CODE ANN. § 49-3-306
Texas	YES	TEX. [EDUC.] CODE ANN. § 21.402
Utah	NO	
Vermont	NO	
Virginia	NO	
Washington	YES	WASH. REV. CODE § 28A.400.200
West Virginia	YES	W. VA CODE § 18A-4-2
Wisconsin	NO	
Wyoming	NO	

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Helping State Leaders Shape Education Policy



Inflation Adjustments In State Education Funding Formulas

By Michael Griffith

March 2005

Several states place inflation, or cost of living, adjustments in their funding formulas that automatically increase state spending on education from one year to the next. In most cases this inflation adjustment is contained within legislation, however, in the case of Colorado it is actually contained within the state's constitution. Please note that this is not intended to be a comprehensive list of all states that have inflation adjustments – but just a sampling of state policies:

State	Language Establishing the Use of Inflation	Definition of Inflation
Arizona	<i>“If approved by the qualified electors voting at a statewide general election, for fiscal years 2001-2002 through 2005-2006, <u>the legislature shall increase the base level or other components of the revenue control limit by two per cent. For fiscal year 2006-2007 and each fiscal year thereafter, the legislature shall increase the base level or other components of the revenue control limit by a minimum growth rate of either two per cent or the change in the GDP price deflator, as defined in § 41-563. from the second preceding calendar year to the calendar year immediately preceding the budget year, whichever is less, except that the base level shall never be reduced below the base level established for fiscal year 2001-2002.” § 15-901.01</u> (This was approved by the voters in 2000.)</i>	For fiscal years 2002 to 2006 inflation is set at 2% (§ 15-901.01) for FY 2007 and every year after it is established in § 41-563.
Colorado	<i>In state fiscal year 2001-2002 through state fiscal year 2010- 2011, the statewide base per pupil funding, as defined by the Public School Finance Act of 1994, article 54 of title 22, Colorado Revised Statutes on the effective date of this section, for public education from preschool through the twelfth grade and the total state funding for all categorical programs shall grow annually at least by <u>the rate of inflation plus an additional one</u></i>	From the state's constitution – Article X, § 20, (2), (f): "Inflation" means the percentage change in the United States Bureau of Labor Statistics Consumer Price Index for Denver-Boulder, all items, all urban consumers, or its successor index.

	<i>percentage point. In state fiscal year 2011-2012, and each fiscal year thereafter, the statewide base per pupil funding for public education from preschool through twelfth grade and total state funding for all categorical programs shall grow annually at a rate set by the general assembly that is at least equal to the rate of inflation. Article IX, § 17 (1) of the State Constitution.</i>	
Iowa	<i>“The state percent of growth for the budget year beginning July 2005, is four percent. The state percent of growth for the budget year beginning July 1, 2006, is four percent.” Section 257.8, subsection 1, code 2005.</i>	<i>“The state percent of growth for each subsequent budget year shall be established by statute which shall be enacted within thirty days of the submission in the year preceding the base year of the governor's budget under section 8.21.” Section 257.8, subsection 1, code 2005.</i>
Massachusetts	<i>“The foundation budget shall be calculated using foundation enrollments for the respective fiscal years as estimated by the department according to the procedures outlined in section 2. <u>The monetary factors used in calculating the foundation budget for such years shall be adjusted for inflation by multiplying each such factor by the foundation inflation index.</u> The factors to be inflated shall be the monetary values for the foundation payroll, foundation nonsalary expenses, professional development allotment, expanded program allotment, extraordinary maintenance allotment and book and equipment allotment.” Part I, Title XII, Chapter 70 § 3</i>	<i>"Foundation inflation index", in fiscal year 2003, the Foundation inflation index shall equal 1.256286153. In fiscal year 2004 and in each fiscal year thereafter, the Foundation inflation index shall equal the prior year's Foundation inflation index multiplied by the minimum of (a) the ratio of the value of the implicit price deflator for state and local government purchases in the first quarter of the prior fiscal year to its value in the first quarter of the year 2 years prior" 1.045. Part I, Title XII, Chapter 70 § 2</i>
Ohio	<i>The general assembly, having analyzed school district expenditure and cost data for fiscal year 1999, performed the calculation described in division (B) of this section, <u>adjusted the results for inflation</u>, and added the amounts described in division (A)(2) of this section, hereby determines that the base cost of an adequate education per pupil for the fiscal year beginning July 1, 2001, is \$4,814. The base cost per pupil, <u>reflecting an annual rate of inflation of two and eight-tenths per cent</u>, is \$4,949 for fiscal year 2003.</i>	<i>The inflation rate for 1999 is established in state statute: Title XXXIII - § 3317.012, (B) (3). It appears that all subsequent inflation rates are established in the bi-annual state appropriation bills.</i>

	<i>The base cost per pupil, reflecting <u>an annual rate of inflation of two and two-tenths per cent</u>, is \$5,058 for fiscal year 2004 and \$5,169 for fiscal year 2005. Title XXXIII - § 3317.012, (A) (1)</i>	
North Dakota	<i>““Per student allocation,” for school fiscal year 2006 is \$4,237.72. Each school fiscal year thereafter, the per student allocation is the previous fiscal year's per student allocation increased by the index factor:” § 13-13-10.1 (4)</i>	<i>““Index factor,” is the annual percentage change in the consumer price index for urban wage earners and clerical workers as computed by the Bureau of Labor Statistics of the United States Department of Labor for the year before the year immediately preceding the year of adjustment or three percent, whichever is less;” § 13-13-10.1 (3)</i>
South Carolina	<i>(b) <u>The base student cost shall be established annually by the General Assembly. The base student cost shall be established in such a manner that five years after July 2, 1978, the funding level shall approximate the cost of the defined minimum program as set forth by the State Board of Education. Each year the Division of Research and Statistics of the Budget and Control Board shall submit to the Legislature an estimate of the projected rate of inflation for the fiscal year to be budgeted, and the base student cost shall be adjusted to incorporate the inflated cost of providing the Defined Minimum Program. Chapter 20 § 59-20-40, (1)</u></i>	<i>“Each year the Division of Research and Statistics of the Budget and Control Board shall submit to the Legislature an estimate of the projected rate of inflation for the fiscal year to be budgeted ...” Chapter 20 § 59-20-40, (1), (b):</i>
Wyoming	<i>(i) <u>To the extent specifically provided within the school foundation program budget as enacted by the legislature, the amount shall be adjusted to provide for the effects of inflation beginning with school year 2003-2004 and adjusted on a cumulative basis each school year thereafter; § 21 –13 – 301 (o)</u></i>	<i>“The joint appropriations interim committee shall submit a recommendation to the legislature and governor not later than November 1 of each year on the external cost adjustment in accordance with paragraph (o)(i) of this section.” § 21 – 13 – 301 (r):</i>

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